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## المجلس الاقتصادي والاجتماعي



لجنة حقوق الإنسان

الدورة الثانية والستون

البند ١٥ من جدول الأعمال المؤقت

### قضايا السكان الأصليين

حقوق الإنسان وقضايا السكان الأصليين

تقرير المقرر الخاص المعني بحالة حقوق الإنسان والحريات الأساسية  
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#### إضافة

يتشرف المقرر الخاص المعني بحالة حقوق الإنسان والحريات الأساسية للسكان الأصليين بأن يحيل إلى اللجنة تقريراً موجزاً بالاستنتاجات والتوصيات الصادرة عن الحلقتين الدراسيتين المعنيتين بالإصلاحات الدستورية والتشريعات وتنفيذ القوانين بخصوص حقوق الشعوب الأصلية، واللتين عُقدتا في جنيف في مقر الاتحاد البرلماني الدولي في ٢٥ و٢٦ تموز/يوليه ٢٠٠٥ وفي تاكسون في أريزونا بكلية القانون بجامعة أريزونا في الفترة من ١٢ إلى ١٤ تشرين الأول/أكتوبر ٢٠٠٥.

\* يُعمم ملخص هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه فيرد في مرفق هذا الملخص ويوزع باللغة الأصلية التي ورد بها وبالإسبانية.

### تنويه

يشعر المقرر الخاص بالامتنان لمفوضية الأمم المتحدة السامية لحقوق الإنسان وللاتحاد البرلماني الدولي ولجامعة أريزونا لتنظيم الحلقتين الدراسيتين المعنيتين "بالإصلاحات الدستورية والتشريعات وتنفيذ القوانين بخصوص حقوق الشعوب الأصلية" اللتين عُقدتا في جنيف وتاكسون بأريزونا. ويعرب المقرر الخاص أيضاً عن شكره لمنظمة البقاء الثقافي، في الولايات المتحدة الأمريكية، ومؤسسة فورد، ومعهد حقوق الإنسان للبلدان الأمريكية لتقديمهم الدعم إلى الحلقة الدراسية التي عُقدت في تاكسون.

## ملخص

وفي القرار ٥١/٢٠٠٥، أعادت لجنة حقوق الإنسان تأكيد الحاجة الماسة إلى الإقرار بحقوق الإنسان والحريات الأساسية للسكان الأصليين وتعزيزها وحمايتها بمزيد من الفعالية، وأحاطت علماً باعتزام المقرر الخاص المعني بحالة حقوق الإنسان والحريات الأساسية للسكان الأصليين، السيد رودولفو ستافينهاغن، تكريس تقريره المقبل لتناول مواضيع الإصلاح الدستوري والتشريعات وتنفيذ القوانين فيما يتعلق بحماية حقوق السكان الأصليين ومدى فعالية تطبيقها.

ودعماً للأعمال البحثية المواضيعية السنوية التي يقوم بها المقرر الخاص، قامت مفوضية الأمم المتحدة السامية لحقوق الإنسان بتنظيم حلقتين دراسيتين دوليتين للخبراء بشأن موضوع "الإصلاحات الدستورية والتشريعات وتنفيذ القوانين بخصوص حقوق الشعوب الأصلية" وقد نظمتها بالاشتراك مع مؤسسات مهتمة بالأمر. أما الحلقة الدراسية الأولى فقد نُظمت بالاشتراك مع الاتحاد البرلماني الدولي في مقره في جنيف في ٢٥ و ٢٦ تموز/يوليه ٢٠٠٥. وأما الثانية، فقد نُظمت بالاشتراك مع "برنامج القوانين والسياسات المتعلقة بالشعوب الأصلية" بكلية القانون بجامعة أريزونا في تاكسون بأريزونا، في الفترة من ١٢ إلى ١٤ تشرين الأول/أكتوبر ٢٠٠٥. وكان الهدف الرئيسي من هاتين الحلقتين الدراسيتين هو تقديم إسهامات إلى التقرير السنوي المقدم من المقرر الخاص. ويلخص هذا التقرير الاستنتاجات والتوصيات الرئيسية الصادرة عن الحلقتين الدراسيتين المذكورتين.

