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Discussion on the six mandated areas of the Permanent Forum
(economic and social development, culture, environment,
education, health and human rights), with reference to the
United Nations Declaration on the Rights of Indigenous Peoples

Indigenous peoples and the United Nations development system

Note by the Secretariat

Summary

> The present report addresses the role of the United Nations system in promoting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The report examines the extent to which indigenous peoples have been identified in the analysis of national development situations and in programming and action points in select United Nations country programming. It also analyses the United Nations coronavirus disease (COVID-19) socioeconomic response plans for the same countries, to ascertain the extent to which indigenous peoples have been integrated into recovery planning.

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* E/C.19/2021/1.

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I. Introduction

1.   2020 marked the fifth anniversary of the launch of the 2015 system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.

2.   In November 2020, the United Nations System Chief Executives Board for Coordination (CEB)[1] issued a call to action, noting that the fifth anniversary provided an opportunity for revitalizing the plan and strengthening collective and coherent United Nations system action. Stressing that the implementation of the United Nations Declaration on the Rights of Indigenous Peoples is critical to the decade of action and delivery for sustainable development and the achievement of its Goals, CEB called, inter alia, for more systematic participation of indigenous peoples in United Nations country processes such as the United Nations Sustainable Development Cooperation Frameworks and the socioeconomic response and recovery plans and Sustainable Development Goals.[2]

3.   Within the reformed United Nations development system, the new United Nations Sustainable Development Cooperation Frameworks are the fundamental documents that guide United Nations programming with Member States at the country level. Cooperation Frameworks are prepared in accordance with six guiding principles, one of which is to "leave no one behind." They thus provide a space for inclusion and an active role for indigenous peoples. During 2020, several new Frameworks have been drafted in countries that have a significant population of indigenous peoples: Colombia, the Democratic Republic of the Congo, Mali, Indonesia, Mexico, Paraguay, the Republic of the Congo and Uganda.

4.   In 2020, in the face of the coronavirus disease (COVID-19) pandemic, United Nations country teams were additionally tasked with drafting United Nations socioeconomic response plans. The plans, with the guiding principle of "leaving no one behind" in the analysis while also addressing human rights concerns in the programming, are also relevant to indigenous peoples.

5.   The present report builds upon the analysis in the update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2020/6) to examine the extent to which indigenous peoples have been identified in the analysis of national development situations and in programming and action points. It also analyses the socioeconomic response plans for the same countries, to ascertain the extent to which indigenous peoples have been integrated into recovery planning.

II. Sustainable Development Cooperation Frameworks and coronavirus disease socioeconomic response plans

6.   The following is an overview of the inclusion of the rights of indigenous peoples in country programming in the context of the 2020 Sustainable Development Cooperation Frameworks:

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[1] The United Nations System Chief Executives Board for Coordination (CEB) is the longest-standing and highest-level coordination forum of the United Nations system. It meets biannually and is chaired by the Secretary-General. See https://unsceb.org/about.

[2] See Building an inclusive, sustainable and resilient future with indigenous peoples: a call to action (CEB/2020/6, annex III).

Colombia

7.   The 2018 census revealed that the indigenous population in Colombia had increased by 36.8 per cent, from 1.4 million in 2005 to 1.9 million in 2018. There are 115 different indigenous peoples in the country, an increase from the 93 identified in the 2005 census.[3] The majority of indigenous peoples inhabit the Orinoco and the Andean regions. Efforts to accurately collect statistical data with the participation of indigenous peoples, including data disaggregated by ethnicity, gender, age and region, will facilitate the effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

8.   Despite the recognition of indigenous peoples in the 1991 Political Constitution, the ratification of International Labour Organization (ILO) Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169) (now Law 21) and the signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, indigenous peoples continue to express their concerns regarding the lack of implementation, demanding the return to their lands, the recognition and respect for their territorial, social and political rights. There are reports of violence against indigenous peoples and Afrodescendant communities, alleged to be mainly perpetrated by the paramilitary forces and the army.[4]

9.   The persistent structural and historical discrimination against indigenous peoples is reflected in high levels of poverty and social exclusion. For example, the percentage of rural households without access to drinking water in 2019 was nearly 14 times higher than in urban areas, and illiteracy was between three and four times higher. Indigenous peoples, the majority of whom live in rural areas, are disproportionately affected.[5]

10.   Although the right to prior consultation is formally recognized in Colombian law, administrative and legislative processes, such as the granting of licences for investment, tourism, industrial fishing and mining projects, continue to take place in the territories of indigenous peoples without their free, prior and informed consent.[6]

11.   Four years after the signing of the Final Agreement in 2016, the Government put in place a plan called "Future Zones" in five regions: Nariño, Catatumbo, southern Cauca, Arauca and Chiribiquete. The aim is to "stabilize, develop and transform illicit economies into legal economies". However, these zones have been militarized.[7] According to the non-governmental organization INDEPAZ (Instituto de Estudios para el Desarrollo y la Paz,[8] more than 230 Colombian leaders were killed in 2020. Most of those killed were indigenous peoples or Afro-Colombians involved in the peace process. The Office for the Coordination of Humanitarian Affairs reported increased displacements of people in conflict zones, with armed groups continuing to vie for territory even during the COVID-19 lockdown.[9]

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[3] National Administrative Department of Statistics (DANE) (Colombia) 2018. Available at www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/presentacion-grupos-etnicos-2019.pdf.

[4] Available at www.culturalsurvival.org/news/military-attack-colombia-kills-indigenous-leader-and-communicator.

[5] Situation of human rights in Colombia, report of the United Nations High Commissioner for Human Rights of 8 May 2020 (A/HRC/43/3/Add.3), p. 11.

[6] Available at: www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26306&LangID=S.

[7] Available at www.humanitarianresponse.info/en/op%C3%A9rations/colombia/document/colombia-flash-update-no-1-confinamiento-y-desplazamiento-masivo-en-0.

