



APRIL 2021

# SDG 16 through the lens of the Indigenous Navigator

Charting pathways towards peace, justice and strong institutions with indigenous peoples



INDIGENOUS  
NAVIGATOR



“Indigenous peoples human rights defenders have always been at risk, no? And the safeguards in place are not that good for human rights defenders (...) But, indigenous communities are strong, especially if they have strong traditional institutions in defending their communities, even with the risks being faced.”

(INTERVIEW 10).

## Acknowledgements

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## LIST OF ACRONYMS

<b>AIPP</b>	Asia Indigenous Peoples Pact
<b>CAT</b>	Convention against Torture
<b>CECOIN</b>	Centro de Cooperación al Indígena
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEJIS</b>	Centro de Estudios Jurídicos e Investigación Social
<b>CIPO</b>	Cambodia Indigenous Peoples Organization
<b>CRC</b>	Convention on the Rights of the Child
<b>DIHR</b>	Danish Institute for Human Rights
<b>FPP</b>	Forest Peoples Programme
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILEPA</b>	Indigenous Livelihoods Enhancement Partners
<b>ILO</b>	International Labour Organization
<b>IPMGSDG</b>	Indigenous Peoples Major Group for Sustainable Development
<b>IWGIA</b>	International Work Group for Indigenous Affairs
<b>LAHURNIP</b>	Lawyers' Association for Human Rights of Nepalese Indigenous Peoples
<b>MPIDO</b>	Mainyoto Pastoralists Integrated Development Organization
<b>NIWF</b>	National Indigenous Women's Federation
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>ONAMIAP</b>	Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú
<b>ONIC</b>	Organización Nacional Indígena de Colombia
<b>PINGO's Forum</b>	Pastoralists Indigenous Non-Governmental Organization's Forum
<b>SDGs</b>	Sustainable Development Goals
<b>Tebtebba</b>	Indigenous Peoples' International Centre for Policy Research and Education
<b>VIDS</b>	Vereniging van Inheemse Dorpschoufden in Suriname
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples

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Attendance sheet is signed by Baka women during a meeting with Okani and Forest Peoples Programme in Akonetye, South province, Cameroon.

CREDIT: FOREST PEOPLES PROGRAMME / ADRIENNE SURPRENANT

# INDIGENOUS PEOPLES AND SDG 16

Adopted in 2015, the 2030 Sustainable Development Agenda is a plan of action that has people and the planet at its centre, embracing three dimensions of sustainability: economic, social and environmental. Following an inclusive process of intergovernmental negotiations, 17 Sustainable Development Goals (SDGs) were adopted, providing the international community with a framework for tackling the numerous challenges confronting humanity. While all goals are integrated, interdependent and indivisible, Goal 16 has been highlighted as forming the basis for the realization of many of the rights recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) ([UN 2021a](#)).

However, around the globe, conflict, insecurity, weak institutions and limited access to justice still threaten sustainable development. The UN Secretary-General 2020 report on progress towards the SDGs shows that millions of people continue to be deprived of their security, human rights and access to justice. The COVID-19 pandemic is likely to increase social unrest and violence ([UN 2020a](#)). The global economy has experienced its worst recession in 90 years and vulnerable segments of society have been disproportionately affected. In such a diverging world, characterized by sharpening inequalities, there is a grave danger that we would fail to achieve all SDGs ([UN 2021b](#)), including SDG 16 ([UN 2020a](#)).

In particular, Goal 16 aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels” ([UN 2015](#)). Its targets cover a wide range of issues, from abuse and violence to public access to information, and vary in scope. For example, while the promotion of the rule of law (target 16.3) encompasses basic principles of legality, birth registration (target 16.9) is a very specific action with a key role in ensuring individual rights, access to justice and social services ([UN 2020b](#)), as well as political rights.



## BOX 1: SDG 16 AND ITS TARGETS (UN 2015)

**GOAL 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**

### SPECIFIC TARGETS

- 16.1** Significantly reduce all forms of violence and related death rates everywhere
- 16.2** End abuse, exploitation, trafficking and all forms of violence against and torture of children
- 16.3** Promote the rule of law at the national and international levels and ensure equal access to justice for all
- 16.4** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
- 16.5** Substantially reduce corruption and bribery in all their forms
- 16.6** Develop effective, accountable and transparent institutions at all levels
- 16.7** Ensure responsive, inclusive, participatory and representative decision-making at all levels
- 16.8** Broaden and strengthen the participation of developing countries in the institutions of global governance
- 16.9** By 2030, provide legal identity for all, including birth registration
- 16.10** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
- 16.A** Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
- 16.B** Promote and enforce non-discriminatory laws and policies for sustainable development

Goal 16's targets, reproduced in Box 1 above, comprise critical outcomes which are essential for the achievement of progress across other Sustainable Development Goals ([UN 2020b](#)). Considering the importance of achieving Goal 16 in order to guarantee that indigenous peoples are not left behind, as well as the important contributions that indigenous peoples make towards the attainment of this goal, this report dedicates itself to understanding the situation of realization of SDG 16 for indigenous peoples through the lens of the Indigenous Navigator.<sup>1</sup>

The Indigenous Navigator is a framework for community-based monitoring of indigenous peoples' rights and development. It offers an innovative way for indigenous peoples to share first-hand information and knowledge about their lived realities, thus supporting their efforts to claim their rights. The Indigenous Navigator initiative was launched in 2014 with the support of the European Union. It is led by a consortium comprising the International Work Group for Indigenous Affairs (IWGIA), the Forest Peoples Programme (FPP), the Tebtebba Foundation, the Asia Indigenous Peoples Pact (AIPP) and the Danish Institute for Human Rights (DIHR). This report has been prepared in collaboration with the International Labour Organization (ILO), a partner of the Indigenous Navigator initiative. Since 2017, Indigenous Navigator partners have been

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1. More information on the Indigenous Navigator can be found in the initiative's portal: <https://indigenoustravel.org>



working with local organizations in 11 countries<sup>2</sup> to support indigenous communities' efforts to increase understanding and awareness of their rights and enable them to voice their most pressing demands.

The Indigenous Navigator provides access to data that has been collected and shared by indigenous communities themselves through various methodologies, such as focal groups, community assemblies, and individual and household surveys. Indigenous Navigator questionnaires have been answered collectively, as part of a collaborative process. Consequently, the data collected through the Indigenous Navigator provides information on communities' perception of the implementation of indigenous peoples' rights. Data from the Indigenous Navigator sheds light on indigenous peoples' perceptions of their own realities, highlighting key points for attention in policy formulation.

The aim of this report is to identify and discuss the experiences, needs, concerns and aspirations of indigenous peoples in relation to themes pertaining to SDG 16. Part I describes the Indigenous Navigator framework as well as the data collection and analysis methodology. Using the information collected through the Indigenous Navigator and interviews carried out with local partners, Part II looks into specific aspects of the situation of indigenous peoples that are relevant for the realization of SDG 16. Part III identifies key areas for future action and concludes with a number of policy recommendations.

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2. The following organizations are Indigenous Navigator's local partners: Kapaeeng Foundation, from Bangladesh; Centro de Estudios Jurídicos e Investigación Social (CEJIS), from Bolivia; Cambodia Indigenous Peoples Organization (CIPO), from Cambodia; Association OKANI, from Cameroon; Organización Nacional Indígena de Colombia (ONIC) and Centro de Cooperación al Indígena (CECOIN), from Colombia; Mainyoto Pastoralists Integrated Development Organization (MPIDO) and Indigenous Livelihoods Enhancement Partners (ILEPA), from Kenya; Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and National Indigenous Women's Federation (NIWF), from Nepal; Organización Nacional de Mujeres Indígenas Andinas y Amazónicas del Perú (ONAMIAP) and Perú Equidad – Centro de Políticas Públicas y Derechos Humanos, from Peru; Indigenous Peoples' International Centre for Policy Research and Education (Tebtebba Foundation), from the Philippines; Association of Indigenous Village Leaders in Suriname (Vereniging van Inheemse Dorpschoofden in Suriname – VIDS), from Suriname; and Pastoralists Indigenous Non-Governmental Organization's Forum (PINGO's Forum), from Tanzania; and the Indigenous Peoples Major Group for Sustainable Development (IPMGSDG).



Indigenous community members fill out the Indigenous Navigator survey in Campesina Sunimarka, Peru.

CREDIT: PABLO LASANSKY / IWGIA

# 1. INDIGENOUS NAVIGATOR FRAMEWORK AND METHODOLOGY

## INDIGENOUS NAVIGATOR FRAMEWORK AND METHODOLOGY

The Indigenous Navigator is a framework that enables indigenous peoples to monitor their rights and development. It was designed in accordance with guidelines on measurement and implementation of human rights indicators of the Office of the United Nations High Commissioner for Human Rights (OHCHR) (OHCHR 2012) and encompasses over 150 indicators (IWGIA 2020) grouped into 13 thematic areas.<sup>3</sup> The indicators selected for the framework are directly related to instruments such as the UNDRIP, UN human rights instruments,<sup>4</sup> and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

The Indigenous Navigator framework includes three types of indicators (Indigenous Navigator n.d.):

1. **Structural indicators:** reflecting a country's legal and policy framework.
2. **Process indicators:** measuring a State's ongoing efforts to implement human rights commitments (e.g. programmes, budget allocation).
3. **Outcome indicators:** measuring the actual enjoyment of human rights by indigenous peoples.