**Annex**

**SUMMARY REPORT OF THE MAIN CONCLUSIONS AND  
RECOMMENDATIONS FROM THE INTERNATIONAL  
SEMINARS ON CONSTITUTIONAL REFORMS,  
LEGISLATION AND IMPLEMENTATION OF LAWS  
REGARDING THE RIGHTS OF INDIGENOUS PEOPLES**

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## **Introduction**

1. In its resolution 2005/51, the Commission on Human Rights, reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people, took note of the intention of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, to devote his report to the topics of constitutional reform, legislation and implementation of laws regarding the protection of the rights of indigenous people and the effectiveness of their application.
2. Over the last few years, the Office of the United Nations High Commissioner for Human Rights (OHCHR), jointly with relevant organizations and academic institutions, has organized a number of international expert seminars and workshops on issues relevant to the annual research topics of the Special Rapporteur. These seminars and workshops have proven to be useful tools for the Special Rapporteur to continue to examine ways and means, in conformity with his mandate, of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people as well as to receive information from all possible sources on the topics included in his first report to the Commission (E/CN.4/2002/97). The Commission has noted with appreciation the organization of these seminars and workshops.
3. Pursuant to the above-mentioned resolution, OHCHR organized two international expert seminars on “Constitutional Reforms, Legislation and Implementation of Laws regarding the Rights of Indigenous Peoples”. The first one was organized jointly with the Inter-Parliamentary Union (IPU) at its headquarters in Geneva on 25 and 26 July 2005. The second one was organized jointly with the Indigenous Peoples Law and Policy Program of the University of Arizona College of Law in Tucson, Arizona, from 12 to 14 October 2005. The main objective of these seminars was to provide input to the annual report of the Special Rapporteur, which this year focuses on the evaluation of the implementation of recent legislation at the national level related to the rights of indigenous peoples.
4. The main objective of the OHCHR-IPU seminar was to discuss with parliamentarians, government representatives and other experts the role of legislators in protecting and promoting indigenous peoples’ rights and to analyse good practices and obstacles encountered in the implementation of relevant legislation. Presentations included an overview of the legislation affecting indigenous rights, including issues related to identity and language recognition, land and resources, administration of justice, cultural heritage, etc; the role of indigenous participation in the legislative process at the national and provincial levels; the effectiveness of legislative mechanisms and procedures that facilitate the consideration of indigenous issues in parliaments, government and society at large; the involvement of indigenous people in the implementation of legislation; the need to adjust public administration to legislative changes and ensure a regular review of the impact of legislation affecting indigenous peoples; and finally the existing remedies to address failures in implementing legislation, including the role of courts and legislatures.

5. Most of the participants were representatives of legislative bodies from countries with indigenous populations and who therefore have had to legislate on indigenous rights; representatives from Governments, indigenous representatives and legal scholars, and specialists on indigenous rights and constitutional law; and representatives from United Nations agencies and from the United Nations Permanent Forum on Indigenous Issues.

6. The OHCHR-University of Arizona seminar was mainly focused on the analysis of existing domestic and international legal protection for the rights of indigenous peoples, and on the identification of effective approaches to bridging the gap that, in many cases, exists between these legal protections and their effective implementation at national level. The presentations and discussions were mainly focused but not limited to experiences from the Americas.

7. Participants included legal scholars, indigenous representatives and leaders, indigenous ombudsmen from a number of countries in the Americas, representatives of non-governmental organizations (NGOs) and members of the United Nations Permanent Forum on Indigenous Issues.

8. In accordance with resolution 2005/51, the Special Rapporteur has the honour to transmit to the Commission a summary of the main conclusions and recommendations of the two international expert seminars, as well as the lists of participants in these seminars.

## **II. MAIN CONCLUSIONS AND RECOMMENDATIONS OF THE OHCHR-IPU INTERNATIONAL EXPERTS SEMINAR**

9. The participants appreciated the organization of the seminar by OHCHR and IPU, which provided an excellent opportunity to exchange experiences on parliaments and indigenous peoples and acknowledged that this was the first time such an international gathering had been organized. The seminar agreed to the following conclusions and recommendations.