[8] Available at www.indepaz.org.co/lideres/.

[9] Office for the Coordination of Humanitarian Affairs, Colombia, Flash update No. 1: Confinamiento y desplazamiento masivo en el municipio de Alto Baudó (Chocó) (21 March 2020). Available at www.refworld.org.es/docid/5ec833b44.html.

12.   The focus of the 2020–2023 Sustainable Development Cooperation Framework is on the territories most affected by violence and poverty and with the most vulnerable population, adopting a population-, gender-, ethnic- and human rights-based approach.[10]

13.   The Framework was prepared through an internal consultation process. However, it does not specify whether indigenous peoples participated in the process or in a specific mechanism to consult indigenous peoples on issues affecting them.

14.   Under the Framework, technical assistance will be provided to indigenous peoples in order to accelerate the implementation of the Sustainable Development Goals. By 2023, the municipalities prioritized by the national Government will have more comprehensive instruments to allow them to close the socioeconomic gaps and overcome conditions of poverty and violence, empowering indigenous (also referred to as ethnic) populations. The United Nations country team will support efforts by the State to incorporate families belonging to the National Comprehensive Programme for the Substitution of Illicit Crops with an ethnic and gender approach.

15.   The Framework refers to indigenous migrants from the Bolivarian Republic of Venezuela and Colombian returnees, who receive integrated, targeted, coordinated and high-quality humanitarian assistance in the municipalities and localities prioritized by the national Government with the contribution of the United Nations country team to State efforts.

16.   Ethnic groups are included in the Framework in relation to judicial and non-judicial investigative mechanisms on risk assessments and provision of protection measures. This is highly relevant, as attacks on indigenous human rights defenders remain a major challenge.

17.   The United Nations country team in Colombia and the Government of Colombia identified five strategic pillars in the socioeconomic response plan. Four of these pillars relate to the peace stabilization and consolidation process, support the Venezuelan refugees and migrants and accelerate the achievement of the Sustainable Development Goals.

18.   The socioeconomic response plan recognizes the challenge that the Colombian health system faces in addressing the pandemic, especially in rural areas, frequently inhabited by indigenous peoples and Afro-Colombians, who are also exposed to violence between armed groups. Indigenous peoples also face a language barrier to access to information, as well as food insecurity. Owing to COVID-19-related lockdown, indigenous women, youth and girls are more exposed to violence, including female genital mutilation, a practice that carries a high risk of infection, bleeding and death.

19.   According to the Food and Agriculture Organization of the United Nations, 90 per cent of rural producers and small businesses (including indigenous peoples) have been affected by the loss of sales. Ninety-eight per cent of indigenous households are concerned about not having enough food for the next few days, according to the World Food Programme.[11]

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[10] Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible de Colombia, 2020–2023, p. 6. Available at cooperaciononu.nacionesunidas.org.co/wp-content/uploads/2020/07/UNSDCF-2020-2023-original-firmado-completo.pdf.

[11] Available at www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/170920_plan_intersectorial_de_respuesta_v2_vf.pdf, p. 6.

Democratic Republic of the Congo

20.   The country has undergone many years of civil war, mainly linked to the control over natural resources. There are some 250 ethnic groups, which makes for a complicated and ever-shifting framework of conflict mobilization. The Government has recognized the Mbuti, Baka and Twa peoples as indigenous peoples. They are nomadic and semi-nomadic and have traditionally relied on forests for their livelihoods. Data is scarce, but it is estimated that from 1 to 3 per cent of the population are indigenous. The permanent exclusion of indigenous peoples from the Kahuzi-Biega National Park is a major source of conflict. There is also extensive inter-ethnic conflict over access to resources and land. Forced displacement and land seizures in rural areas is common.[12]

21.   The five-year United Nations Sustainable Development Cooperation Framework 2020–2024 places the issues of governance and peace at the centre of efforts to restore confidence in the State's capacity to ensure the rule of law; to consolidate peace in the long term and to promote economic sustainability and growth, while being mindful of the sustainable management of natural resources.

22.   In terms of actions to implement the Framework, indigenous peoples are specifically referenced under pillar V, Environment and sustained and balanced development, the aim of which is to create conditions for industrial development while being respectful of the requirements for ecological balance and a healthy environment for the country's population. The reduction of the implications of the harmful effects of the consequences of logging on indigenous communities is a stated goal, which is also linked to the goals of protecting the environment and fighting climate change, sustainable forest management and supporting equitable sustainable development.

23.   While the United Nations Sustainable Development Cooperation Framework mentions ethnicity in the introductory narrative, indigenous peoples are not specifically included among the three social groups highlighted as being at risk and disadvantaged (women, population at risk for food insecurity and individuals living in extreme poverty and unemployed youth). It is expected that indigenous peoples will be included within these groups as appropriate.

24.   The Sustainable Development Cooperation Framework indicates that issues of land and customary disputes are cited as common, creating tensions between communities and pressure on State and provincial institutions, which struggle to offer fair and feasible solutions. Succession conflicts vis-à-vis customary powers are significant and constitute a significant proportion of conflicts that erupt.

25.   The COVID-19 socioeconomic response plan targets those already vulnerable and marginalized who are expected to suffer disproportionately, including women, young people, persons with disabilities, people living with HIV/AIDS, older persons, indigenous peoples, refugees, internally displaced persons and migrants. It outlines four strategic objectives: supporting the country's COVID-19 immediate health system response; strengthening economic resilience from the impact of the pandemic; strengthening community resilience and cohesion; and strengthening governance at all levels to guarantee the delivery of basic services.[13]

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[12] https://minorityrights.org/country/democratic-republic-of-the-congo and www.iwgia.org/images/documents/indigenous-world/IndigenousWorld2019_UK.pdf.