3. These comprise: (i) general enjoyment of human rights and fundamental freedoms without discrimination; (ii) self-determination; (iii) cultural integrity; (iv) lands, territories and resources; (v) fundamental rights and freedoms; (vi) participation in public life; (vii) legal protection, access to justice and remedies; (viii) cross-border contacts; (ix) freedom of expression and media; (x) general economic and social development; (xi) education; (xii) health; and (xiii) employment and occupation (Indigenous Navigator n.d.).

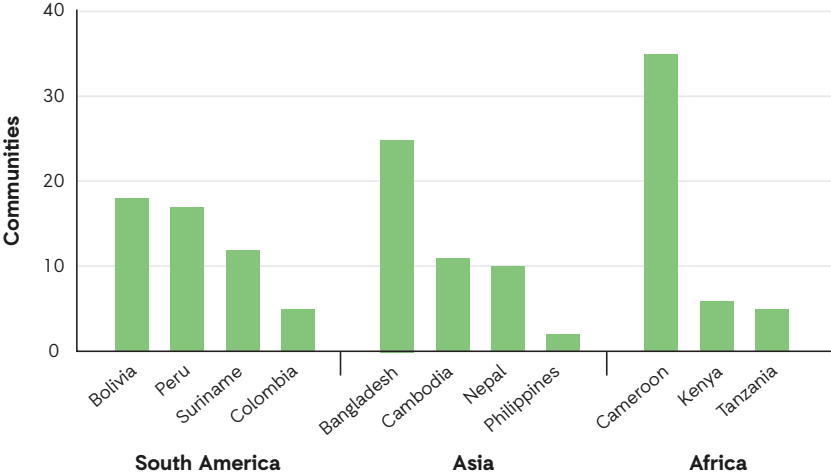
4. Namely, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture (CAT).

This report primarily examines the information provided in relation to outcome indicators, since it focuses on indigenous peoples’ voices and their experiences. Data on outcome indicators was collected through responses to “community questionnaires”, which were answered via collective assessments and data collection on the ground by the communities themselves. The situation of indigenous women has been mainstreamed throughout the Indigenous Navigator monitoring framework and, where possible, data has been disaggregated by gender. Considering its thematic focus, this report analyses indicators such as discrimination, violence, violations to fundamental principles and rights at work, participation in public life, access to justice, and the guarantee of indigenous peoples’ participation and consultation in processes that affect them by central and local governments, as well as the attainment of free, prior and informed consent before approving projects or other measures that affect indigenous peoples.

**A. DATA COLLECTION THROUGH THE INDIGENOUS NAVIGATOR**

Data was collected in 11 countries<sup>5</sup> and over 200 communities were involved in the data gathering and analysis, amounting to approximately 270,000 people (IWGIA 2020). According to the methodology used by the initiative, the data collected had to undergo a validation process and could only be used with the free, prior and informed consent of respondents.<sup>6</sup> Following these considerations, this report uses data gathered from 146 questionnaires that were answered by indigenous communities in Africa (46 questionnaires), Asia (48 questionnaires) and South America (49 questionnaires). As demonstrated in Table 1, one questionnaire may cover one or more communities and more than one indigenous people.

**Figure 1:** Number of community questionnaires covered by the Indigenous Navigator



5. Bangladesh, Bolivia, Cambodia, Cameroon, Colombia, Kenya, Nepal, Peru, Philippines, Suriname and Tanzania.  
 6. In this report, the term “respondents” refers to indigenous peoples that have responded to community questionnaires for the Indigenous Navigator initiative. In the questionnaires, respondents had the option to provide written comments in the “Additional Information” field. Particularly meaningful comments have been reproduced in this report as direct quotations.

**Table 1:** Coverage by questionnaire

Country	An entire indigenous people	One village/ community of one indigenous people	One village/ community inhabited by several indigenous peoples	Several villages/ communities of one indigenous people	Several villages/ communities inhabited by several indigenous peoples
Bangladesh	0	44	4	48	4
Bolivia	0	50	6	44	0
Cambodia	0	91	0	0	9
Cameroon	0	97	0	3	0
Colombia	40	0	0	60	0
Kenya	0	0	0	83	17
Nepal	0	30	10	60	0
Peru	24	76	0	0	0
Philippines	0	50	0	50	0
Suriname	0	8	83	8	0
Tanzania	0	100	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>60</b>	<b>9</b>	<b>25</b>	<b>2</b>

Note: Table created using question T2-V9.

Responses to the questionnaires provided by communities covered by the Indigenous Navigator do not represent the reality of the entire indigenous population in the countries concerned. They do, however, offer a snapshot of indigenous peoples' realities. Table 2 presents a comparison between the total indigenous population in a given country and the indigenous population covered by the Indigenous Navigator in the same locality. It thus provides an estimate of the proportion of a country's indigenous population covered by the project. With the exception of one country in Latin America, where coverage reached 18 per cent, the indigenous population covered in the remaining countries was less than 4 per cent. No information on the total indigenous population in Tanzania was available.

**Table 2:** Indigenous population covered by the community surveys

Country	Total population <sup>7</sup>	Population covered by questionnaires	Proportion
Bangladesh	1,726,715	64,211	3.72%
Bolivia	3,240,947	9,862	0.30%
Cambodia	471,708	1,039	0.22%
Cameroon	339,724	10,675	3.14%
Colombia	1,690,538	2,118	0.13%
Kenya	4,621,280	55,650	1.20%
Nepal	10,055,726	107,657	1.07%
Peru	6,599,073	6,818	0.10%
Philippines	14,846,263	1,104	0.007%
Suriname	21,836	3,841	17.59%
Tanzania	n/a	17,556	n/a

7. Estimates based on national censuses and household surveys compiled by the ILO in connection with the report *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an Inclusive, Sustainable and Just Future* (ILO 2019a). Estimates cover total population except in: the Plurinational State of Bolivia, 15 years and above; Peru, 12 years and above; and Cameroon, 15-49 years for women and 15-59 years for men.

The collection of data has been conducted through different methods, sometimes in combination. Table 3 details the percentage of communities for which each kind of data collection method was implemented. The most frequently used method was focus group discussions, but indigenous communities also gathered information through communal assemblies and consultations with community authorities. To a lesser extent, individual and household surveys were undertaken. Other methods, such as interviews with key informants, were also deployed. An interviewee<sup>8</sup> from Latin America indicated that local researchers made households visits and the results were subsequently verified and validated during a village meeting (Interview 8). In another Latin American country, both individual and group interviews were conducted. In some communities in Africa, an interviewee reported that data collection was undertaken in two phases: one with groups of women and another with groups of men (Interview 4).

**Table 3:** Method used for data collection. Percentage of communities by country

Country	Household survey	Individual survey	Focus group	Communal assembly	Consultation with community authorities	Others
Bangladesh	0	0	88	0	12	0
Bolivia	0	0	44	83	17	17
Cambodia	18	55	100	0	9	0
Cameroon	0	0	100	0	0	0
Colombia	0	20	80	20	40	0
Kenya	0	0	100	100	100	17
Nepal	0	10	90	90	80	0
Peru	0	24	82	65	12	0
Philippines	0	0	100	100	50	100
Suriname	58	92	0	17	33	0
Tanzania	0	0	100	0	100	100
<b>TOTAL</b>	<b>6</b>	<b>16</b>	<b>79</b>	<b>32</b>	<b>24</b>	<b>8</b>

*Note: Questionnaires were completed as a collective process and often answered using more than one method. Table created using question T2-V4-1*

**B. ANALYSIS AND GENERAL REMARKS ON THE USE OF INDIGENOUS NAVIGATOR DATA**

The data collected through the Indigenous Navigator does not represent official statistical data but indigenous peoples’ perceptions and experiences in relation to the framework’s indicators. In light of these factors, Indigenous Navigator data is used in this report in an illustrative manner to highlight the testimonies of indigenous peoples.

This report presents preliminary findings of the Indigenous Navigator. Surveys which have yet to be validated have not been included. The statistics presented here represent the average by country for

8. The term “interviewees” is used in this report to refer to local partners who have participated in in-depth interviews, as detailed in Annex I.

those communities covered by the Indigenous Navigator. The data should not therefore be considered as representative of all indigenous groups in a certain country. In this sense, the report's aim is not to make comparisons between countries or communities, but to focus on bringing indigenous peoples' experiences to light. Furthermore, the amount of information provided by indigenous communities when responding to the Indigenous Navigator questionnaire is not equal between all partners. Communities have ownership of the data and could therefore select which questions they wished to answer and to what extent. Consequently, there are gaps in certain indicators for some countries. Accordingly, the figures and tables aggregating or describing this data do not include countries for which no responses were provided by communities.

The analysis of the data collected through the Indigenous Navigator framework was complemented by in-depth semi-structured interviews with local partners in July and August 2020. In total, 11 interviews were conducted, with partners from each of the participating countries (Annex I). For confidentiality purposes, respondents' identities have been anonymized. The report also draws on relevant studies prepared by the ILO, other UN agencies, and indigenous peoples' organizations, including Indigenous Navigator partners.