10. According to the views expressed by the participants, there was a growing interest by indigenous peoples in pursuing political change through parliaments. This attitude, together with the opening of new spaces for indigenous people to participate in the political process, has led to an increasing number of indigenous senators, deputies and other representatives, some notable appointments of indigenous persons to ministerial posts, as well as a focus by indigenous organizations on lobbying with parliaments to bring about legislative improvements. However, these developments still remain minimal given the number of demands of all indigenous peoples around the world.

11. The participants noted the generally low participation of indigenous peoples in political life, attributed to the marginalization faced by these peoples, sometimes to such an extent that some groups did not even possess identity cards and were therefore not legally able to enjoy their rights as citizens. Some States had adopted specific measures to increase the political participation of indigenous peoples, including through the introduction of quotas for parliamentarians. Examples were given of indigenous peoples establishing their own political parties to ensure that critical issues were integrated in the national debate. However, in countries where the indigenous population was a demographic minority indigenous parties would only be able to advance their issues in cooperation within a wider coalition of interests.

12. In general, it was noted that there have been some significant and positive developments in recent years; certain countries now had constitutions and laws that recognized indigenous peoples' distinct identities, cultures, languages and customs and also, in a number of cases, their right of self-determination, control over their lands and resources, and a recognition of their own systems of administration of justice.

13. Participants noted that despite all these changes, there still is an implementation gap as regards existing laws and provisions. The experts nevertheless acknowledged that in general, indigenous peoples continued to live in poverty and were marginalized in all vital aspects of life such as access to education, health services, housing and employment. They welcomed the opportunity to review the role of indigenous parliamentarians, share experiences and understand better the difficulties encountered in law-making and the implementation of laws, and consider the roles of other actors including public officials, the courts, indigenous peoples and international and intergovernmental organizations such as the OHCHR, the International Labour Organization and IPU.

14. It was noted that indigenous members of parliament almost always constituted a numerical minority, having to link their political activities to other interest groups and establish coalitions, caucuses and networks inside and outside of parliament. In this respect, the danger of co-option of indigenous representatives by larger political groupings was recognized. Within parliaments, indigenous representatives needed to be present on relevant committees, especially those related to financial and budgetary matters, and seek the upgrading of indigenous affairs committees or their equivalent. It was believed that a greater involvement of indigenous peoples in political processes would also contribute to the sensitization of non-indigenous parliamentarians who were sometimes largely uninformed on indigenous matters.

15. An individual indigenous legislator can play a dynamic role by actively intervening on all subjects beyond those strictly relating to their indigenous constituencies; he or she can provide a service as a mediator and educate fellow legislators about indigenous issues; or use his or her position to monitor and advocate indigenous concerns. It was important that parliamentarians acted as a counter balance when policies were not favourable and used their relations with wider movements for social justice as a source of action. Several examples were given of indigenous members of parliament establishing their own networks, also across party lines, to promote positive indigenous policy-making.

16. The experts drew attention to the crucial role of parliamentary committees which can make recommendations to ensure that bills corresponded to indigenous needs. It was also noted that in some systems, the possibility exists of introducing the procedure of Private Members Bills that might be beneficial to indigenous peoples. It was pointed out that in many political systems there were oversight mechanisms to review the implementation of legislation, but in the case of indigenous legislation these mechanisms need to be strengthened.

17. Draft legislation could also be originated outside of parliament. In particular, reference was made to cases of legislation being generated by indigenous peoples and then transmitted to the law-making bodies.