[13] United Nations Plan to Support the Immediate Socioeconomic Response to COVID-19 in the Democratic Republic of the Congo, pp. 11–14 and 16. Available at https://unsdg.un.org/resources/united-nations-plan-support-immediate-socio-economic-response-covid-19-drc (French).

26.   Like the Sustainable Development Cooperation Framework, the COVID-19 socioeconomic response plan makes frequent references to vulnerable groups, especially those in rural areas, in terms of the challenges that they face and how the pandemic has disproportionately impacted them, again citing the reduction of the implications of harmful consequences of logging on indigenous communities and ensuring the equitable development of provinces.

27.   The objectives of the socioeconomic response Plan are focused on supporting the Government's COVID-19 health response through COVID-19 surveillance and the strengthening of the functional and operational capacities of the national health system; strengthening economic resilience, supporting and protecting the chains of local production and supply of essential basic goods and products and services; strengthening the protection of people, social cohesion and resilience of the community; and strengthening governance to ensure the effective implementation of the Plan to guarantee the delivery of basic services.[14]

28.   A continued economic decline raises the potential for increased conflict, and movement restrictions could especially affect smallholder farmers and farm labourers in rural areas. In urban areas, the cessation of economic activities and reduced access to markets will significantly reduce the access of many households to food.[15]

Indonesia

29.   The Government of Indonesia recognizes approximately 1,128 ethnic groups, estimated to constitute from 50 to 70 million of a population of 250 million. The Sustainable Development Cooperation Framework[16] indicates that the development prospects for Indonesia are very positive, with extreme poverty falling from 27.5 per cent in 2006 to 4.6 per cent in 2018, and 83.6 per cent of the population participating in health-care insurance. However, this should also be viewed through the lens of the COVID-19 pandemic and the vulnerabilities that were further highlighted, including those based on gender and other forms of discrimination.

30.   The rights of indigenous peoples are recognized in the Third Amendment to the Constitution of Indonesia. The Government of Indonesia recognizes the existence of peoples referred to as *komunitas adat terpencil* (geographically isolated indigenous communities), but many more self-identify as indigenous.[17] However, the Government does not recognize the concept of indigenous peoples in recognition of their specific rights as different from the general population. In 2013, the Constitutional Court affirmed the constitutional rights of indigenous peoples to their land and territories, including customary forests, but there has been only partial implementation. Land and natural resource conflicts and cases of land acquisition without adequate free, prior and informed consent are widespread, in particular regarding the palm oil industry. The bill on the recognition and protection of the rights of indigenous peoples, drafted in response, has been awaiting parliamentary action for some time.

31.   It is stated in the Sustainable Development Cooperation Framework that the biggest challenge in implementing the Sustainable Development Goals is inequality. It is indicated that the common country assessment profiles a number of groups at greatest risk in this regard and includes people living in remote areas, women and children, old people, migrant workers, refugees and asylum seekers, people living

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[14] Ibid., p. 5.

[15] Health and Socioeconomic Impacts of COVID-19 in the Democratic Republic of the Congo, p. 17. Available at https://www.greengrowthknowledge.org/sites/default/files/downloads/resource/UNDP-rba-Covid-RDC-DRC_2020.pdf (French).

[16] Available at https://indonesia.un.org/en/resources/publications.

[17] Minority Rights Group International.

with disabilities, and those marginalized through stigma and discrimination. While neither ethnicity nor, specifically, indigenous peoples are mentioned under this strategic priority, it could be assumed that people living in remote areas and those marginalized through stigma and discrimination include indigenous peoples.

32. The aim of the Framework is to support the Government in creating a just, tolerant and inclusive society where all citizens can develop their full human potential, free of any kind of discrimination and empowered to exercise their rights. Within this context it is mentioned that a number of groups are at risk of being marginalized or left behind due to their ethnicity, beliefs, mobility or sexual orientation. It indicates that these issues are best addressed by increased access to services – and in particular access to justice. While indigenous peoples are specifically mentioned in the Framework in only one footnote, the references to those at risk of marginalization because of their ethnicity gives space to United Nations country programming that is inclusive of indigenous peoples.

33. The Sustainable Development Cooperation Framework highlights the "rich cultural, environmental and biological diversity" of Indonesia, along with the "significant challenges of inequalities" affecting the achievement of Sustainable Development Goals 14 and 15.

34. The forest and land cover area in Indonesia have undergone decline, from 52.22 per cent to 50.18 per cent, and its rich biodiversity continues to be put under great stress. The Framework supports efforts to expand conservation areas and measures to preserve land and water, including in the development of stronger policy and regulatory and enforcement frameworks. It will be important to step up efforts to tackle the degradation of the natural environment and biodiversity caused by illegal and illicit activity.

35. The framework has four strategic priorities: (a) fostering human development – equality and social cohesion; (b) economic transformation – aimed at vulnerable populations including refugees, migrants and people living with disabilities and populations affected by HIV; (c) green development, climate change and natural disasters and the sustainable management of natural resources; and (d) innovation to accelerate progress towards the Sustainable Development Goals.

36. Overall, the Framework indicates that the Sustainable Development Goal targets and indicators are integrated into the results framework. The one specific reference to indigenous peoples in the Framework comes within a footnote referencing target 10.3 on equal opportunities and outcomes, and target 5.1 on the elimination of all forms of discrimination against women and girls, regarding their disaggregation according to groups more at risk of being marginalized (sex, age, disabilities and indigenous status).

37. In the United Nations socioeconomic response plan for Indonesia,[18] it is noted that at-risk groups are religious or ethnic minorities, who may not fall into one of the six official religions, and who are at a greater risk of harassment and discrimination, including the lack of access to appropriate health and social and economic support services. Spread over 17,000 islands, Indonesia already faces infrastructure challenges, with over 6 per cent of subdistricts not having a health centre and many lacking basic services such as electricity, clean water and proper equipment. The interruption in income for the large informal sector will have cascading negative effects on socioeconomic situations.