Indigenous Women respond to the Indigenous Navigator's surveys, Peru.  
CREDIT: PABLO LASANSKY / IWGIA



Introduction to the Indigenous Navigator Project in Tanzania.  
CREDIT: PINGOS FORUM

## 2. SDG 16 THROUGH THE LENS OF THE **INDIGENOUS NAVIGATOR**

### I. **INDIGENOUS NAVIGATOR'S CONTRIBUTIONS TO ACHIEVING SDG 16**

Both in its facet as a data collection tool, a monitoring framework, or as a platform for projects and initiatives undertaken by indigenous communities, the Indigenous Navigator works towards the achievement of SDG 16 by promoting peace, access to justice and the construction of effective, accountable and inclusive institutions ([Quezada 2021](#)).

As described in Box 1, target 16.7 aims specifically at “ensur[ing] responsive, inclusive, participatory and representative decision-making at all levels”. This objective is in line with UNDRIP’s Article 5, which stresses indigenous peoples’ collective right to maintain and strengthen their institutions, “while retaining their right to participate fully, if they so choose, in the economic, cultural and political life of the state”. In Africa, for example, an Indigenous Navigator local partner is working towards the granting of citizenship to Indigenous forest peoples (Interview 4) which is key for ensuring indigenous peoples’ political participation. An Indigenous Navigator local partner in Asia is implementing a project focusing on self-governance and the conservation of traditional practices ([Quezada 2021](#)).

The Indigenous Navigator gathers first-hand information from indigenous peoples that can be used by a variety of stakeholders in the advancement of indigenous peoples’ rights and the better understanding

of indigenous peoples' realities, priorities and aspirations. As a monitoring framework, the Indigenous Navigator allows indigenous peoples to monitor the realization of their rights, empowering them with up-to-date information to advocate for targeted policies as well as informing the establishment of their priorities and strategies. Its advocacy component empowers indigenous institutions to become stronger and to advocate for equal access to public goods (Quezada 2021). The following sub-sections will present data stemming from the Indigenous Navigator on indicators that are relevant for assessing the achievement of SDG 16.

## II. INDIGENOUS NAVIGATOR'S FINDINGS PERTAINING TO SDG 16

### a. *Discrimination*

Participant communities have been asked how many women and men had personally felt discriminated against or harassed within the previous 12 months to the application of the questionnaire. Respondents were specifically asked about episodes on the basis of one or more of the following grounds of discrimination: Age, income, gender, and identity as an indigenous person. Figure 1 shows the results, disaggregated by gender.

The Indigenous Navigator data indicates that similar proportions of indigenous women and men reported discrimination connected to their indigenous identity in the majority of countries, exceeding 60 per cent in some cases. The reporting of gender-based discrimination by indigenous women varied from nearly 20 to over 60 per cent. In a Latin American country, women were reported to be significantly more likely to be victims of gender discrimination, while, in four other countries, more men reported to feel discriminated by their gender than women.

Reports of age-related discrimination varied between 20 and 40 per cent for indigenous men, and between 30 and 60 per cent for indigenous women. In the majority of cases, indigenous women were more likely to face discrimination on the basis of age than men. Lastly, participating communities in all countries informed that at least 30 per cent of indigenous women and men reported to face income-related discrimination. In some countries, a gender-gap to the detriment of women was verified in relation to this indicator.

During interviews, participants have also reported to face discrimination in the world of work (ILO, IWGIA forthcoming). Two interviewees from Latin America stated that indigenous peoples suffer discrimination related to labour, as some community members were not selected for jobs on account of their indigenous origin (Interviews 8 and 9). In Asia and Africa, interviewees informed that products sold by indigenous peoples in local markets are often not valued as highly as products sold by their non-indigenous counterparts (Interviews 4 and 10). Also, respondents indicated that outside their communities, indigenous women often received lower wages than male workers for the same kind of work. It was also reported that indigenous women received lower wages than their non-indigenous counterparts.

Discrimination has hampered indigenous peoples' access to public services, such as health and education (ILO, IWGIA 2020b). In the context of the COVID-19 pandemic, lack of appropriate services in indigenous languages and discrimination represent important obstacles for indigenous peoples to access appropriate healthcare (ILO, IWGIA 2020a). An Asian respondent detailed that:

*"There's that aspect [of] discrimination now on access for example, (...) even before COVID when somebody gets sick, when a member of their community gets sick, and they go to the hospital, they're given [the] least attention (...) in terms of medical services. And many of them (...) don't have the transportation also (...) to be able to go to the hospital (...), some have clinics in the villages, but there are no doctors in most instances (...) It's also the language (...) the difficulty in communication because some of them don't speak (...) the language of the majority."* (Interview 10).

According to Indigenous Navigator respondents and interviewees, indigenous women face compounded discrimination. Respondents indicated that discrimination and harassment based on gender, language,



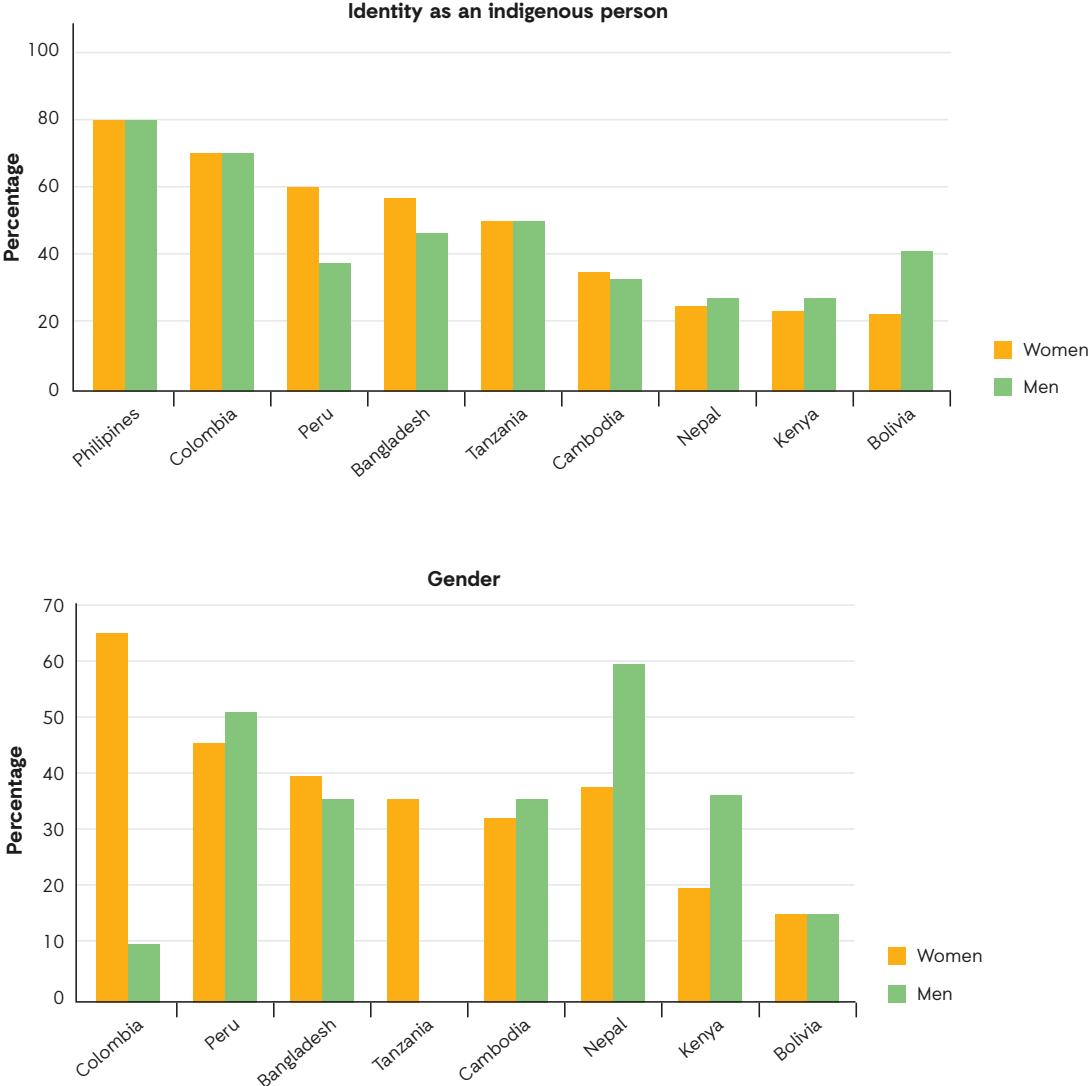
physical appearance, ethnicity and poverty are part of everyday life for indigenous women and are intensified in urban areas. The way indigenous women are represented by the media was also cited as an element that reinforced discrimination against them (Interview 2).

