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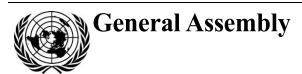
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**Promotion and protection of human rights: human rights
questions, including alternative approaches for improving the
effective enjoyment of human rights and fundamental freedoms**

Rights of indigenous peoples

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the
report of the Special Rapporteur on the rights of indigenous peoples, José Francisco
Calí Tzay, in accordance with Human Rights Council resolution 42/20.

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* A/76/50.

Report of the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay

Summary

In the present report, the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, focuses on the enjoyment of human rights by indigenous peoples living in urban areas. He discusses the challenges and opportunities of urbanization with regard to its impact on human rights and provides recommendations on measures necessary to guarantee the full enjoyment of human rights by indigenous peoples living in urban areas, with a view to ensuring the effective and universal implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Contents

I. Introduction

1. The present report is submitted by the Special Rapporteur on the rights of indigenous peoples, José Francisco Calí Tzay, pursuant to Human Rights Council resolution 42/20. He considers herein the situation of indigenous peoples living in urban areas, the specific causes and consequences of urbanization and the initiatives undertaken by indigenous peoples and States to ensure that the rights and specific needs of indigenous peoples are addressed. He concludes by recommending greater accountability for State and non-State actors in order to remove existing obstacles and urges States to adopt positive measures, including legislation, policies and programmes, that provide collective protection mechanisms for indigenous peoples living in urban areas.

II. Activities of the Special Rapporteur

2. The Special Rapporteur remained unable to conclude the official visits to Denmark and Greenland started by his predecessor in 2020, given the health situation. He participated in numerous webinars and virtual events on the rights of indigenous peoples and maintained collaboration with United Nations entities and regional human rights bodies, including by serving as a panellist for a seminar by the Expert Mechanism on the Rights of Indigenous Peoples on the rights of the indigenous child. He maintained engagement with United Nations agencies and participated in webinars by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and the United Nations Population Fund (UNFPA) on the impact of the coronavirus disease (COVID-19) pandemic and how to strengthen the inclusion of indigenous peoples in recovery measures. He was a keynote speaker at events relating to racism and discrimination organized by UNESCO and the World Health Organization.

III. Indigenous peoples living in urban areas

3. A significant number of the world's indigenous peoples live in urban environments, and there is a need to tackle issues of poverty, racism, racial discrimination and marginalization and to strengthen support for those peoples. Urban migration may occur when indigenous peoples move to urban areas in search of employment and education opportunities, but so too as a result of forced evictions, land dispossession, militarization or environmental degradation and natural disasters exacerbated by climate change.

4. Indigenous peoples living in urban areas continue to experience the legacy of colonization and intergenerational trauma and face a unique set of challenges to their sense of identity, culture and connection to lands and resources. The Special Rapporteur examines herein the drivers of migration to urban areas, including the impact on indigenous peoples who occupy traditional territories that have transformed into metropolitan areas over time. He assesses the challenges and opportunities arising from the process of urbanization and highlights examples of good practices whereby indigenous peoples and States seek to address the needs of indigenous peoples living in urban areas and guarantee their effective enjoyment of their individual and collective rights, as provided for in international human rights law, in particular the United Nations Declaration on the Rights of Indigenous Peoples.

5. In the preparation of the present report, a virtual consultation was held, for which more than 300 participants registered, and a call for input gathered 72 written submissions. The Special Rapporteur also draws on the observations of previous

mandate holders in the context of country visits and communications with regard to alleged human rights violations.

6.   Concern over the situation of indigenous peoples living in urban areas has been raised by other United Nations bodies, human rights mechanisms and specialized agencies of the United Nations system. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, issued a report on the situation of indigenous peoples in 2019, the Permanent Forum on Indigenous Issues addressed the implementation of the United Nations Declaration on the Rights of Indigenous Peoples in a report on migration and urbanization of indigenous peoples in 2021 and the Expert Mechanism on the Rights of Indigenous Peoples prepared a thematic study on indigenous peoples' rights in the context of borders, migration and displacement in 2019. The United Nations Human Settlements Programme (UN-Habitat) has also issued policy guidance reports on indigenous peoples in urban areas.[1]

A.   Legal framework

7.   The human rights situation of indigenous peoples living in urban areas must be understood and addressed within the international legal framework provided by the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of ILO and international and regional human rights instruments. Those international legal sources recognize indigenous peoples' rights to their traditional lands, territories, natural resources, self-government, self-determination and way of life, which form the basis of their collective identity and their physical, economic and cultural survival. Understanding the nature of those internationally recognized rights is necessary to provide access to essential services and other human rights guarantees for indigenous peoples living in urban areas.