18. It was noted that in many countries, public officials charged with administering laws designed to assist indigenous peoples or from which indigenous peoples should be able to benefit were not always sympathetic to the indigenous cause. It was brought to the attention of the participants that this attitude could have a negative impact on the implementation process. Reference was also made to the role of courts as a means of ensuring that laws be put into practice, although it was recognized that such processes were often not as effective as desired since they were complex, time-consuming and costly. In this context, it was noted that discriminatory attitudes represented an obstacle to the fair implementation of laws.
19. Based on these conclusions, participants agreed on the following set of recommendations.
20. Indigenous parliamentarians are encouraged to establish coalitions at parliamentary level, as indigenous parliamentarians are generally a minority and have limited power as members of parliaments, and to coordinate in a more continuous manner with opposition members and non-elected ex-officio members who are often not sufficiently involved. The inclusion of non-elected ex-officio indigenous experts on committees should also be considered as a means of improving indigenous participation in legislative processes.
21. Committees on indigenous questions are of key importance since they have the responsibility to ensure that legislation caters for the needs and requirements of the indigenous population. Therefore, their standing within parliaments should be raised. If they do not exist, they should be established.
22. It is important to provide for oversight mechanisms in the implementation of legislation, for example review mechanisms that assess the results of implementation and carefully study the problems encountered therein in order to improve future legislation.
23. Other ways to follow their implementation is through finance/budget committees which verify the level of funding dedicated to indigenous questions and in this context, parliamentarians are encouraged to ensure an effective analysis of these bodies.
24. It is necessary to ensure that committees report back on their work to the plenary and that there is a follow-up to their reports. More information flows between the parliamentary committees and the parliament itself are required.
25. It can be beneficial to create indigenous political parties. Where this is not possible, involvement in existing political parties is recommended.
26. Although Governments have taken the initiative on legislation on indigenous peoples, indigenous peoples should be given the possibility of contributing themselves to the preparation of bills and draft laws.
27. International bodies such as the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Rights of the Child, and the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR-ILO) are very important legal mechanisms to lobby for indigenous rights. Special attention should be given to the draft United Nations declaration on the rights of indigenous peoples as a tool that can be used by parliaments to influence Governments.



28. As individuals, parliamentarians should know that they do not represent only their constituency but also the wider nation and therefore, they should intervene on all subjects, act as mediators and educate fellow members of parliament on indigenous issues. Parliamentarians can act as advocates and monitor indigenous questions outside parliament, for example by participating in social movements.
29. Indigenous parliamentarians can set up coalitions with other groups, NGOs and women's groups and establish national and international caucuses and networks.
30. Governments should consider how electoral systems influence the political representation of indigenous peoples, and pay due attention to the fact that because of their marginalization, indigenous peoples often cannot participate in the electoral process (for example, they have no identity cards). As regards the use of quotas for indigenous parliamentarians, although necessary in many instances, these are not immune from problems, often minimize participation and do not necessarily ensure that the "best" representatives are selected.
31. Education is a crucial aspect. Without a specific effort in this area, no progress for indigenous peoples will be made.
32. At the public administration level, indigenous peoples need to be represented in decision-making.
33. The social and economic situation of indigenous peoples remains a fundamental issue, as is their access to the resources needed to improve their situation. In countries where indigenous peoples live in areas endowed with rich natural resources, part of the funds generated by those resources should be shared.
34. IPU and OHCHR should continue to work in partnership on indigenous issues and consider organizing other such events, including training for indigenous members of parliament on human rights issues pertinent to indigenous peoples. Both institutions should consider preparing a study on the involvement of indigenous peoples in parliaments and more generally, in public affairs, as well as on indigenous peoples' self-government arrangements. OHCHR should consider including in its country engagement strategy an offer of support and advice to parliaments on human rights issues, including indigenous peoples' questions. Indigenous issues should be put on the agenda of the IPU Assembly. Both IPU and OHCHR should consider developing technical cooperation activities with parliaments.

### **III. MAIN CONCLUSIONS AND RECOMMENDATIONS of THE OHCHR-University of arizona EXPERTS SEMINAR**

35. Participants appreciated the organization of the seminar by the University of Arizona and OHCHR, which provided an excellent opportunity to evaluate some of the existing provisions in domestic and international law for the promotion and protection of the rights of indigenous peoples, and to identify effective approaches to bridging the gap that in many cases exists between these provisions and their effective implementation at the national level. The following is a summary of the main conclusions and recommendations of the seminar.

36. Over the last two decades, constitutional reforms and new laws have been adopted in a number of countries relevant to the promotion and protection of the rights of indigenous peoples. In some countries, specific institutions and mechanisms for the protection of the rights of indigenous peoples have been created. These reforms generally correspond to a development toward greater recognition of the rights of indigenous peoples at the international level.