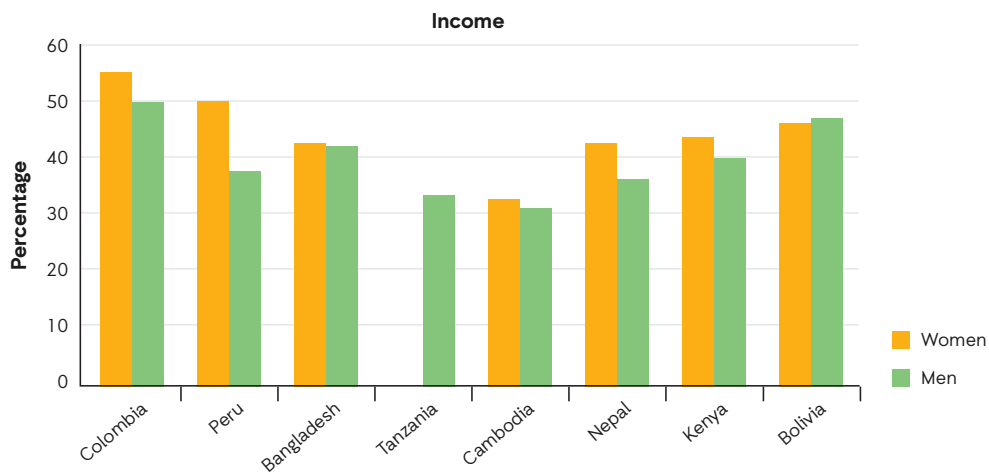
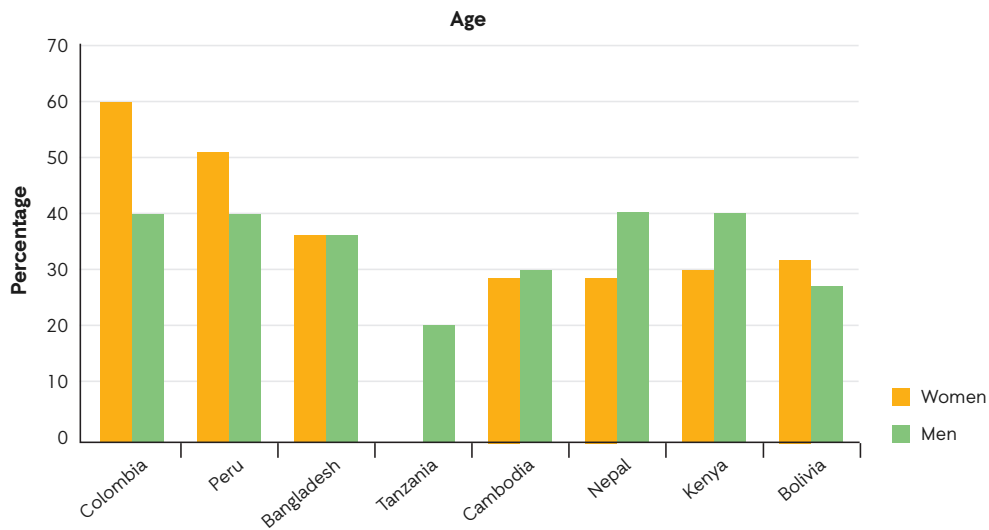
Interviewees highlighted how discrimination against indigenous women has led to limitations on their access to public services, particularly healthcare (Interview 7). They also mentioned that in some cases indigenous women feel their participation in decision-making processes is undermined by their families, communities and societies. As one interviewee explained:

*It is not easy for us; even in our own communities, we suffer from stigmatization. Sometimes they give us a position on the board of directors, or as heads or presidents, and they put you to the test. Men put us to the test. 'Let's see what a woman is going to do.' And at the first mistake, they 'destroy' you, as they say. (Interview 2)*

A qualitative study conducted by the ILO with indigenous women from four countries (Bangladesh, Plurinational State of Bolivia, Cameroon and Guatemala) found that the discrimination, violence and harassment (including intimidation and threats) experienced by indigenous women severely affected their ability to organize and participate in decision-making processes (ILO 2021), as will be further detailed on section (d).

**Figure 2:** Population suffering from discrimination





Notes: Data corresponds to the average of reporting communities per country. Countries where no community reported information regarding discrimination are not included. Figure created using questions T2-V14 and T2-V15.



Interaction with Santhal People, Jahada Morang on SDGs and Indigenous peoples rights, Bangladesh.  
CREDIT: KAPAEENG FOUNDATION

## **b. Violence**

Indigenous Navigator data has shown that intersecting forms of discrimination shape the forms of violence and exclusion experienced by indigenous women and men. Participating communities have been asked if, since 2008, community members had been victims of any atrocities while defending the rights of their communities. Results in Table 4 show that communities in all countries reported to have experienced all listed forms of violence, namely killings, death threats, enforced disappearances, arrests, torture and kidnapping.

In a Latin American country, 100 per cent of participating communities reported killings. Death threats and torture were the most commonly reported forms of violence, having been reported by 25 per cent of participant communities, followed by arrest (19 per cent) and killings (12 per cent). Enforced disappearances and kidnapping were the lowest reported categories, with 9 and 8 per cent, respectively.

Indigenous women also experience domestic violence, the incidence of which has increased during the COVID-19 pandemic ([UN Women 2020](#); ILO, [IWGIA 2020a](#)). As Table 5 shows, participating communities in the majority of countries covered by the Indigenous Navigator recorded cases of physical or sexual violence against women and girls. Communities have been asked approximately how many women and girls (aged 15 and older) had experienced a number of incidents of violence in the previous 12 months. The incidents listed were violence perpetrated by a partner, by a community member, by a non-community member, and other harmful accidents.

Table 5 demonstrates that 10 per cent of communities reported sexual or physical violence by partners, 8 per cent by a community-member, 11 per cent by a non-community member and 7 per cent another harmful accident. In one community in Asia, the rape of a 16-year-old indigenous girl was reported. In one Latin American country, cases of prostitution of indigenous girls were disclosed. Additionally, in one of the African countries covered by the Indigenous Navigator, one of the reasons given for indigenous girls' school dropout was working in bars and practicing prostitution.

The topic of violence, however, remains difficult to be discussed in a community setting. Many interviewees described to have faced problems in addressing the issue of domestic violence within their communities, where the problem is often still viewed as a taboo (Interviews 1, 6, 7 and 8). Indigenous Navigator data shows that, in many cases, customary law institutions play an important role in resolving cases of violence. 47 per cent of the communities indicated that their customary law institutions handled either all or the vast majority of cases of domestic violence. This suggests that, at least in some communities, indigenous women may be able to rely on a community-based support structure to handle cases of violence perpetrated by a partner or community member. Interestingly, according to the report of a Latin America interviewee, communities that have women leaders appear to be more responsive to gender-based violence (Interview 8).

**Table 4:** Community members being victims of violence actions

Country	Killing	Death threat	Disappearance	Arrest	Torture	Kidnapping
Bangladesh	25	69	9	36	100	25
Bolivia	0	0	0	0	0	0
Cambodia	0	55	30	55	0	0
Cameroon	7	18	6	7	16	7
Colombia	100	60	20	20	60	20
Kenya	50	50	17	67	17	0
Nepal	0	0	11	44	22	0
Peru	14	25	13	13	25	25
Philippines	0	0	0	0	0	0
Suriname	0	0	0	8	8	0
Tanzania	0	0	0	0	0	0
<b>TOTAL</b>	<b>12</b>	<b>25</b>	<b>9</b>	<b>19</b>	<b>25</b>	<b>8</b>

Notes: Data corresponds to the average of reporting communities per country. Countries where no community reported information regarding violence are not included. Table created using question T2-V61.

**Table 5:** Physical or sexual violence against women and girls

Country	By partner	By community member	By non-community member	Another harmful incident
Bangladesh	13	9	17	13
Bolivia	1	4	1	4
Cambodia	9	9	11	0
Colombia	25	18	5	13
Kenya	18	10	16	14
Nepal	14	14	19	5
Peru	6	0	1	0
Philippines	20	-	-	-
Tanzania	0	0	10	10
<b>TOTAL</b>	<b>10</b>	<b>8</b>	<b>11</b>	<b>7</b>

Notes: Data corresponds to the average of reporting communities per country. Countries where no community reported information regarding physical or sexual violence are not included. Table created using question T2-V67

**Table 6:** Customary law institutions handling domestic violence

Country	Fully	To a considerable extent	To some extent	To a limited extent	Not at all
Bangladesh	60	16	4	16	4
Bolivia	35	6	24	24	12
Cambodia	27	27	9	18	18
Colombia	0	50	25	25	0
Kenya	83	0	17	0	0
Nepal	0	0	30	30	40
Peru	14	0	57	14	14
Philippines	0	50	50	0	0
Tanzania	0	0	80	0	20
<b>TOTAL</b>	<b>34</b>	<b>13</b>	<b>23</b>	<b>17</b>	<b>13</b>

Notes: Data corresponds to the percentage of communities reporting different levels of management of domestic violence cases. Countries where no community reported information regarding the topic are not included. Table created using question T2-V27-r5

### c. Fundamental principles and rights at work

Indigenous Navigator respondents reported several violations of indigenous peoples' fundamental rights at work. As indicated in section (a), indigenous women reported facing additional challenges in accessing decent work opportunities, as a consequence of compounded discrimination. One interviewee explained that:

*"The sisters listed in order of priority the SDGs that they believed need to be achieved so that no one is left behind in 2030. One that came out, and that now I think is more necessary, it is the issue of decent work (...) Indigenous women are like "the last wheel on the car". Sometimes they do unpaid work, and when they do paid work, they do not have the minimum conditions that they should have, that's a challenge."* (Interview 2)

Besides suffering from discrimination, indigenous peoples are particularly vulnerable to forced labour (ILO 2014). As Table 7 demonstrates, in the context of the Indigenous Navigator, the highest number of communities reporting that indigenous women and men were victims of forced labour are located in Asia. In one community, 60 per cent of indigenous youth were reported to have experienced some type of forced labour on sugar-cane plantations. Other respondents indicated that indigenous peoples in their communities had been forced into bonded labour, in one case following the seizure of their land by a company. It was reported that five indigenous women from another community had been subjected to forced labour by a company. Another case reportedly involved indigenous men and women working under harsh conditions in illegal logging and having to carry 150 to 200 kg of wood on their motorbikes.