8.   Indigenous peoples living in urban areas are entitled to internationally recognized human rights, including the individual and collective rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. In particular, articles 3, 4 and 18 recognize the rights to self-determination, autonomy and self-government, to participate in decision-making processes and to consultation and free, prior and informed consent (art. 19, in particular). The Declaration also recognizes economic, social and cultural rights, in particular in articles 14, 15, 17, 20, 21, 23 and 24, and the right to land and territories, in articles 25 to 28 and 32. Of particular importance in the process of urbanization are the right to self-identification (arts. 9 and 33) and the right to exercise and preserve culture and spirituality (arts. 12, 31 and 34).

9.   With regard to the right to education, paragraph 3 of article 14 is of particular relevance for indigenous peoples living in urban areas. It stipulates that "States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and

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[1] See the update on the promotion and application of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2021/6); the thematic study on indigenous peoples' rights (A/74/183); and the study on indigenous peoples' rights in the context of borders, migration and displacement (A/HRC/EMRIP/2019/2/Rev.1). UN-Habitat has considered the issue in a series of reports: *Securing Land Rights for Indigenous Peoples in Cities: Policy Guide to Secure Land Rights for Indigenous Peoples in Cities* (Nairobi, 2011); *Urban Indigenous Peoples and Migration: A Review of Policies, Programmes and Practices* (Nairobi, 2010); and *Housing Indigenous Peoples in Cities: Urban Policy Guides for Indigenous Peoples* (Nairobi, 2009). The International Organization for Migration has published *Indigenous Routes: A Framework for Understanding Indigenous Migration* (Geneva, 2008).

provided in their own language". It follows therefrom that indigenous peoples living outside their communities also have the right to have access to an education in their own culture and language, whenever possible.[2] Furthermore, the Convention on the Rights of the Child, to which nearly every State is a party, sets out in article 30 that a child who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language.

10. In that regard, the International Covenant on Economic, Social and Cultural Rights is also of importance, in particular in terms of the right to an adequate standard of living (art. 11), the right to enjoyment of the highest attainable standard of physical and mental health (art. 12) and the right to education (art. 13). Article 11 also recognizes the right to adequate housing and protection against forced eviction, as established in general comment No. 7 (1997) on forced evictions of the Committee on Economic, Social and Cultural Rights. The Covenant also recognizes the right to take part in cultural life (art. 15, para. 1 (a)). The Committee highlights the importance of such a right for indigenous peoples as follows:

> The decision by a person whether or not to exercise the right to take part in cultural life individually, or in association with others, is a cultural choice and, as such, should be recognized, respected and protected on the basis of equality. This is especially important for all indigenous peoples, who have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law, as well as the United Nations Declaration on the Rights of Indigenous Peoples.[3]

B. Factors driving urbanization

11. In many parts of the world, indigenous peoples remain on their ancestral territories in rural areas. Nonetheless, globalization is accelerating their migration to urban centres. In some countries, the majority of indigenous peoples reside in cities.[4] While precise data are lacking, estimates by ILO suggest that approximately 69 per cent of North American indigenous peoples live in urban areas, 17.9 per cent of African indigenous peoples, 27.2 per cent of Asian and Pacific indigenous peoples, 33.6 per cent of indigenous peoples in Europe and Central Asia and 52.2 per cent of indigenous peoples from Latin America and the Caribbean. Globally, therefore, estimates suggest that over one quarter of the world's indigenous population lives in urban areas.[5]

12. Indigenous peoples may also find themselves residing in their traditional territories that have transformed into metropolitan areas over time, resulting in their urbanization and dispossession and loss of their ancestral lands. For example, the city of Santa Cruz, Plurinational State of Bolivia, was inhabited by the Chané, Guarani

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[2] A/HRC/12/33, para. 33.

[3] General comment No. 21 (2009) on the right of everyone to take part in cultural life, para. 7.

[4] For example, Argentina, Australia, Chile, New Zealand, Norway, Panama, the United States of America, and Venezuela (Bolivarian Republic of). See A/HRC/4/32, para. 65; Economic Commission for Latin America and the Caribbean (ECLAC), *Guaranteeing Indigenous People's Rights in Latin America: Progress in the Past Decade and Remaining Challenges – Summary* (Santiago, 2013), p. 56; A/HRC/EMRIP/2019/2/Rev.1, para. 13; A/74/183; and intervention by the National Association of Friendship Centres (virtual consultation).

[5] ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169: Towards an Inclusive, Sustainable and Just Future* (Geneva, 2020), p. 58.

and Yuracaré peoples before it was colonized and urbanized.[6] Urban expansion has also engulfed indigenous traditional lands in, for example, Australia, Colombia, the Democratic Republic of the Congo, Ethiopia, Ghana, Indonesia, Kenya, Liberia, Malaysia, Nigeria, Peru and Senegal.[7] This often leads to forced removal and relocation.