37. These changes have resulted, in some cases, in enlarging the definition of the multicultural nature of the State. They have also brought about a better understanding of the meaning that economic, social, cultural, civil and political rights have to indigenous peoples both as individuals and as communities. Issues such as access to land and natural resources; the protection of the environment; the need to be consulted; the importance of ensuring participation and representation; the right to self-governance including the recognition and the respect for indigenous traditional leaders, indigenous law and jurisdiction; the protection of indigenous cultural rights including language, culture, religion, sacred places, bilingual and intercultural education, are crucial elements of the contemporary human rights discourse as it concerns indigenous peoples.

38. Participants echoed the voices of millions of indigenous people claiming that despite these changes and advancements, in many countries there still is a substantial disconnection between the norms and principles adopted at the international level and the domestic legal provisions concerning indigenous peoples' rights. In this context, the lack of implementation by some States of the decisions and recommendations adopted by international and regional mechanisms was also found to be an important issue of concern. Concern was also expressed about the fact that the legislation and jurisprudence of many countries continues to be grounded in or contain elements of the colonial past which discriminate against indigenous peoples.

39. There are multiple problems and obstacles related to the effective implementation of progressive legislation and judicial decisions concerning indigenous peoples. In some cases, there is a problem of real commitment or political will at the executive or legislative levels, for example in cases where new laws or administrative measures are required to give effect to constitutional reforms that generally recognize indigenous rights. In some cases, these laws or administrative measures are not drafted or adopted, rendering the constitutional changes meaningless.

40. In other cases, two different pieces of legislation may conflict, such as certain laws regulating mining activities that may be used to grant concessions which may contravene laws protecting the rights of indigenous peoples over the land.

41. It was also stressed that in many countries, even if there is a commitment or a political will favouring the implementation of the relevant laws and policies, national, regional and local executive officials lack adequate economic resources to implement them, for example in the case of land restitution.

42. Participants also noted that the lack of implementation of the international norms in domestic settings was to a certain degree due to ignorance and distrust on the part of domestic institutions. In many cases this was related to a lack of information and clarity within national

administrative agencies and judicial bodies with regard to the country's international human rights commitments. One of the main frustrations relates to the existing challenges in the area of justicial application of human rights norms at the national level.

43. Concerning national jurisprudence, it was stated that some advance has been made in regard to the area of territorial, political and cultural rights of indigenous peoples. In particular attention was drawn to the jurisprudence of the Constitutional Courts of Colombia and Venezuela, as well as to some other cases in Argentina, Canada, Ecuador and Peru. The successful experience in the training of judges in Venezuela and Guatemala on indigenous peoples' rights was highlighted. It was noted, however, that in almost all cases progress in jurisprudence at the national level remains insufficient, and that often executive and legislative authorities failed to take necessary action to implement or reinforce the advances that had been made.

44. The crucial role of the courts was noted. In some countries, the courts are playing a pivotal role in moving forward the implementation agenda. In others however, the courts are instead blocking the process. As concerns the protection of indigenous peoples' rights, the courts do sometimes not take fully into account the plethora of international norms and domestic legal provisions relevant to the protection of the rights of indigenous peoples. The lengthy and costly court procedures further limit the possibilities for indigenous peoples and communities to have their rights fully protected. The lack of recognition of indigenous judicial authorities and the tendency to diminish their power in the countries where they are recognized by law was also seen as a main obstacle to the effective implementation of indigenous peoples' rights.

45. Concerning the institutional framework, participants noted that over the years a number of institutions have been established in many countries relevant to the promotion and protection of indigenous peoples' rights - ombudsmen for indigenous peoples, indigenous public defenders or indigenous prosecutors. These institutions have proven to be very useful in the effective defence of both individual and collective indigenous rights. In many countries, the work of these mechanisms has contributed substantively to the enhancement of some domestic indigenous policies.

46. Public administration plays a crucial role in advancing or blocking the implementation of the international norms and national legal provisions on the promotion and protection of the rights of indigenous peoples. In many cases, impediments relate to the inefficiency of bureaucracies to effectively implement these norms.