Indigenous Navigator respondents have also been inquired about cases of human trafficking. The majority of reported cases relate to indigenous women and girls in Asia, mirroring the findings of a 2013 UN inter-agency report which asserted that indigenous women and girls in the Asia-Pacific region are especially vulnerable to trafficking for sexual exploitation (UNICEF et al. 2013). The cases reported through the Indigenous Navigator involved trafficking to other cities or countries, either to work as housekeepers or in the sex industry. Furthermore, cases of prostitution of indigenous girls were reported by participating communities in Latin America and Africa.

**Table 7:** Number of communities reporting forced labour or trafficking

Country	Women victims of forced labour	Men victims of forced labour	Women victims of trafficking	Men victims of trafficking
Bangladesh	2	3	3	-
Cambodia	4	4	1	1
Kenya	1	-	-	-
Nepal	7	7	3	2
Philippines	-	1	-	-
<b>TOTAL</b>	<b>14</b>	<b>15</b>	<b>7</b>	<b>3</b>

*Notes: Data corresponds to the number of reporting communities per country. Countries where no community reported information regarding forced labour or trafficking are not included. Table created using questions T2-V129 and T2-V130.*

Equally disturbing is the persistence of child labour among indigenous peoples. Indigenous Navigator respondents were asked whether boys and girls in their communities were victims of child labour that could affect their education or training, as well as about work that could potentially affect their health, safety and morals or entail involvement in slavery, prostitution, illicit activities or recruitment for armed conflicts. Participating communities in Asian countries were the ones that most reported issues of child labour, although some cases were also described by communities in Africa and Latin America. The presence of child labour has often been linked by respondents to the prevalence of poverty in indigenous communities and to the need to assist parents in making ends meet.

In the case of indigenous girls, some are reported to have dropped out of school to start working on farms, in bars or in prostitution, as well as in informal daily jobs. In one community in Asia, indigenous peoples do not have access to land and have since become involved in the illicit trading of alcohol, sometimes using the labour of indigenous girls. One case of maltreatment of a 11-year-old indigenous girl working as a domestic worker was also informed. Indigenous boys have been reported to be engaged in day labour (e.g. paddy fields, brick fields, construction), to work in illegal logging, or to work as security guards in urban centres. One community in Asia also reported a case of modern slavery.

#### **d. Participation in public life**

The Indigenous Navigator framework assessed the issue of participation in public life through a series of questions which provide information disaggregated by sex. As figure 3 shows, only participant communities in two countries have reported that all men and women have recognized citizenship. The majority of respondent communities reported that at least 80 per cent of indigenous women and men have recognized citizenship; in other words, they possess identity cards, birth certificates or other official documentation confirming their registration as citizens of the country in which they were born. This is a relevant indicator for demonstrating how many indigenous peoples can exercise their political rights, such as taking part in elections and exercising their right to vote. Gender gaps to the disadvantage of women were identified in two Asian countries and in one African country. In another African country, a marginally higher number of indigenous women were reported to have citizenship compared to indigenous men.

**Figure 3:** Percentage of population with citizenship

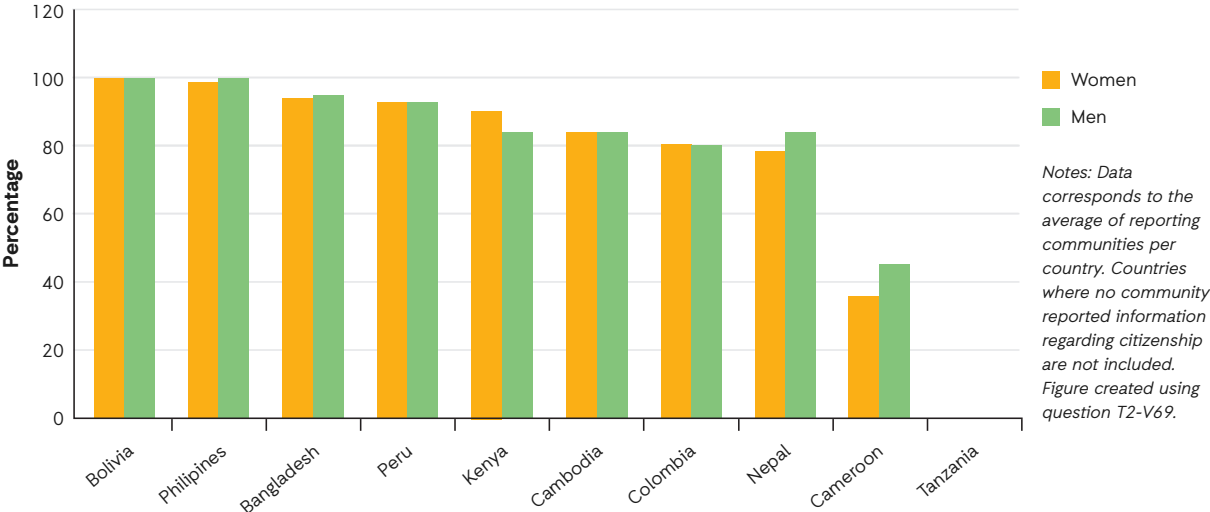
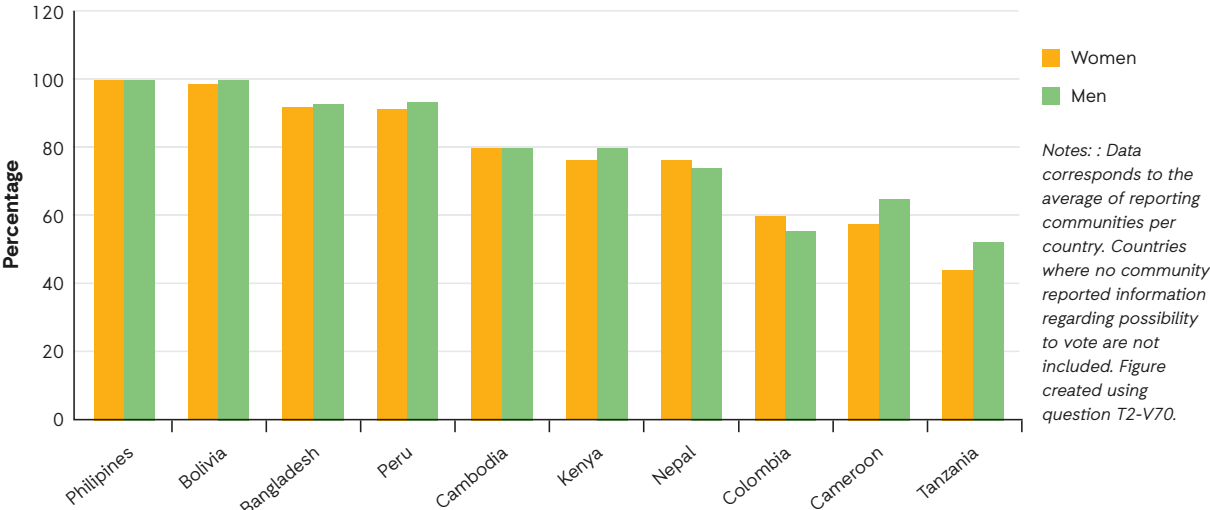


Figure 4 illustrates the results for population with possibility to vote in national and local elections. While participants communities in one country in Latin America and one in Asia reported that nearly all men and women of their community can vote, in the majority of countries that was not the case. In one African country, the percentage of men and women that can vote is reportedly even below 50 per cent. A gender gap in benefit of men can be noticed in six countries, while a gap in benefit of women is noticed in two.

**Figure 4:** Percentage of population with possibility to vote



The data reported above demonstrates that indigenous men and women still face important barriers in exercising their political rights and not all of them possess legal identity. This is a major concern considering that target 16.9 determines that by 2030, legal identity should be provided for all, including birth registration.

Finally, table 8 shows results regarding the percentage of communities on each country that hold seats in national parliament or local government. Indigenous Navigator data shows that it is uncommon that indigenous peoples hold seats in parliament. The situation is even worst for indigenous women, reflecting a double bias against them. On the one hand, 7 per cent of participant communities affirmed that indigenous women occupy parliamentary seats. The majority of seats was reported by communities in an African country, while communities in Asia and Latin America also reported that some indigenous women hold parliamentary seats. On the other hand, 12 per cent of reporting communities in six countries informed that indigenous men hold parliamentary seats. A much higher percentage of participating communities informed that indigenous women and men from their community hold seats in local governments. Nevertheless, here again a representative gap in detriment of indigenous women is observed. While 47 per cent of communities reported that indigenous men hold seats in the local government, only 29 percent reported indigenous women occupy such positions.