13. Migration to urban areas occurs, often as a result of poverty, when indigenous peoples relocate in search of educational, employment and economic opportunities, family reunification and access to health care and social services.[8] Extractive activities and development projects are leading push factors driving indigenous peoples to urbanization. Natural and environmental disasters, political instability, militarization and armed conflict are additional key causes.

14. Indigenous peoples' land rights are threatened when States and third parties, in some cases with the participation of regional and international financial institutions, engage in resource extraction on their territories.[9] The lack of land titles and the criminalization of indigenous peoples engaged in peaceful protests to protect their lands have exacerbated the encroachment on indigenous traditional lands and territories.

15. Indigenous peoples have often been compelled to move to poor urban areas where they are unable to sustain themselves and determine their own development.[10] In Israel, the Government has reportedly created urban towns and relocated Bedouin, who are unable to sustain their traditional livelihoods in such areas.[11] In Latin America, indigenous rural-urban migration is reportedly mostly caused by non-consensual development of projects, leading to forced evictions.[12]

16. In Asia, indigenous peoples' land rights are being threatened and undermined by intensified pressure from State policies that favour the private sector and the escalation of large-scale projects for extractive industries, hydropower dams, agribusiness and tourism. Climate-induced displacement further aggravates the situation as indigenous peoples, especially young people, are forced to migrate to urban areas owing to shortages of resources and food.[13] In India, the Sardar Sarovar Dam on the Narmada River has allegedly resulted in the displacement of 200,000 people, more than half of whom were Adivasi.[14] In Nepal, Newars face forced evictions and displacement owing to the construction of the Kathmandu-Terai/ Madhesh FastTrack Expressway and in relation to the construction of the Chhaya Center business complex in the Thamel district of Kathmandu.[15] In Bangladesh and Indonesia, the development of tourism infrastructure has led to evictions and involuntary resettlement of indigenous peoples.[16] Worldwide, the COVID-19 pandemic

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[6] Joint submission by Jóvenes Indígenas y Afrobolivianos de Santa Cruz, Nación Indígena Originario Qhara Qhara and Mancomunidad de Comunidades Indígenas de los Ríos Beni, Tuichi y Quiquibey.

[7] E/C.19/2021/6, para. 15.

[8] UN-Habitat, *Housing Indigenous Peoples in Cities*.

[9] Ibid., p. 20.

[10] A/74/183 and communication addressed to Kenya, available at https://spcommreports.ohchr.org/ TMResultsBase/DownLoadPublicCommunicationFile?gId=25492.

[11] Communication addressed to Israel, available at https://spcommreports.ohchr.org/TMResultsBase/ DownLoadPublicCommunicationFile?gId=25601.

[12] Submission by the International Mayan League on the human rights situation of indigenous peoples living in urban areas, focusing on the Washington, D.C., metropolitan region (17 March 2021).

[13] A/HRC/45/34/Add.3.

[14] Ibid. and communication addressed to India, available at https://spcommreports.ohchr.org/ TMResultsBase/DownLoadPublicCommunicationFile?gId=23305.

[15] Communication addressed to Nepal, available at https://spcommreports.ohchr.org/TMResultsBase/ DownLoadPublicCommunicationFile?gId=26282.

[16] Communications addressed to India and Bangladesh, available at https://spcommreports.ohchr.org /TMResultsBase/DownLoadPublicCommunicationFile?gId=25810.

has been a catalyst for States to promote mega projects without adequate consultation with indigenous communities.[17]

17. Globally, the adverse effects of climate change, including wildfires, deforestation, drought, rising sea levels, degradation of coral reefs and other natural disasters, are exacerbating the migration and urbanization of indigenous peoples.[18] According to UN-Habitat, indigenous peoples who are forced to migrate as a result of climate change often end up in precarious housing in the poorest urban areas, which are prone to natural disasters and environmental pollution.[19]

18. In sub-Saharan Africa, drought causes the migration of nomadic indigenous peoples. Droughts induced by climate change are forcing Tuareg herders to abandon traditional pastoralism practices and move to cities.[20]

19. In some cases, climate change initiatives can lead to forced eviction of indigenous peoples, directly threatening traditional livelihoods, crops and livestock, housing, access to lands and resources, employment and basic services.[21] In Asia, the establishment of national parks and protected areas has caused forced relocation, the destruction of livelihoods and the arrest of many indigenous villagers living in those areas, forcing them to abandon their traditional subsistence activities.[22]

C. Challenges and obstacles

20. Urbanization provides opportunities, but may also entail poverty, racism, stigmatization, discrimination and marginalization. Reports show that indigenous peoples often live in marginalized urban areas in which their rights and cultural needs are not effectively addressed by public policies or urban planning.[23] Indigenous peoples who voluntarily relocate, or are forcibly relocated, to urban areas encounter barriers to access to adequate health care, safe drinking water and sanitation, culturally appropriate education, employment opportunities and adequate housing.