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[18] Available at https://indonesia.un.org/en/93075-indonesia-multisectoral-response-plan-covid-19.

38. The provision of some public services and support services were interrupted owing to restricted mobility and people-to-people contact in a large archipelago, where online services are not available nationwide.

39. A lack of information and awareness, together with limited interpersonal communication, may also make rumours and disinformation more widespread and pervasive, misleading citizens in COVID-19 prevention messages and triggering stigma and discrimination. This is particularly relevant for marginalized groups and communities, where access to public information is limited owing to connectivity problems and sometimes language obstacles.

40. In response, the focus of the socioeconomic response plan is on direct interventions to stem the immediate negative impact of COVID-19 and in particular, the inclusion of internally displaced communities, undocumented persons, mobile communities and indigenous peoples, refugees, asylum seekers and stateless persons, collectively known as persons of concern, in national preparedness and response plans, risk communication and outreach, surveillance and monitoring activities.

41. In addition, the Plan will ensure and strengthen protection and prevention mechanisms, the continuation of critical services and referral pathways to vulnerable populations, including ethnic minorities. This includes access to health, legal services, social and financial assistance, safe places, alternative care and case management. The Plan will ensure that all responses are rooted in respect for human rights.

Mali

42. The population of Mali is approximately 20 million. There is no current reliable data on the number of indigenous peoples, but it is estimated at approximately 8 per cent of the population.[19] Although the Government does not officially recognize the existence of "indigenous peoples" as a specific group in Mali, the Tuareg people in northern Mali identify as indigenous peoples. Others that have also self-identified as indigenous include the Songhai, Fulani (Peul) and the Berabish Arabs. The indigenous Tuareg suffer from the combined negative effects of natural disasters, armed violence and mining and agricultural expansion onto their traditional lands.

43. The strategic priorities of the United Nations Sustainable Development Cooperation Framework for Mali (2020–2024)[20] are cited as inclusive governance, peace and national cohesion; inclusive, resilient growth and environmental sustainability; and basic and accessible social services of quality and inclusive social protection, to help accelerate results towards the achievement of the Sustainable Development Goals. Thus, according to the Framework's theory of change, the achievement of lasting peace and the restoration of human dignity, inclusive economic, social, cultural and environmental development will contribute to improving the well-being of vulnerable populations while ensuring that no one is left behind.

44. The following have been identified as vulnerable populations in Mali: women and girls, children (0–18 years of age), people living in extreme poverty and unemployed youth. While ethnic groups or indigenous peoples are not specifically mentioned, they would be included within the above-mentioned categories of "vulnerable" populations.

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[19] Cultural Survival, "Observations on the state of indigenous human rights in Mali", prepared for the twenty-ninth session of the Human Rights Council universal periodic review, January 2018. Available at www.culturalsurvival.org/sites/default/files/UPRReportMali2017.pdf.

[20] Available at https://mali.un.org/fr/resources/publications.

45.   The socioeconomic response plan indicates that the economy in Mali was severely affected by the effects of COVID-19, which will further delay progress towards the Sustainable Development Goals and weaken the country's prospects for development. Lockdown measures not only impacted freedom of movement but also affected access to health, water and food, as well as access to work and markets and other livelihood activities. It is noted that further analysis is needed to identify the newly marginalized, who likely include residents of disadvantaged neighbourhoods, informal sector workers and persons living in remote rural areas affected by conflict and the protracted crisis in Mali.[21] The last group, in particular, includes many Tuareg people.

46.   Faced with the prospect of lockdowns and quarantining of the population, which will limit the ability of households to access adequate food, and the impact of the pandemic, which is likely to exacerbate the situation of the already most remote populations, it is necessary to meet the immediate food needs of vulnerable populations, and to strengthen and increase social protection programmes, and to support smallholder farmers and workers in the informal sector. The announced expansion of social protection measures, which correspond to 1.3 per cent of gross domestic product (GDP), is also central to the Government's response plan to meet the needs of the most vulnerable populations.[22]

Mexico

47.   Mexico has one of the largest and most diverse indigenous populations in Latin America. The 1992 Constitution declares Mexico as pluricultural, recognizing the existence of and contributions made by indigenous peoples in the construction of the country. The National Commission for the Development of Indigenous Peoples[23] estimates that Mexico has 68 indigenous communities. In July 2017, the Commission reported that there were 25.7 million Mexicans who self-identified as indigenous, equivalent to 21.5 per cent of the national population at the time, with another 1.6 per cent identifying as having some indigenous ancestry (partly indigenous).[24]

48.   Indigenous peoples are overwhelmingly poor compared with the rest of the population. According to the National Council for the Evaluation of Social Development Policy (CONEVAL), 69.5 per cent of the indigenous population, that is, 8.4 million, are living in poverty, and 27.9 per cent, that is, 3.4 million, live in extreme poverty.[25]

49.   Mexico signed ILO Convention No. 169 in 1990. Despite legal and constitutional guarantees, there are major gaps in effectively achieving recognition of the rights of indigenous peoples. For instance, State institutions have ignored and even criminalized indigenous peoples for exercising their self-determination when adopting their own decisions in community assemblies.[26]

50.   The 2020–2025 United Nations Cooperation Framework for Sustainable Development for Mexico[27] widely incorporates indigenous peoples in programming

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[21] Joint programme framework for the United Nations response to COVID-19 in Mali, pp. 5–7. Available at https://data.uninfo.org/Home/_DocumentTracker.

[22] Ibid., p. 6.

[23] In 2018, the Commission was replaced by the National Institute of Indigenous Peoples (INPI).

[24] Programa Institucional 2020–2024 del Instituto Nacional de los Pueblos Indígenas. Available at www.dof.gob.mx/nota_detalle.php?codigo=5600020&fecha=09/09/2020.

[25] See www.coneval.org.mx/Medicion/MP/Paginas/Pobreza_Indigena.aspx.