**Table 8:** Population with seats in national parliament or local government bodies

Country	Parliament		Local government	
	Women	Men	Women	Men
Bangladesh	0	13	42	44
Bolivia	0	0	0	39
Cambodia	0	9	45	64
Cameroon	0	0	6	29
Colombia	0	20	20	60
Kenya	67	83	33	50
Nepal	50	80	83	100
Peru	0	0	25	25
Philippines	0	0	100	100
Suriname	17	0	42	50
Tanzania	0	60	100	100
<b>TOTAL</b>	<b>7</b>	<b>12</b>	<b>29</b>	<b>47</b>

Notes: Data corresponds to the average of reporting communities per country. Table created using questions T2-V71.

Indigenous women interviewees have also reported to face difficulties in participating in decision making within their communities (Interviews 7 ,4 ,2 ,1 and 8). According to a Latin American interviewee, indigenous women face discrimination within their own communities, where decision-making forums are dominated by men; and at the same time do not find sufficient space in sections of the feminist movement (Interview 2). This has motivated some to organize themselves into indigenous women’s organizations, which campaign for the realization of both collective and individual rights (ILO, IWGIA 2020b). As this interviewee explained:

*If we have existed for more than 500 years, it is precisely because of our resistance and [because] we want to continue calling ourselves indigenous women. And it’s a political decision, right? Because otherwise we would disappear too. So, we are always being absorbed or we are always... we feel that they want to colonize us as well. We want dialogue, but not an imposition. (...) So, we are just trying to strengthen our capacities to have our own voice, which is not so easy either, is*



*it? But we are in that process. Likewise, as indigenous women, it is important to have a space of our own (...). (Interview 2)*

Indigenous Navigator's finding that indigenous women face more obstacles than their male counterparts to participate in public life finds echo in other research. Results from a recent ILO study in four countries (Bangladesh, the Plurinational State of Bolivia, Cameroon and Guatemala) suggest that indigenous women face three types of barrier to participation (ILO 2021). The first are **physical barriers**, which include socio-economic conditions (e.g. financial dependence on men), lack of access or difficulty in gaining access to physical meeting spaces, and weak communication networks. The second are **psychological barriers**, namely lack of awareness and knowledge, skills and abilities (e.g. language barriers and poor access to education), and emotions and motivations (e.g. fear of losing their job). The third are social barriers, such as gender norms, roles and perceptions (e.g. negative perceptions about participation), violence, harassment and discrimination, and political and organizational issues (e.g. lack of representative organisations, under-representation in meetings) (ILO 2021).

While these important barriers persist, the ILO study has also found that important developments and innovative trends originating in the initiative of indigenous women themselves or by the proactive support of traditional leadership can be found in all countries. In Chittagong Hill Tracts in Bangladesh, for example, traditional leadership proposed a reform of the traditional governance structure allowing for women to hold leadership positions (i.e. chieftainship and karbariship), which were until then held by men. After the reform was adopted in 2014, the number of women karbaris increased from six in 2012 to 514 in 2018. Also in Bangladesh, indigenous organizations' by-laws include provision for women's representation in their executive committees, promoting indigenous women's participation in decision-making (ILO 2021). Another interesting example was identified at the Plurinational State of Bolivia, where significant developments were verified as indigenous women created women-only organizations to increase their participation and voice in political organizations. For instance, in the union context, the *Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia "Bartolina Sisa"* was created to seek an autonomous voice from the male dominated *Confederación Sindical Única de Trabajadores Campesinos de Bolivia* (ILO 2021).

This study's conclusions indicate that, in order to promote indigenous women's participation and organization, policymakers should consider both collective and individual dimensions of existing obstacles, while being respectful to indigenous women's priorities, cosmovision and cultural identity (ILO 2021).

### **e. Participation in decision-making**

A key indicator to assess realization of SDG 16 for and with indigenous people's is their participation in decision-making. More specifically, target 16.7 lays out the objective to "ensure responsive, inclusive, participatory and representative decision-making at all levels". While there are many ways indigenous peoples can and should be able participate in decision-making, consultations with them before measures are taken that affect them, with a view to achieving their agreement or consent, are key processes in this regard. In the context of the Indigenous Navigator, communities were asked whether local or central government institutions ensure that adequate consultations are undertaken with their communities before approval of projects or any other measures that may affect them, and to what extent free, prior and informed consent was obtained. In the large majority of cases, communities indicated that such consultations were not taking place, including regarding, for example rural development projects, construction of roads and hydroelectric dams. When consultations were undertaken, they were described by indigenous communities as inadequate. Across regions, cases were reported where consultations only happened as a formality, even after projects had already been approved. In many cases, governments were reported to provide a certain amount of information on a project, but not to adequately inform about its impacts. The large majority of participating communities informed that their institutions are generally not invited to participate in impact assessments. Geographic remoteness and lack of knowledge about indigenous peoples' rights were also mentioned as obstacles for consultations and achieving free, prior and informed consent.

Various testimonies of communities emerging from the Indigenous Navigator illustrate that indigenous peoples' participation in decision-making as envisaged in SDG 16 remains elusive, though some positive experiences exist. One respondent affirmed that the community is only able to get information about a project after protesting for not being consulted. An African respondent claimed that "the government does not know us nor listen to us". According to respondents from Asia, projects have led to loss of indigenous land or even to violence against indigenous communities. In one country in Asia, communities reported that although policies and procedures for consultations are in place, they are not implemented. Some communities reported that they only learned about a certain project when they received eviction notices. A respondent from Asia shared that "in 2012, the authorities came into the village tell the community about the company". Just a few days after that, "the company came in, cut down all the community's forest and spiritual land". A Latin American respondent indicated that, in the case of the construction of a hydroelectric power plant, central government has only conducted one public hearing, where indigenous peoples were not allowed to make any questions. A respondent from Africa explained that

*"The government appoints a few community representatives especially the illiterate ones and empower them to undertake all responsibilities up to signing documents require community approval. Assessment is also done privately without our knowledge and for their benefits especially when it has anything to do with soil testing."*

As articulated by one respondent, because of the lack of consultation with indigenous peoples, development projects often do not reflect their needs and priorities. At the same time, several participating communities in Latin American countries indicated that communities are consulted about the realization of projects in their areas and that this resulted often in free, prior and informed consent. For example, one community mentioned that an "oil company wanted to do some (exploration) research in the [community] river, they came with the government to give us information and asked our consent. They said that after the (exploration) research they would mitigate the damage done in nature and they did, and we have received solar energy in return." Another respondent from the same country informed that "all projects within the village are designed by the village authorities and realized by the government, so the projects are approved by the village". One participating community in Latin America indicated that their institutions/ authorities often participate in impact assessments made by the central government, and always when such processes are undertaken by the local government. According to them, the mayor of the municipality ensures that indigenous leaders participate in meetings and discuss major issues with them.

Overall, the experiences of indigenous communities on the ground reflect the fact that in most countries appropriate legal and institutional frameworks for indigenous peoples' participation and consultation are still absent or remain weak. Though considerable implementation gaps continue to exist also in Latin America, some progress has been made in several countries in this region, where ILO Convention No. 169 is widely ratified. Due to the Convention's status as a treaty, the duty to consult has been invoked by many national courts in the region as a guarantee for the realization of the rights of indigenous peoples. Furthermore, in several countries, including Bolivia, Colombia, and Peru, consultation has been recognized as a constitutional right of indigenous peoples ([ILO 2019a](#)).

However, appropriate legal frameworks for consultations are not yet in place in most of the countries concerned. In addition, there is a need for strengthening state institutions responsible for consultation processes and the development of related tools and methodologies for public authorities. Mechanisms that ensure continuing participation and involvement of indigenous peoples in the design, monitoring and assessment of public policies, beyond consultations on development projects, to address their concerns and demands are crucial as well. Such frameworks and mechanisms can contribute to democratic governance, the rule of law, building trust, leveraging indigenous peoples' contributions to public policy making and ensuring that public policies address persisting inequalities ([ILO 2019a](#)) which is needed to secure lasting peace.

The inclusion of indigenous peoples, from the initial stage of designing procedures for consultation to the implementation of the agreements reached through consultation is critical. Implementing consultations

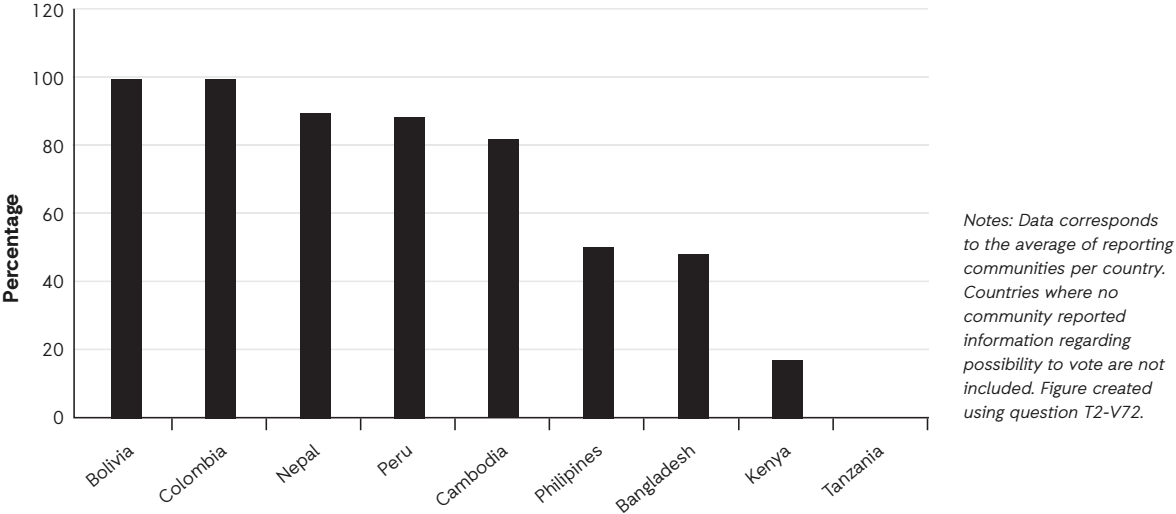
requires investment in the State institutions in charge of these processes. It also requires investing in the development of the technical capacities of those in charge of developing legislation and carrying out consultations, as well as of the indigenous peoples themselves. Overcoming the persisting and complex challenges in this regard will be crucial for building shared visions for inclusive and sustainable development in the context of the 2030 Agenda for Sustainable Development (ILO 2019a).