1. Employment

21. Data strongly suggest that indigenous peoples who leave their traditional territories experience persistent social and economic inequalities stemming from unemployment,[24] underemployment[25] and lower wages[26] and that they are

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[17] A/75/185.

[18] A/HRC/36/46; A/HRC/45/34/Add.3; and Douglas Nakashima, Igor Krupnik and Jennifer T. Rubis, eds., *Indigenous Knowledge for Climate Change Assessment and Adaptation* (Cambridge, United Kingdom of Great Britain and Northern Ireland, Cambridge University Press, 2018), p. 67.

[19] UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, pp. 21, 23 and 24; and Carolyn Stephens, "The indigenous experience of urbanization", in *State of the World's Minorities and Indigenous Peoples 2015: Events of 2014* (London, Minority Rights Group International, 2015), p. 57.

[20] E/C.19/2021/6, para. 14.

[21] UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, p. 21, and E/C.19/2021/6.

[22] A/HRC/45/34/Add.3.

[23] E/C.19/2021/6, paras. 9–10.

[24] Submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand, p. 4.

[25] A/HRC/36/46/Add.2. According to the Organisation for Economic Co-operation and Development (OECD), in Australia, Aboriginal peoples, who make up 3.3 per cent of the total population, are less likely to be employed in a professional setting. OECD, *Indigenous Employment and Skills Strategies in Australia* (Paris, OECD, 2019).

[26] ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169*, pp. 15 and 18; and submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand.

overrepresented among the working poor.[27] According to ILO, indigenous peoples represent only 27.9 per cent of global wage and salaried workers, compared with 49.1 per cent of their non-indigenous counterparts, and when they are engaged in wage and salaried work they tend to earn less.[28] ILO also estimates that indigenous peoples are 20 per cent more likely to be in the informal economy than the non-indigenous population. Indigenous women are especially vulnerable to exploitation as underpaid domestic workers,[29] in some cases receiving less than half of the legal minimum wage.[30] Barriers to employment and wealth generation can also stem from a lack of access to health and disability services.[31]

2. Housing

22. The income disparities and economic marginalization experienced by indigenous peoples are often due to land dispossession and forced evictions, which, in turn, result in housing insecurity. Indigenous peoples who migrate to urban areas disproportionately live in substandard housing that is neither traditional nor culturally adequate. Reports indicate that a significant segment of the urban indigenous population lives in marginalized areas and informal settlements with limited access to basic services such as sanitation, drinking water and public transportation.[32] Many indigenous households do not own their urban homes[33] and are vulnerable to forced evictions with no enforceable rights to due process, which leads to homelessness and extreme poverty.[34]

23. In Latin America, 36 per cent of indigenous peoples in urban areas are reported to live in poor neighbourhoods. They tend to live in extreme poverty and unsafe and unhealthy conditions, with limited access to water and sanitation, in addition to being vulnerable to natural disasters.[35]

24. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context, reported that, in Canada, 25 per cent of reserves had substandard water/sewage systems and more than 10,000 on-reserve homes were without indoor plumbing. In that context, that mandate holder also reported that there were 75 per cent of Canadian reserves with contaminated water and referred to the case of the Attawapiskat community, which declared "a state of emergency because of toxic chemical levels in the water".[36]

25. That mandate holder has documented examples of indigenous peoples living in inadequate housing in urban areas. In Indonesia, the *kampung* (village) is a densely populated indigenous urban settlement mostly inhabited by low-income populations.

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[27] ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169*, p. 20; submission by the Thompson School of Social Work and Public Health, University of Hawaii at Manoa (March 2021); and Minerva C. Rivas Velarde, *Indigenous Persons with Disabilities: Access to Training and Employment* (Geneva, ILO, 2015), p. 28.

[28] ILO, *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169*.

[29] E/C.19/2021/6, paras. 12 and 21.

[30] A/HRC/30/41.

[31] Rivas Velarde, *Indigenous Persons with Disabilities*, p. 28.

[32] A/74/183; E/C.19/2021/6; A/HRC/EMRIP/2019/2/Rev.1; and information provided by the Office of the United Nations High Commissioner for Refugees in Brazil and the Consejo Nacional para la Igualdad de Pueblos y Nacionalidades (virtual consultations).