[26] Programa Institucional 2020–2024 del Instituto Nacional de los Pueblos Indígenas. Available at www.dof.gob.mx/nota_detalle.php?codigo=5600020&fecha=09/09/2020 (6.Objetivos prioritarios).

[27] Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible de México, 2020–2025. Available at ONU-Mexico-Marco-de-Cooperacion-2020-2025.pdf.

and was prepared in consultation with civil society organizations, academia and the private sector. However, it is not clear whether indigenous peoples were consulted in the process.

51.   The focus of the Cooperation Framework is on the recognition of diversity, combating discrimination, support for inclusion, integration and equity in access to opportunities and development of indigenous peoples and communities. It is indicated that the Government of Mexico has not been able to significantly reduce the levels of poverty of specific groups, in particular indigenous peoples.

52.   The Framework contains two cross-sectional areas: empowerment of women and girls and migrant people.[28] It is relevant to note that the 2015 United Nations system-wide action plan on indigenous peoples calls for the inclusion of indigenous peoples' rights to be included as cross-cutting or mainstreamed in United Nations programming.[29]

53.   While the Framework is drafted within the human rights normative framework there is no specific reference to ILO Convention No. 169 or the United Nations Declaration on the Rights of Indigenous Peoples.

54.   However, indigenous peoples are included in the four main areas of work in the Framework, one of which addresses inequalities and inclusion of indigenous peoples, through action on legislative initiatives to address equality, inclusion and non-discrimination. The Framework also refers to dialogue, technical cooperation and promotion of partnerships.

55.   The Framework is aimed at supporting the Government in establishing a general economic policy to enhance well-being and reduce poverty in the population, including indigenous peoples. This includes actions on citizen participation and evidence-based decision-making.

56.   The development and implementation of public policies and affirmative actions that include indigenous women are also highlighted.

57.   The Cooperation Framework recognizes that violence has affected many people, including indigenous peoples. In this regard, it elaborates on the need to strengthen dialogue, and reinforce capacities to promote a culture of peace and legality.[30]

58.   On access to justice there is no specific reference in the Cooperation Framework to indigenous peoples or their legal systems and there is no elaboration on the many challenges faced by indigenous peoples in the justice system, including for example, in availing themselves of their rights to due process and proper defence and shortages of interpreters, lawyers, defenders and justice officials who speak indigenous languages or have knowledge of indigenous cultures.[31]

59.   Specific reference to indigenous peoples' media is made with regard to freedom of expression and the development of media, including indigenous community radio stations.[32]

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[28] Ibid., p. 36.
[29] See www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/SWAP_Indigenous_Peoples_WEB.pdf, p. 21.
[30] Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible de México, 2020–2025, pp. 65 and 66. Available at www.onu.org.mx/wp-content/uploads/2020/09/ONU-Mexico-Marco-de-Cooperacion-2020-2025.pdf.
[31] Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Mexico of 28 June 2018 (A/HRC/39/17/Add.2), p. 11.
[32] Marco de Cooperación de las Naciones Unidas para el Desarrollo Sostenible de México, 2020–2025, p. 71.

60.   The socioeconomic response plan for COVID-19 in Mexico has five pillars,[33] with several strategic lines of action specifically focused on indigenous peoples and/or vulnerable groups. For example, in pillar 2, "Protecting people: social protection and basic services" the strategic line of action on "Communities, schools and populations in conditions of greatest vulnerability to access continuous, high-quality, culturally appropriate water, sanitation and hygiene services" has confirmed allocated funds of $2,167.784. For pillar 5, "Social cohesion and community resilience", the strategic line of action related to the preparation of law, policies and programmes with the participation of indigenous peoples has confirmed allocated funds of $46,192. One of the partners for the latter is the National Institute of Indigenous Peoples (INPI). In addition, the response plan highlights the "Guide for assistance to Indigenous communities and Afro-Mexicans during the health emergency created by the SARS-CoV-2 (COVID-19) virus", prepared by the Institute.[34] The guide has been translated into several indigenous languages. The absence of the Institute as a partner in the implementation of various strategic lines of action under the socioeconomic response plan pillars is of concern.

61.   The socioeconomic response plan also emphasizes the preparation and promotion of specific communication programmes on COVID-19 in indigenous languages at the community level. There are also action lines that identify social protection programmes for indigenous women working on farms. There is a general call to provide assistance to indigenous peoples with food, health care and education according to their realities and in their indigenous languages. In addition, there are recommendations urging the participation of indigenous peoples in all phases of response programmes; promotion of dialogue in line with the principle of free, prior and informed consent; and an emphasis on the collection of disaggregated data to improve analysis of the effects of the pandemic on indigenous peoples and other groups.

62.   Funding constraints announced by the Government may present a challenge to the implementation of various projects or prevent services from being discontinued. United Nations human rights experts[35] urged Mexico in October 2020 against making further budgetary cuts to programmes relating to policies to end discrimination and violence against women and girls, on women's sexual and reproductive health and to promote indigenous women's rights.

Paraguay

63.   In Paraguay, there are 19 distinct indigenous peoples, comprising five different linguistic families. Indigenous peoples are located throughout the country and the majority are in the western Chaco region. According to the 2012 national census, 117,150 people, or less than 2 per cent of the Paraguayan population, self-identify as indigenous.[36]

64.   Paraguay ratified ILO Convention No. 169 in 1993. The 1992 Constitution of Paraguay guarantees indigenous peoples the right to "preserve and develop their

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[33] Plan de Respuesta Socioeconómica a la COVID-19 México (extended version), p. 78–100. Available at https://data.uninfo.org/Home/_DocumentTracker.