47. The lack of adequate mechanisms for consultation with indigenous peoples prior to the development of legal provisions is a main issue of concern in all regions of the world.

48. In almost all countries examined, a lack of adequate monitoring mechanisms for the implementation of the legal protections for indigenous peoples' rights was noted.

49. Indigenous empowerment was another important issue raised during the seminar. It was mentioned that indigenous peoples should be empowered through recognition of their own rights. In that context, for example, ILO Convention No. 169 concerning Indigenous and Tribal

Peoples in Independent Countries is used in Bolivia to legitimize indigenous demands. In most countries, indigenous people do not have autonomy and territorial control because of a lack of legal recognition of these rights.

50. Self-determination was found to be crucial in the process, not only to improve the real conditions of indigenous peoples in all the countries where they live, but also to render effective the implementation of laws and provisions regarding the safeguarding of their rights. Several cases of good practices were presented.

51. The role of transnational and national corporations and the lack of accountability of these corporations was also noted. Participants have some examples of activities that were being carried out by some of these companies in clear breach of the laws concerning indigenous peoples of the countries where they operate or of the countries where the companies were chartered. Some of these companies' activities are subject to strict rules and regulations in their home countries; however these rules and regulations are often completely disregarded when they operate in third countries.

52. Participants also noted the importance of using international human rights mechanisms in bridging the implementation gap. A number of cases were presented where the timely actions of the Special Rapporteur were said to have had a positive impact on the final resolution of a number of cases.

53. International jurisprudence and the recommendations and decisions of international bodies can play a crucial role in the implementation of a number of provisions concerning collective rights. However, it was noted that there exists a general lack of alignment of domestic legislation to the provisions of the various conventions and international instruments relevant to indigenous peoples' rights, as well as a lack of effective follow-up mechanisms at the national level.

54. The Inter-American Court of Human Rights and the Inter-American Commission on Human Rights were recognized as major actors in the process of implementation of international norms and domestic legislation on indigenous rights in the American region. It was noted that the jurisprudence of the Inter-American Court and the Inter-American Commission is playing an important role in the advancement of the rights of indigenous peoples (for example the Awas Tingni case in Nicaragua, the Maya communities in Belize, the Shoshone in the United States of America). However, challenges still remain at the national level, where significant delays in the implementation of decisions of the Court and Commission are reported.

55. International mechanisms for the protection of indigenous peoples' rights, such as the Special Rapporteur, the Working Group on Indigenous Populations and the United Nations Permanent Forum on Indigenous Issues were considered fundamental tools for the respect, defence and awareness of indigenous peoples' rights at the international level. They are also excellent mechanisms to raise awareness of the challenges faced at the national level in bridging the gap between the legislation and its implementation.

56. Participants also noted the impact on the rights of indigenous peoples of some international treaties such as international trade agreements, intellectual property rights treaties, agreements relating to water resources, etc. It was highlighted that in certain cases, some of the provisions contained in these instruments could be in contradiction with domestic legislation.

57. Based on the above-mentioned conclusions, participants submitted the following recommendations to the Special Rapporteur's attention.

58. Constitutional recognition of indigenous peoples' rights is needed, and countries that do not provide this recognition should engage in constitutional reforms as soon as possible. In countries where constitutional provisions still remain insufficient, Governments are called upon to put in place valid mechanisms to consult with indigenous peoples and ensure that the results of these consultations are duly reflected in the revisions.

59. In those countries where secondary legislation is required to make effective the constitutional recognition of indigenous peoples' rights, and where necessary steps towards drafting and adopting such legislation have not been taken, Governments are encouraged to speedily initiate the necessary processes to do so. In those countries where the adoption of secondary legislation has not been initiated or has been blocked within the legislative processes, the legislative committees in charge of human rights or indigenous issues should take the lead in finding solutions to lift impediments to this legislation.

60. International and State agencies should develop achievement indicators and monitoring mechanisms, such as implementation reports, regarding legislation on indigenous peoples' rights and other legislation relevant to indigenous peoples.