[33] UN-Habitat, *Housing Indigenous Peoples Living in Cities*, p. 25; submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand, p. 10; and E/C.19/2021/6, para. 9.

[34] A/74/183, paras. 25–26 and 37; E/C.19/2021/6, para. 20; and Inter-American Commission on Human Rights, *Situation of Human Rights of the Indigenous and Tribal Peoples of the Pan-Amazon Region* (OAS/Ser.L./V/II, 2019).

[35] ECLAC, *Guaranteeing Indigenous People's Rights in Latin America*; and A/74/183, paras. 11–13.

[36] A/74/183, paras. 11–13 and 15.

It is "characterized by poor quality housing, lack of secure tenure, and lack of access to water, sanitation, drainage, and flood-control facilities, as well as by ambiguously defined legal status … With limited Government service provision, residents often access basic services through self-produced connections or unregulated intermediary service providers, to whom they typically pay higher fees for lower quality services".[37]

26. Urbanization often involves extreme financial strain on indigenous peoples owing to the prohibitive cost of owning or renting and to the limited availability of social housing.[38] In some cases, the expansion of urban borders has caused an increase in the price of land, and indigenous communities in or near cities have come to individualize and sell their communal lands, generating displacement of families and the transformation of their communal life.[39] The degree of home ownership among indigenous peoples is significantly lower in cities than in rural areas. During an official country visit to Australia in 2017, the then mandate holder observed urban housing areas in person and noted that the high rates of homelessness, overcrowding and poor housing had a high impact on Aboriginal and Torres Strait Islander health indicators and fuelled the disproportionately high rates of children entering the child protection and youth detention systems.[40]

27. Widespread discrimination against indigenous peoples in urban areas is a major and systematic barrier to adequate housing.[41] There are documented practices of discrimination in housing and in relation to forced evictions of urban indigenous peoples. For example, "in the United States, according to a recent study conducted in New Mexico, Minnesota and Montana, Native Americans were subjected to adverse treatment 28 per cent of the time when they tried to rent a home in competition with a similarly qualified, non-indigenous white individual".[42] The Special Rapporteur on adequate housing has reported that States and local authorities often deny housing and maintain and engage in discriminatory laws and practices.[43]

28. Indigenous women living in cities have one of the most precarious levels of housing security and land tenure, as those systems can have a discriminatory impact on women. Cultural traditions often compel them to depend on men for land and housing security, notably as property rights vested in men deny women legal protection. Moreover, individual land titling systems are difficult for indigenous women from a low socioeconomic background to gain access to.[44]

29. Furthermore, the lack of adequate housing serves as a nexus of continuing violence against indigenous women and children. When indigenous women leave an abusive partner, they often leave their community, which increases their vulnerability to violence. In such situations, the housing available to them is inadequate, while economic marginalization and criminalization increase dramatically. Moreover, indigenous women and children migrating to urban areas are at greater risk of falling victim to trafficking. A lack of adequate housing exacerbates the likelihood of victimization.[45]

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[37] A/HRC/25/54/Add.1, para. 17.
[38] UN-Habitat, *Housing Indigenous Peoples Living in Cities*, p. 22.
[39] Joint submission by Jóvenes Indígenas y Afrobolivianos de Santa Cruz, Nación Indígena Originario Qhara Qhara and Mancomunidad de Comunidades Indígenas de los Ríos Beni, Tuichi y Quiquibey.
[40] A/HRC/36/46/Add.2.
[41] UN-Habitat, *Housing Indigenous Peoples Living in Cities*.
[42] A/74/183, para. 20.
[43] Ibid., para. 18.
[44] UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*.
[45] Ibid.

30.   Gentrification is an additional factor driving the displacement of urban indigenous populations.[46] Forced eviction is commonly used in urban development and expansion schemes to contain rapid and unplanned growth. Such processes often result in the displacement of communities living in informal settlements, including indigenous peoples who often lack security of tenure and are at greater risk of forced eviction.

31.   Indigenous peoples living in urban areas are disproportionately represented among the homeless populations living in emergency shelters, on the street or in homeless encampments, where they are at risk of premature death and health problems.[47] According to UN-Habitat, in Toronto, Canada, indigenous peoples make up 2 per cent of the total population but 25 per cent of the homeless population.[48] Care should be taken to not define homelessness for indigenous peoples simply as houseless. The concept of homelessness needs to encompass the entirety of the indigenous experience with homelessness, which also includes isolation from family, community, land, water, culture, language and identity.[49]

32.   According to UN-Habitat, indigenous peoples are to enjoy adequate housing, free from discrimination and housing construction, and urban policies must appropriately enable the expression of cultural identity and dynamics and diversity of housing.[50]

3.   Education

33.   In most regions, illiteracy among indigenous peoples is high.[51] Educational opportunities are a factor in the urbanization of indigenous peoples. However, indigenous peoples in cities reportedly face challenges in registering their children for education and major disparities in the completion of primary education. Consequently, they are less likely to obtain a degree, diploma, certificate or vocational training than their non-indigenous counterparts.[52] That educational gap is due to several factors, including the lack of mother tongue-based multilingual education, culturally inappropriate curricula, deficient quality of education, poor infrastructure, insufficient staffing, remote school locations and inadequate public transportation.