[34] The aim of the guide is to guarantee that the measures implemented by all levels of government to prevent and avoid contagion are directed to indigenous and Afro-Mexican peoples and communities with cultural and linguistic relevance. The guide has been disseminated mostly through the INPI radio network *Ecos Indígenas*. Available at www.gob.mx/inpi/articulos/guia-para-la-atencion-de-pueblos-indigenas-y-afromexicano-ante-el-covid-19-en-lenguas-indigenas.

[35] www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26391&LangID=E.

[36] Atlas de Comunidades de Pueblos Indigenas en Paraguay 2012. Available at www.dgeec.gov.py/publication-single.php?codec=Mw==.

ethnic identity in their own habitat".[37] The National Institute for Indigenous Affairs (INDI) is the main government body that deals with indigenous peoples' issues and defines the administrative procedures for recognition of the legal status and land claims of indigenous communities.[38]

65.   Despite recognition in the Constitution and various other legal international treaties and instruments, indigenous peoples lack enjoyment of their human rights, in particular their fundamental right to self-determination and their rights over their lands, territories and natural resources. In addition, a lack of access to justice and the persistence of racism and discrimination results in a number of ongoing human rights violations. The lack of a culturally and linguistically appropriate health service persists and affects indigenous women in particular (see A/HRC/30/41/Add.1).

66.   One of the most important actions of the Government in 2019 was the approval of Decree No. 1039/18 on the Protocol for a process of free, prior and informed consultation and consent of indigenous peoples in Paraguay.[39]

67.   The 2020–2024 United Nations Cooperation Framework for Sustainable Development for Paraguay, based on the principle of leaving no one behind, embodies a human-rights, gender equality, empowerment of women, resilience, sustainability and accountability approach. The Framework was consulted with national authorities and stakeholders who contribute to the achievements of the Sustainable Development Goals.[40] It is not mentioned whether indigenous peoples participated in the consultation process.

68.   The Framework includes indigenous peoples in the analysis of the national context, recognizing that 76 per cent of indigenous peoples live in extreme poverty. The Framework commits to support legislative, administrative and other measures in favour of indigenous peoples to exercise their right to self-determination and rights over their lands, territories and resources; as well as to guarantee access to justice and combat racism and discrimination against indigenous peoples.

69.   However, practical issues related to land rights, which are of great concern to indigenous peoples, are not specifically addressed. Such issues were raised in the concluding observations of the Human Rights Committee of July 2019, in which it called on Paraguay to speed up the return and registration of land and natural resources of indigenous peoples (CCPR/C/PRY/CO/4, para. 44).

70.   The focus of the Framework is on strengthening the capacities of indigenous peoples, women, youth, migrants and refugees, as well as their organizations and leaders, in the design, implementation and evaluation of policies and programmes affecting them and to strengthen and increase formal and informal mechanisms with indigenous peoples, among others, in relation to environmental governance.[41] The Framework also emphasizes the inclusion of indigenous peoples in decision-making processes affecting them.

71.   The socioeconomic response plan recognizes that indigenous peoples are some of the most impoverished and most vulnerable compared with the non-indigenous population. Indigenous peoples are affected by climate change in a myriad of ways,

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[37] Paraguay Constitution, 1992, art. 63.

[38] See www.indi.gov.py/.

[39] International Work Group for Indigenous Affairs, ed. Dwayne Mamo, *The Indigenous World 2020: Paraguay* (April 2020)Available at www.iwgia.org/en/paraguay/3628-iw-2020-paraguay.html.

[40] Marco de Cooperación para el Desarrollo Sostenible 2020–2024 entre la Republica del Paraguay y la Organización de las Naciones Unidas, p. 6. Available at https://unsdg.un.org/un-in-action/paraguay.

[41] Marco de Cooperación para el Desarrollo Sostenible 2020–2024 entre la Republica del Paraguay y la Organización de las Naciones Unidas, pp. 41 and 42 and 44–46.

and indigenous women and girls continue to lack access to health services owing to discrimination, in particular owing to literacy and language barriers.[42] Additionally, it recognizes that there is a need to take steps to adequately respond not only to the needs arising from COVID-19, but also to address unmet needs from before the pandemic.

72. The National Institute for Indigenous Affairs (INDI), the body responsible for supporting the interests of indigenous peoples, is named as the main government institution to help in the implementation of projects under the pillars of the socioeconomic response plan. Some projects are already in place: for instance, in September 2019, the Government of Paraguay signed an agreement with the Food and Agriculture Organization of the United Nations (FAO) to implement the Poverty, Reforestation, Energy and Climate Change (PROEZA) Project, which seeks to improve the lives of approximately 17,000 families living in areas vulnerable to climate change, including Upper Paraná Atlantic Forest; the project is identified under pillar 3 of the plan. Other projects that benefit indigenous peoples, indigenous women and indigenous youth are identified in the Plan.

73. Some of the areas identified are: agriculture; craft commercialization; medical services; sexual and reproductive health; access to drinking water and basic sanitation; promotion of dialogue and participation, with an emphasis on community radio stations that provide information about COVID-19 in indigenous languages.

74. The members of the Interagency Group of Indigenous Peoples of the United Nations Organizations in Paraguay[43] (FAO, United Nations Office for Project Services (UNOPS), Pan-American Health Organization (PAHO)/World Health Organization (WHO), ILO, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), International Organization for Migration (IOM), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Population Fund (UNFPA), International Fund for Agricultural Development (IFAD), International Telecommunication Union (ITU) and the United Nations Educational, Scientific and Cultural Organization (UNESCO)) are committed to strengthening the United Nations system response to indigenous peoples during the COVID-19 crisis.

Republic of the Congo

75. The Republic of the Congo has a population of over 4 million, with indigenous peoples (nomadic or semi-nomadic) making up about an estimated 2 per cent–10 per cent of the population.[44] A specific 2011 law was adopted to protect the rights of indigenous peoples, and departments for the promotion of indigenous peoples were created.