**f. Access to justice**

Finally, another key indicator to assess level the of realization of SDG 16 through the lens of the Indigenous Navigator is access to justice. Target 16.3 of Goal 16 expressly states its aim to “promote the rule of law at the national and international levels and ensure equal access to justice for all” (UN 2015).

In the context of the Indigenous Navigator, participants have been asked whether their people or community is recognized as a legal entity that can hold rights, defend rights, litigate and seek remedies for violations. Figure 5 demonstrates that all communities in two Latin American countries confirmed to be recognized as legal entities. On the other hand, communities in two Asian countries reported to have a 50 per cent rate of legal recognition, while communities in two African countries reported 20 per cent or no legal recognition.

**Figure 5:** Percentage of communities recognized as legal entities



Participating communities have also been asked to grade the extent to which they are able to take legal actions as a way to seek remedies for violation. Table 9 shows that very few communities report capability of taking legal action to a full or considerable extent. 29 per cent of communities have reported to be able to take legal action to a limited extent, while 34 per cent reported not to be able at all to take such actions. These numbers reflect the degree of vulnerability under which participant indigenous communities live in terms of access to justice. It is also noteworthy that only 10 per cent of communities indicate that they did not need to take legal action in recent years. In other words, the majority of Indigenous Navigator’s participating communities have faced the need to take legal actions, but very few had proper access to the judicial system.

**Table 9:** Communities being able to take legal actions

Country	Fully	To a considerable extent	To some extent	To a limited extent	Not at all	No action required
Bangladesh	0	4	12	60	16	8
Bolivia	0	6	39	28	6	22
Cambodia	9	0	36	27	27	0
Cameroon	0	3	9	23	66	0
Colombia	0	40	20	0	40	0
Kenya	0	0	33	33	33	0
Nepal	0	0	50	30	10	10
Peru	0	0	18	35	12	35
Philippines	0	0	50	0	50	0
Suriname	8	0	0	8	75	8
Tanzania	0	0	60	0	40	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>22</b>	<b>29</b>	<b>34</b>	<b>10</b>

Notes: Data corresponds to the average of reporting communities per country. Table created using question T2-V73.

Finally, participating communities that reported not to have full opportunity to take legal action were asked to specify the restrictions encountered. Respondents were able to select from a list of seven possible causes, namely: non-recognition of their rights in the national legal framework; low awareness in the community/people about rights and legal opportunities; lack of necessary financial resources; limited access to legal aid; language barriers; distance to judicial institutions; or others.

Table 10 shows the distribution of answers to these questions. All causes received a high rate of response, which means that indigenous peoples face multiple restrictions in access to justice. According to respondents, the most recurrent obstacle to taking legal action is lack of financial resources, which was reported by 84 per cent of communities. Following that, around 75 per cent indicated low awareness of rights, limited access to legal aid and distance to judicial institutions as relevant constraints. Finally, 64 per cent of communities reported non recognition of indigenous rights as a problem, and 57 per cent mentioned language as a barrier to access to justice. Lack of legal recognition was highlighted as an important problem by a respondent in Africa, and in Latin America a community whose territory is located between two municipalities reported to have problems having their legal personality recognized.

16 per cent of respondent indicated to face other types of restrictions. Respondents from communities in two countries in Asia reported discrimination as a reason for not taking legal action, as in their perception indigenous peoples are often treated as suspects by courts. Another factor that refrains indigenous peoples from taking legal action, according to a respondent from Latin America, is a lack of belief in the judicial systems. Due to all the other restrictions for taking legal action, their community prefers to “bring a solution to problems” themselves. A respondent from Asia also indicated that due to the restrictions faced, communities prefer to search the indigenous justice system. In this specific community, the majority of elected village officials are indigenous themselves. The respondent indicated that, thus, “it is but natural that they will handle conflicts according to their justice system unless the parties prefer to bring them to the court system.”

According to Indigenous Navigator respondents, the lack of access to justice translates into rising injustice, land grabbing and poverty. A respondent from Asia highlighted that lack of accountability leads to indigenous rights activists facing life threats and unfair arrests by the police.

**Table 10:** Restrictions to taking legal action

Country	Non recognition of your rights	Low awareness in your community about rights	Lack of financial resources	Limited access to legal aid	Language barriers	Distance to judicial institutions	Others
Bangladesh	88	96	92	92	84	92	4
Bolivia	8	46	54	31	15	31	46
Cambodia	64	73	100	91	55	100	18
Colombia	50	25	25	25	0	0	25
Kenya	33	83	100	83	67	100	0
Nepal	70	100	100	80	70	90	0
Peru	57	57	71	86	29	29	29
Philippines	0	50	50	50	50	50	50
Suriname	92	83	92	67	92	75	17
Tanzania	100	40	100	100	0	100	0
<b>TOTAL</b>	<b>64</b>	<b>75</b>	<b>84</b>	<b>75</b>	<b>57</b>	<b>74</b>	<b>16</b>

Notes: Data corresponds to the average of reporting communities per country. Countries where no community reported information regarding restrictions to taking legal action are not included. Table created using question T2-V74.





Women during a meeting between Baka communities around Djoum with Okani and Forest Peoples Programme, Cameroon.

CREDIT: FOREST PEOPLES PROGRAMME / ADRIENNE SURPRENANT

### 3. CHARTING PATHWAYS TO REALIZE SDG 16 WITH INDIGENOUS PEOPLES

Indigenous Navigator data has shown that indigenous peoples in general, and indigenous women and girls in particular, face intersecting forms of discrimination shaping marginalization and exclusion experienced by them. Indigenous peoples are exposed to severe human rights violations, such as child labour, forced labour and human trafficking. Moreover, indigenous women and girls continue to be disproportionately affected by gender-based violence and discrimination, further hampering their access to education, healthcare, decent work, as well as their participation in public life. Indigenous Navigator data has also revealed that indigenous peoples encounter important barriers in access to justice, are underrepresented in parliaments and local governments, and an overall enormous gap remains in States' compliance with their obligations to consult with indigenous peoples regarding measures that may affect them with a view to achieving their free, prior and informed consent.



## **BOX 2: Implementing Goal 16 for and with indigenous peoples: drawing on recommendations of UN human rights monitoring mechanisms and ILO supervisory bodies**

Targeted action to address the challenges experienced by indigenous peoples is needed if Goal 16 is to be achieved. Such action must be informed by States' human rights obligations and commitments. According to the DIHR's SDG data explorer a total of 1,377 recommendations of UN human rights monitoring bodies were made in relation to Goal 16 ([DIHR, SDG – Human Rights Data Explorer n.d.](#)). This is the highest number of recommendations pertaining to one SDG target concerning indigenous peoples. The implementation of these recommendations will certainly advance Goal 16 for and with indigenous peoples.

Many of Goal 16-related recommendations concern indigenous peoples' participation in decision-making and indigenous human rights defenders. For instance, the Committee on Economic Social and Cultural Rights (CESCR) has urged Colombia to ensure that legislation being drafted on prior consultations was in line with Convention No. 169 and UNDRIP ([CESCR 2017](#), para. 18). Additionally, CESCR has recommended the Philippines to "ensure that the free, prior and informed consent of the indigenous peoples concerned is obtained before granting licenses to private companies", as provided in the country's Indigenous Peoples Rights Acts, 1997. (CESCR 2016, para. 14). Another UN human rights mechanism, the Human Rights Committee, recommended the United Republic of Tanzania to "set up an effective statutory consultation mechanism with organizations working on the rights of indigenous peoples to help avoid further conflicts" ([HRC 2011](#), para. 86.52). Furthermore, a recommendation addressed to Peru in the context of the UN Human Rights Council's Universal Periodic Review called for intensified "efforts to protect environmental, indigenous and land rights defenders, in line with the Declaration on Human Rights Defenders, especially regarding the use of force and firearms at public assemblies and protests" ([HRC 2017](#), para. 111.69). The ILO supervisory bodies' comments addressed to countries that have ratified Convention No. 169 equally provide concrete guidance on measures to be taken to ensure that legal and institutional frameworks are in place for ensuring consultation and participation of indigenous peoples ([ILO 2019b](#)).