34.   In numerous countries, indigenous peoples have suffered structural discrimination in education, including residential and boarding school policies based on forced removal. The loss of culture, language and identity has aggravated their displacement from lands, territories and natural resources. The traumatic history of assimilation, discrimination and violence in many parts of the world is one key reason for the indigenous educational gap today.

35.   Structural barriers may further limit access to education for indigenous women and girls, who are more likely to drop out of school because of pregnancy or the need to care for family members or help with household and child-rearing responsibilities.[53]

36.   Indigenous peoples must be consulted when educational programmes and services are designed and delivered. The right to education is significantly interconnected with all other human rights of indigenous peoples, including land rights and the rights to culture, language and traditional knowledge. In the Congo, for

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[46] Ibid.

[47] A/74/183, para. 27.

[48] UN-Habitat, *Securing Land Rights for Indigenous Peoples in Cities*, p. 2.

[49] A/74/183, para. 25.

[50] UN-Habitat, *Housing Indigenous Peoples Living in Cities*.

[51] A/HRC/45/34/Add.1, para. 49.

[52] ILO, *Indigenous Peoples in a Changing World of Work: Exploring Indigenous Peoples' Economic and Social Rights through the Indigenous Navigator* (International Work Group for Indigenous Affairs and ILO, May 2021); and A/72/496.

[53] A/HRC/21/47/Add.2, para. 66; and UN-Habitat, *Urban Indigenous Peoples and Migration*, p. 40.

example, "culturally appropriate educational programmes are needed to encourage indigenous youth to pursue higher education and become leaders able to represent their own communities and defend the rights of their peoples".[54]

4. Health

37. Worldwide, indigenous peoples experience disproportionately poor health outcomes,[55] reduced life expectancy[56] and higher levels of diabetes, tuberculosis[57] and suicide,[58] which tend to worsen in urban contexts. Poverty, marginalization and lack of access to affordable nutritional foods can lead to alarming levels of obesity and diabetes.

38. The inability to grow traditional foods and associated changes in diet and the loss of traditional medicines have had a negative impact on the health of indigenous peoples. Indigenous women are often the holders of unique indigenous knowledge about food production and medicine, which tends to be devalued in the urban context, including owing to discrimination based on gender and ethnicity.[59]

39. In Australia and Canada, there are fears around seeking health care, notably among indigenous women living in urban areas, because of racial discrimination in the health-care system and the lack of indigenous health-care professionals.[60] In the Congo, "the low turnout of indigenous women at the hospital could be explained by the fear they may have of being ill-received by medical staff".[61]

40. Indigenous peoples living in urban areas often experience barriers to receiving adequate health care, including mental health services, to address the effects of intergenerational and current trauma. The health care provided is frequently insufficient, not culturally appropriate and does not meet quality standards.[62] The lack of cohesion and indigenous representation to engage in advocacy for their rights in urban policy decisions further affects health services and indicators.[63]

5. Culture and identity

41. The impact of historical and current colonization and associated intergenerational trauma presents a unique set of challenges to indigenous peoples' sense of identity and maintenance of their cultural and spiritual relationship with land and resources. In many instances, indigenous peoples nevertheless preserve their collective life, customs and traditions in cities and develop new forms of cultural expression. In other terms, they retain individual and collective rights in the process of urbanization.

42. Common misconceptions exist about indigenous peoples living in urban areas being less "authentic" or not "genuinely indigenous". [64] In contrast, indigenous

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[54] A/HRC/45/34/Add.1, para. 50.

[55] A/HRC/24/41/Add.1.

[56] The gap in life expectancy between indigenous and non-indigenous people in years is 13 in Guatemala, 10 in Panama, 6 in Mexico, 20 in Nepal, 20 in Australia, 17 in Canada and 11 in New Zealand. *State of the World's Indigenous Peoples: Indigenous Peoples' Access to Health Services* (United Nations publication, 2016).

[57] See www.un.org/development/desa/indigenouspeoples/mandated-areas1/health.html.

[58] See www.who.int/news-room/fact-sheets/detail/suicide.

[59] E/C.19/2021/6, para. 21.

[60] Submission by the National Association of Friendship Centres.

[61] A/HRC/45/34/Add.1, para. 41.