76. The indigenous population is mainly concentrated in the departments of Lékoumou, Likouala, Plateaux and the Sangha. They are exposed to high levels of poverty and have limited access to social and economic development, protection and participation. They suffer from marginalization, challenging access to basic social services, land and resources, discrimination, illiteracy, economic exploitation and lack of empowerment in claiming their rights. Their traditional territories and livelihoods are threatened by large-scale agriculture and extractive industries, as well as legal and illegal logging.

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[42] Marco de las Naciones Unidas para la respuesta socioeconómica inmediata ante el COVID-19, p. 35. Available at https://data.uninfo.org/Home/_DocumentTracker.

[43] Available at www.fao.org/paraguay/noticias/detail-events/es/c/1302173/.

[44] http://iwgia.org/images/yearbook/2020/IWGIA_The_Indigenous_World_2020.pdf, p. 145.

77.   The Special Rapporteur on the Rights of Indigenous Peoples conducted a country visit to the Republic of the Congo (14–24 October 2019), at the invitation of the Government. The Special Rapporteur was also engaged in the process for adopting the 2011 law on the promotion and protection of the rights of indigenous peoples (Law No. 5-2011). The Special Rapporteur's country report outlines specific priorities and challenges in addressing the situation of indigenous peoples in the Republic of Congo, emphasizing the high level of discrimination and exclusion as a major barrier to securing respect and recognition of the rights of indigenous peoples (see A/HRC/45/34/Add.1).

78.   Noting the solid legislative and institutional frameworks to protect the rights of indigenous peoples enacted by the Government, the Special Rapporteur also noted that indigenous peoples in the Congo were slowly gaining recognition in society, with direct discrimination in some instances receding, but that they continued to suffer from severe indirect and systemic discrimination. Access to health care, education and employment were the major concerns raised by indigenous peoples during the visit, as well as lack of security of tenure and restrictions on their way of life due to encroachment on their traditional lands by private actors, including without their informed consent. The Special Rapporteur did not observe any significant improvement in indigenous peoples' right to participate in public life. Climate change, in spite of the Congo basin being considered one of the richest areas in terms of biodiversity, had an impact on the way of life of those still dependent on the forest for survival (ibid., summary). It was observed that the indigenous peoples consulted during the visit lacked awareness of their rights under international law, the Constitution and national legislation. In at least three communities visited, no one knew about the existence of Law No. 5-2011. Apart from sporadic initiatives by civil society organizations, there was no evidence of any comprehensive, nationwide, government-led campaign to raise indigenous peoples' awareness about their rights, how to exercise them and how to seek remedies in case of interference or denial (ibid., para. 12).

79.   The United Nations Sustainable Development Framework for the Republic of the Congo indicates that, in 2008, more than 50 per cent of indigenous children did not have a birth certificate, compared with 19 per cent of the total population; 65 per cent of indigenous adolescents aged 12 to 15 did not attend school, compared with 39 per cent in the general population. While the infant and child mortality rate was 117 per thousand in the Republic of the Congo, it was thought likely to be higher than 250 per thousand for indigenous children. Moreover, while 26 per cent of Congolese children under 5 years of age have suffered chronic malnutrition, the rate was also thought to be higher than 40 per cent among indigenous children.[45]

80.   The priorities of the United Nations Sustainable Development Cooperation Framework are to strengthen human capital to guarantee the economic development of the Republic of the Congo and create a favourable environment for economic diversification through improved governance and action to consolidate peace. The most disadvantaged populations (indigenous peoples, populations in rural areas, people with disabilities, displaced persons, returnees, refugees and women) will be the central focus.

81.   In the context of achieving Sustainable Development Goal 16, the Framework is focused on indigenous peoples in the area of enhancing citizen participation, in the management and development process through government decentralization, while indicating that the Law on the Rights of Indigenous Populations and Law No. 4-2010 on the Protection of the Child are not yet fully implemented.

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[45] United Nations Sustainable Development Framework, p. 22.

82. The Framework also addresses increased access to inclusive and high-quality educational services for children, young people, adults and persons with disabilities, prioritizing rural areas in order to maximize the benefit for the poorest populations, including for indigenous peoples.

83. The socioeconomic response plan indicates that the COVID-19 pandemic has shone a new spotlight on the vulnerabilities of Congolese households and the inequalities that they experience, especially with regard to a lack of access to basic services such as water, education and viable dwellings. There is a present risk that these vulnerabilities and inequalities may intensify. The groups of particular concern include indigenous peoples, older persons and people with disabilities.[46]

84. The United Nations system response framework is based on five pillars. Pillar II ("Protection of populations") consists of ensuring social protection and essential services, in particular for vulnerable groups (indigenous populations, people living with disabilities, older persons, workers in the informal sector). Moreover, the national social safety net system is being expanded to extend social protection to the most vulnerable segments of the population.

85. Pillar III (economic response and recovery) is aimed at protecting jobs, small and medium enterprises and vulnerable workers in the informal and formal sectors through economic response and stimulus programmes. In the informal sector, the promotion of the employment of indigenous peoples through the creation of micro-activities to generate income is also cited.

Uganda

86. Indigenous peoples are increasingly recognized in Uganda. These include hunter-gatherer peoples such as the Benet and Batwa people, the Ik and the Tepeth, as well as pastoralists from the Karamojong.

87. The Government, through the Ministry of Gender, Labour and Social Development is developing a national affirmative action programme on indigenous peoples, in cooperation with the Department of Economic and Social Affairs, UN-Women and OHCHR, and has organized consultations with the above-mentioned groups.

88. These communities share experiences with other indigenous peoples throughout Africa and the world, in particular in relation to landlessness and disputes over land rights caused by natural resource extraction, infrastructure development and the establishment of national parks and other conservation areas. They often live in remote areas and are politically marginalized and often subjected to discrimination.