In order to attain truly lasting peace and justice, specific efforts are needed to bring about legal recognition of indigenous peoples and their collective rights in national legislation, including particularly their rights to land and natural resources and to participation in decision-making ([UN 2020b](#)). It is crucial to put in place policies that effectively address all forms of violence, including against indigenous children, ensure indigenous peoples' equal access to justice, promote and enforce non-discriminatory laws and policies, and provide legal identity to all.

As recognized by Article 5 of UNDRIP, indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. This calls for a two-pronged strategy:

Firstly, indigenous peoples' efforts to strengthen their own institutions should be supported. These institutions are essential for self-governance, conflict resolution and administration of justice. Strong representative institutions of indigenous peoples are also important for engaging in partnerships and to participate in decision making on matters affecting their communities.

Secondly, urgent attention needs to be paid to building more inclusive political and administrative state institutions in which indigenous peoples participate on an equal footing at all levels. Appropriate state institutions are needed to ensure coordinated and systematic action across government to ensure respect of indigenous peoples' rights including through consultation, cooperation and participation.

The implementation of UNDRIP and ILO Convention No. 169 can help charting the path to attain the specific objectives of SDG 16, contributing to the achievement of peace, justice and strong institutions. Combining a focus on civil and political as well as economic, social and cultural rights, they provide guidance for building an inclusive society based on the principles of democracy, social dialogue and the rule of law and are important frameworks for sound public administration. Building and strengthening state institutions involves defining roles and competences, creating coordination mechanisms and allocating the necessary resources for their functioning (ILO 2019a). Mechanisms and procedures for consultations with indigenous peoples need clear rules and methodologies that clarify the different actors involved in the process, as well as its stages, timelines and a system to follow-up on the agreements reached. These are indispensable for guaranteeing positive and sustainable outcomes. An active involvement of indigenous peoples in programmes and policies that affect them not only ensures the legitimacy and effectiveness of these initiatives, but also helps to enhance ownership among targeted groups (ILO 2019a). UNDRIP's and ILO Convention No. 169's principles, if duly implemented, have a high potential for promoting dialogue, understanding and cooperation, thus contributing to building peaceful and inclusive societies. ILO Convention No. 169 has demonstrated to play a critical role in reaching peace agreements in cases where indigenous peoples' unaddressed grievances and concerns were among the root causes of conflict (Cabrera-Ormaza, Oelz 2018).

Considering indigenous peoples' realities as described in this report, this report calls on States to take the necessary measures to implement the recommendations of UN human rights and ILO supervisory bodies relating to indigenous peoples in order to advance Goal 16 and other related Goals, to ensure indigenous peoples are not left behind. In addition, the following recommendations are presented for consideration by policy and decision-makers, as well as development actors:

1. Accelerate the legal recognition of indigenous peoples' and their collective rights in national laws and policies, and step up the protection of indigenous peoples, including indigenous human rights defenders, from violence.
2. Ensure respect and support for indigenous peoples' institutions and economies, while guaranteeing indigenous peoples' right to participate fully, if they so choose, in the political life of the State. Measures should be taken to ensure access of indigenous women and men to civil service positions.
3. Ensure that indigenous women and men can obtain legal identity and official documentation to exercise their political rights, have access to political spheres and leverage their leadership by designing policy interventions to boost their skills and abilities to participate in decision-making processes that affect them.
4. Develop dedicated interventions and programmes to support indigenous women's efforts and initiatives to build peace and justice including through active participation in decision-making and their leadership in the political, social, economic and cultural spheres.
5. Put in place coordinated policies and institutions to tackle gender-based violence that are responsive to indigenous women's rights and needs, drawing on the ILO Violence and Harassment Convention, 2019 (No. 190).
6. Challenge and end discriminatory attitudes and stereotyping as well as harassment and violence based on ethnicity, indigenous identity and gender. In this regard, promote capacity-building activities for, and dialogue with, relevant government agencies and institutions, with the objective of dismantling discriminatory beliefs and raising awareness of the situation of indigenous women.



7. Establish or strengthen state institutions responsible for indigenous issues and mechanism and procedures for indigenous peoples' participation and consultation, including participation in the formulation of national and regional development plans.
8. Promote dialogue on the ratification and effective implementation of Convention No. 169 in regions where it is not yet widely ratified, as it can play an important role in advancing recognition of indigenous peoples and effective protection and realization of their rights, including their economic and social rights, and their meaningful and effective participation in decision-making.
9. Ensure effective mechanisms for access to justice by indigenous peoples relating to the violations of their individual and collective rights; and State's recognition of indigenous peoples traditional justice systems.



Indigenous Women gather in Peru to discuss the SDGs.  
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## ANNEX 1

### Interview details

Interview number	Interview partner	Region	Language	Interview details
Interview 1	Team leader, Coordinator of the Indigenous Navigator project	Africa	English	Videoconference 5 August 2020 Duration: 01:03:03
Interview 2	President; Project Coordinator; Communications Officer	Latin America	Spanish	Videoconference 5 August 2020 Duration: 01:48:01
Interview 3	Executive Director	Asia	English	Videoconference 6 August 2020 Duration: 01:08:08
Interview 4	Lawyer	Africa	French	Videoconference 7 August 2020 Duration: 01:16:00
Interview 5	Two Lawyers	Asia	English	Videoconference 7 August 2020 Duration: 00:55:22
Interview 6	Project Coordinator	Latin America	Spanish	Videoconference 7 August 2020 Duration: 01:05:25
Interview 7	Executive Director	Africa	English	Videoconference 11 August 2020 Duration: 01:36:59
Interview 8	Project Coordinator	Latin America	English	Videoconference 11 August 2020 Duration: 01:31:58
Interview 9	Coordinator of the Indigenous Navigator project	Latin America	Spanish	Videoconference 19 August 2020 Duration: 52:16
Interview 10	Project Manager and Project Team Leader	Asia	English	Videoconference 28 August 2020 Duration: 01:52:33
Interview 11	Executive Director	Asia	English	Videoconference 31 August 2020 Duration: 01:42:13

## ANNEX II

### Questions from the community questionnaire used in the data analysis:

- **Table 1** (T2-V9-1): What is the coverage of your assessment?
- **Table 3** (T2-V4-1): Which methods were used for data collection (tick as many boxes as relevant)?
- **Figure 2** (T2-V14 and T2-V15): Approximately, how many women have personally felt discriminated against or harassed within the last 12 months on the basis of one or more of the following grounds of discrimination / Approximately, how many men have personally felt discriminated against or harassed within the last 12 months on the basis of one or more of the following grounds of discrimination
- **Table 4** (T2-V61): Since 2008, have any community members - while defending the rights of the community - been victims of any of the following atrocities: killing / death threats / kidnapping / enforced disappearance / arbitrary arrest / torture
- **Figure 5** (T2-V67-1-r1): Approximately, how many women and girls (aged 15 and older) have experienced the following incidents of violence in the last 12 months: Physical or Sexual Violence by an intimate partner?
- **Figure 6** (T2-V27-r5): To what extent do your customary law institutions/authorities handle the following situations: domestic violence?
- **Table 7** (T2-V129 and T2-V130): Since 2008, have any men or women of your people/ community been victims of forced labour? / Since 2008, have any men or women from your people/community been victims of trafficking?
- **Figure 3** (T2-V69): Approximately, how many adult men and women of your people/ community have recognised citizenship?
- **Figure 4** (T2-V70): Approximately, how many adult men and women of your people/ community have the possibility to vote in elections for national and local government?
- **Figure 8** (T2-V71): Are there any men or women from your people/community who have seats in national parliament and/or elected office in local government bodies?
- **Figure 5** (T2-V72): Is your people/community recognised as a legal entity (juridical personality) that can hold rights, defend and litigate rights and seek remedies for violations?
- **Table 9** (T2-V73): Has your people/community been able to take legal action to litigate rights and seek remedies for violations?
- **Table 10** (T2-V74): If your community/people does not have full opportunity to take legal action, which are the restrictions that you encounter (tick as many boxes as relevant):
  - Non-recognition of your rights in the national legal framework – tick this box if there are legal barriers to justice for you as an indigenous people/community (maybe national law does not recognize indigenous identity, maybe your collective rights to land, traditional occupations, culture, spiritual practice, etc. are not recognized – or maybe there are other legal barriers?)
  - Low awareness in your community/people about rights and legal opportunities – tick this box if you think an important reason why your community/people does not take legal action is a lack of awareness of rights
  - Lack of necessary financial resources – tick this box if a key constraint to taking legal action is financial constraints (e.g. cost of lawyers, travelling, pressure to pay bribes, etc.)
  - Limited access to legal aid – tick this box if your community has given up on taking legal action because of limited legal insights, and lack of access to legal aid
  - Language barriers – are you giving up on taking legal actions because the authorities you would have to deal with speak a language you are not fluent in?
  - Distance to judicial institutions – is distance, or travelling complications, making it too difficult to take legal action?
  - Others – please specify in the box below if you experience other barriers than the ones mentioned here.

- **Section E:**
  - (T-2V29): Do local or central government institutions ensure that adequate consultations are undertaken with your community/ties before approval of projects or other measures that may affect you?
  - (T-2V30): Do local or central government institutions obtain the free, prior and informed consent of your community/ties before they approve projects or other measures that affect you?
  - (T-2V31): Do local or central government institutions ensure that your institutions/ authorities participate in impact assessments of projects that may affect your lands, territories or resources? mentioned here.enrol in tertiary (higher) education?



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