[62] Submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand.

[63] National Council of Urban Indian Health (virtual consultation).

[64] UN-Habitat, *Urban Indigenous Peoples and Migration*, p. 10.

peoples in urban areas may rather perceive themselves as "an extension of the home territory".[65]

43.   The United Nations Declaration on the Rights of Indigenous Peoples asserts the right of indigenous peoples to self-determination, to determine their own development, autonomy and identity. However, urbanization challenges these rights, including when traditional authorities and systems of justice are replaced with public institutions.

44.   Urbanization often involves adverse collective impact on indigenous peoples' cultural identity.[66] Discrimination against and stigmatization of indigenous peoples in urban areas may lead them to conceal their indigenous heritage once away from their communities in order to gain access to economic opportunities in urban areas. In that context, indigenous peoples may feel unsafe speaking their language or wearing traditional clothes in public or experience difficulty carrying out religious practices.[67] For example, in the Congo, indigenous peoples "saw their desire for a better life blocked by discriminatory attitudes that prevented them from being successful at school, obtaining employment or participating in public life". As such, "this desire to integrate and find a better life may act as incentive for relinquishing their indigenous identity".[68]

45.   Indigenous peoples may also encounter difficulties in urban environments owing to loss of family and community ties.[69] Feelings of assimilation and alienation can lead to suicide, substance abuse, homelessness, crime and physical and sexual violence.[70] For example, in Brazil, there are high rates of suicide among the Guarani-Kaiowá young people, who were removed from their lands and forced to live in crowded urban reservations or by roadsides.[71] The majority of indigenous peoples in Australia, Canada and New Zealand, as well as Greenland and Sapmi, live in urban areas and have significantly higher suicide rates than the non-indigenous population.[72]

46.   In some regions, indigenous cross-border migrants settling in urban areas may be mislabelled by officials as pertaining to non-indigenous identity categories, such as Latino or Hispanic, owing to language barriers and the lack of awareness about indigenous peoples and their migratory status. That confusion contributes to the critical gap in services and resources to address mental health issues, substance abuse and the revictimization of a historically traumatized community. The misclassification of indigenous peoples by border security and immigration officials can impede the communication of asylum claims and requests for urgent medical attention, leading to life-threatening situations.[73] Moreover, the lack of identity documents can lead to increased vulnerability when migrating, including difficulties with legalizing entry, limiting access to public health and education services and restricting freedom of movement.

47.   Indigenous peoples living in urban areas experience language barriers in terms of access to justice when interpretation services are not provided during judicial proceedings and they suffer disproportionate conviction rates and overincarceration.

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[65] Ibid., and submission by the National Association of Friendship Centres.

[66] *State of the World's Indigenous Peoples* (United Nations publication, 2009), p. 52.

[67] UN-Habitat, *Urban Indigenous Peoples and Migration*, p. 40.

[68] A/HRC/45/34/Add.1, para. 31.

[69] United Nations Development Programme, *Indigenous Voices in Asia-Pacific: Identifying the Information and Communication Needs of Indigenous Peoples* (Bangkok, 2012), p. 11.

[70] Nathaniel J. Pollock and others, "Global incidence of suicide among indigenous peoples: a systematic review", *BMC Medicine*, vol. 16, No. 1 (2018), pp. 1–17; and Yin Paradies, "Colonisation, racism and indigenous health", *Journal of Population Research*, vol. 33, No. 1 (2016), pp. 83–96.

[71] E/C.19/2021/6; CRC/C/BRA/CO/2-4; and A/HRC/33/42/Add.1, para. 22.

[72] A/HRC/36/46/Add.2, para. 52; A/HRC/27/52/Add.2, para. 29; and A/HRC/18/35/Add.4, para. 61.

[73] Submission by the International Mayan League.

In many countries, indigenous peoples are imprisoned in urban areas far away from their family, community, lands and culture. In Australia, indigenous peoples constitute around 3 per cent of the total population, compared with more than 26 per cent of the correctional facility population, and the proportion of incarcerated indigenous women and children continues to increase.[74]

6. At-risk populations

48. Particular attention must be paid to the rights and special needs of at-risk populations living in urban centres, including women, children and young people, older persons, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

(a) Women

49. Indigenous women and girls who migrate to urban areas are at increased risk of trafficking in persons, forced labour, prostitution, sexual exploitation, gender-based violence and forced sterilization.[75] In some areas, up to 80 per cent of indigenous women experience violence, and murder rates may be more than 10 times the national average.[76] Indigenous women and girls often experience multiple forms of discrimination and increased risk of violence owing to their gender, age, ethnicity, sexual orientation, immigration status and other factors.[77]