89. The 2021–2025 United Nations Sustainable Development Framework for Uganda includes indigenous people in a somewhat lengthy, comprehensive list of "marginalized/vulnerable groups that could be left behind if not deliberately targeted and planned for in the country's development and social transformation programmes and interventions."[47] This is the only explicit reference to indigenous peoples in the document. These marginalized groups experience multidimensional poverty and require specific livelihood programmes, improved access to services and increased participation in governance.

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[46] Economic and social impact assessment of the COVID-19 pandemic, pp. 78 and 79. Available at https://data.uninfo.org/Home/_DocumentTracker.

[47] United Nations Sustainable Development Cooperation Framework, Uganda 2021–2025, p. 29. Available at https://unsdg.un.org/resources/un-sustainable-development-cooperation-framework-uganda-2021-2025.

90.   The Framework strongly emphasizes the need to address vulnerable and marginalized people, placing them front and centre in two of three strategic priorities, recognizing that over 21 per cent of the population is poor and that poverty has been rising over the past four years. This has been further exacerbated by the socioeconomic impact of COVID-19.

91.   Strategic priority I is on transformative and inclusive governance, where the United Nations system commits to supporting national and multi-stakeholder dialogue in inclusive and accountable governance. This is an important element that should benefit indigenous peoples. Strategic priority II concerns shared prosperity in a healthy environment, which emphasizes observance of human rights, promotion of gender equality and targeting of marginalized and vulnerable groups. Under this strategic priority, the United Nations has made a number of commitments that emphasize economic growth, employment opportunities and cooperation with the private sector and youth, as well as vulnerable and/or marginalized groups.

92.   Strategic priority III is about human well-being and resilience and emphasizes social protection, education and health care, with a particular emphasis on vulnerable and marginalized groups, in particular women and refugees.

93.   In the development of the strategic priorities, vulnerable and marginalized groups are frequently mentioned as a priority and, in some instances, specific groups are mentioned, such as refugees or youth. Indigenous peoples or ethnic minorities are not referred to specifically in any of these analyses.

94.   Of particular relevance to indigenous peoples is that land disputes and ethno-political conflicts are identified as a risk that could influence the achievement of the outcomes of the United Nations Sustainable Development Framework.[48] These relate to extractive industries, commercial farming and conservation and are a major concern for indigenous peoples in Uganda, as they are for indigenous peoples in most other countries. For example, the Benet and Batwa people were displaced with the establishment of Mount Elgon National Park, the Bwindi Impenetrable National Park and the Mgahinga Gorilla National Park in the 1990s. With this displacement they also lost their livelihoods and access to their traditional medicine. It is worth noting that, while the Framework emphasizes environmental conservation, it is not explicitly stated that such conservation must be practised with a human rights-based approach and in cooperation with indigenous and local people.

95.   The analyses of the socioeconomic impact of COVID-19 in Uganda, entitled "Leaving No one Behind: from the COVID-19 Response to Recovery and Resilience Building"[49] makes more explicit references to indigenous peoples, although sometimes the term "indigenous communities" is used in place of the internationally recognized term "indigenous peoples". In particular, the devastating effects of the pandemic on tourism has affected local populations including indigenous peoples, such as the Batwa, that have developed livelihoods based on tourism to the national parks, which were previously their homelands. Pastoralists are referred to once in the document that indicates that movement restrictions have crippled pastoralists' ability to feed their animals.[50]

96.   As with the United Nations Sustainable Development Framework, in the analyses of the socioeconomic impact of COVID-19 in Uganda frequent reference is made to marginalized and vulnerable groups and the way in which they have been

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[48] Ibid., p. 37.
[49] Analysis of the socioeconomic impact of COVID-19 in Uganda, June 2020. Available at www.ug.undp.org/content/uganda/en/home/library/un-socioeconomic-impact-report-of-covid-19-in-uganda.html.
[50] Ibid., p. 45.

disproportionately impacted by the pandemic and the subsequent need for specific, targeted interventions to address their needs. Such an approach is faithful to the principle of leaving no one behind as it identifies groups of people that have historically been marginalized. However, such an approach also runs the risk of making specific groups less visible, while the terms marginalized or vulnerable will mean less if they refer to such a wide and diverse group of people that it includes women, children, older persons, refugees, persons with disabilities and indigenous peoples.

III. Summary and conclusions

97.   A review of a select number of the newly emerging United Nations Sustainable Development Cooperation Frameworks and the COVID-19 socioeconomic response plans indicates some positive progress on action to leave no one behind. As in earlier United Nations Development Assistance Frameworks (the predecessor to the Sustainable Development Cooperation Frameworks) however, the breadth of inclusion of indigenous peoples is still very uneven. It appears in some cases that indigenous people could have been included under wider categories of ethnicity, location or other social groups (women, older persons, etc.). The analysis shows that the continued lack of data disaggregated by ethnicity is a key barrier to identifying those at risk of being left behind. This has been an obvious gap in trying to identify COVID-19 rates at the national level.

98.   While each United Nations Sustainable Development Cooperation Framework analysed cites consultations with stakeholders, it is not apparent, except in one or two cases, whether this included indigenous peoples. Consultation with indigenous peoples is at the core of the United Nations Declaration on the Rights of Indigenous Peoples and the objective of leaving no one behind. However, progress has clearly been made on the expansion of stakeholder consultations at the national level, and tools to more fully include indigenous peoples are continually being developed. Of key importance in that effort is the Chief Executives Board (CEB) Call to Action of 2020, in which it recommits:

> "our organizations to providing support, as relevant, to resident coordinators and United Nations country teams, including through the Inter-Agency Support Group on Indigenous Peoples' Issues, to intensify efforts to implement the action plan, with particular efforts to ensure the more systematic participation of indigenous peoples in United Nations country processes, such as the United Nations Sustainable Development Cooperation Frameworks" (CEB/2020/6, annex III, para. 15 (c)).

The Inter-Agency Support Group on Indigenous Peoples' Issues is devising a workplan to operationalize the CEB Call to Action from 2021 forwards.