61. It is imperative that States fully implement the decisions of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights concerning indigenous peoples. States should ensure that the relevant judicial authorities, legislators and civil servants are made aware of these decisions and the responsibilities they entail for the respective national authorities.

62. The importance of bringing national legislation into conformity with the provisions of international law, such as ILO Convention No. 169, was also noted. In this context, participants also stressed the need to develop specific mechanisms to assist with implementation.

63. Analysis of the impact of free trade, intellectual property agreements and other international treaties on indigenous peoples' rights is of key importance in order to avoid a possible encroachment on these rights.

64. Violence against women is an area of great concern for the promotion and protection of indigenous peoples' rights. Mechanisms to protect indigenous women from violence and discrimination, both within communities and in the society, need to be reinforced.

65. There was a call to strengthen existing specific mechanisms that support indigenous peoples in the assertion of legal claim to their rights at the various levels. In those countries where institutions such as indigenous ombudsmen do not exist, national legislatures should seriously consider creating them.

66. With regard to indigenous governance, participants recommended promoting the recognition of indigenous traditional authorities and ensuring the legitimacy and transparency of their management of resources.
67. International financial institutions such as the World Bank and the Inter-American Development Bank should take measures to ensure that their policies and actions reinforce the implementation of international and national laws, jurisprudence and decisions that protect the rights of indigenous peoples.
68. Finally, the promotion and strengthening of dialogue among indigenous peoples from various parts of the world, and in particular dialogue between indigenous peoples from northern and southern countries, is highly recommended with a view to exchanging experiences and ways to overcome similar obstacles.

## Appendix

### List of participants of OHCHR-IPU Experts Seminar (Geneva, 25 and 26 July 2005)

#### Members of Parliaments

Mr. Bernardo Abrego  
Member of Parliament, President of the Commission on Indigenous Issues, Panama

Ms. Rosa Maria Albernaz  
Member of Parliament, Portugal

Mr. Jorge Alberto  
Member of Parliament, Brazil

Mr. Huberto Aldaz Hernández  
Member of Parliament, Indigenous Commission Secretary, Mexico

Mr. Hammad Amar  
Member of Parliament, Algeria

Ms. Lyla Berg  
Member of Parliament, State Legislature, Hawaii

Mr. Messaoud Boudouhane  
Member of Parliament, Algeria

Mr. Aissa Bouregba  
Responsible for Study Analysis, Algeria

Mr. Leonardo Camey Curup  
Human Rights Commission, Guatemala

Ms. Ana Julia Carepa  
Member of Senate, Brazil

Mr. Givaldo Carimbão  
Member of Parliament, Brazil

Mr. Jose Alfredo Cojti Chiroy  
Member of the Education, Science and Technology Committee, Guatemala

Mr. Luis Andres Esteva Melchor  
Member of Parliament, Mexico

Mr. Ekwee Ethuro  
Member of Parliament, Kenya

Mr. Costa Ferreira  
Member of Parliament, Brazil

Mr. Cleonancio Fonseca  
Member of Parliament, Brazil

Mr. Heraclito Fortes  
Senator, Brazil

Mr. Danilo Roy Escobar  
Member of Parliament, Guatemala

Mr. Angel Oswaldo Gavilan Chimbo  
Member of Parliament, Ecuador

Ms. Vanesa Graziottin  
Member of Parliament, Brazil

Mr. J. Gomes de Lima  
Federal Police Department, Brazil

Ms. Nancy Karetak-Lindell  
Member of Parliament (Nunavut), Canada

Ms. Leena Leikas  
Legislator, Finland

Mr. Aly Lo  
President of the Commission on Law, Decentralization, Labour and Human Rights,  
Parliament, Senegal

Mr. Amir Mohamed  
Senator, Algeria

Mr. Carl Erik Moksness  
Stortinget, Norway

Ms. Libérate Nicayenzi  
President and representative of the UNIPROBA (Unissons-nous pour la Promotion des  
Batwa), Burundi

Ms. Ragnhild L. Nystad  
Stortinget, Norway

Mr. Duarte Pacheco  
Member of Parliament, Portugal

Mr. Jesús Enrique Piñacue  
Senator, Colombia



Mr. Abel Sandoval Martinez  
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