50. The social determinants of health experienced by indigenous women, including in urban areas, place them at greater risk of health issues than other demographics, including disproportionately high levels of maternal and infant mortality, malnutrition, cardiovascular illnesses and infectious disease.[78]

51. The current and previous mandate holders have documented numerous cases of gang-rape, sexual enslavement and killing of indigenous women and girls around the world.[79] Data on missing and murdered indigenous women, girls and two-spirit people in urban areas are often lacking because States do not disaggregate based on ethnicity.[80] In some cases, structural racial discrimination is a barrier to gathering accurate data. Police may not take reports of indigenous missing persons seriously or treat murders as suicides or accidents, even though there was foul play. Consequently, many relatives of indigenous victims turn to social media and grass-roots

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[74] A/HRC/36/46/Add.2, para. 66.

[75] A/HRC/EMRIP/2019/2/Rev.1, paras. 73–78; submission by the International Mayan League; Samar Bosu Mullick, "Tribal domestic working women in Delhi, India", *Indigenous Affairs*, No. 3-4/02 (2002), pp. 17–18; and United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2009* (2009).

[76] Urban Indian Health Institute, "Missing and murdered indigenous women and girls" (2018). Available at www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf.

[77] Submission by the International Mayan League; intervention by Asociación Civil Kapé Kapé, Bolivarian Republic of Venezuela (virtual consultation); and submission by the Instituto para el Futuro Común Amerindio (Honduras). Indigenous women with different sexual preferences are discriminated against by the same leaders who represent lesbian, gay, bisexual, transgender and intersex groups. See submission by the Instituto para el Futuro Común Amerindio (Honduras); intervention by Asociación Civil Kapé Kapé, Bolivarian Republic of Venezuela (virtual consultation); and Inter-Parliamentary Union, *Beyond Numbers: the Participation of Indigenous Peoples in Parliament* (Geneva, 2014), p. 1.

[78] See www.un.org/development/desa/indigenouspeoples/mandated-areas1/health.html.

[79] A/HRC/30/41. See also UNICEF, UN-Women, UNFPA, ILO and the Office of the Special Representative of the Secretary-General on Violence against Children, "Breaking the silence on violence against indigenous girls, adolescents and young women: a call to action based on an overview of existing evidence from Africa, Asia-Pacific and Latin America" (May 2013).

[80] See, generally, Urban Indian Health Institute, "Missing and murdered indigenous women and girls".

organizations to investigate and carry out the groundwork. [81] In Latin America, indigenous women face obstacles to reporting sexual violence to the local authorities, police, public defenders and prosecutors owing to language barriers, a lack of economic resources, distance and judicial delays. Many end up abandoning the complaint and live in a cycle of violence that they cannot break. [82]

(b) Children

52. Indigenous children living in urban areas face barriers, including racial discrimination, when seeking access to culturally safe programmes and services. They continue to be removed from their families and communities through State child welfare systems and are at greater risk of domestic servitude, forced labour and sexual exploitation.

53. Children and young people are particularly vulnerable to recruitment by criminal syndicates and street gangs. According to the United Nations Children's Fund (UNICEF), indigenous children and adolescents have greater difficulty gaining access to local protection networks and face greater exposure to situations of violence, gang recruitment and domestic labour. [83]

54. Urbanization puts children at high risk of systematic placement in alternative, non-indigenous care, which further erodes cultural continuity in terms of tradition, custom, language and heritage. The loss of cultural identity can be a causal factor in depression, addiction and suicide. For example, city-born Maori are often raised without grandparents and elders, who are the caretakers and teachers of Maori cultural knowledge. [84]

55. Many indigenous peoples who migrate to the United States across international land borders are unaccompanied indigenous children who were separated from their parents at the border. [85] They often suffer from trauma from before and during the migration journey and then struggle in poor urban settings where they are vulnerable and at risk, lacking resources to maintain their cultural identity, knowledge, traditional skills or language. [86]

(c) Persons with disabilities

56. Globally, the estimated number of indigenous persons with disabilities is approximately 54 million. [87] As stated by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "higher rates of disability among indigenous peoples have been linked to greater exposure to extractive industries, environmental degradation", [88] severe poverty, violence, unsafe living conditions, lack of access to health care [89] and the psychosocial impacts of intergenerational trauma caused by the legacy of colonization. [90]

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[81] Ibid.

[82] Submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand.

[83] Ibid.

[84] Ibid.

[85] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23764&LangID=E and submission by the International Mayan League.

[86] Submission by the International Mayan League. See also www.un.org/esa/socdev/unpfii/documents/factsheet_migration_final.pdf.

[87] Rivas Velarde, *Indigenous Persons with Disabilities*, p. 6.

[88] UN-Women fact sheet on indigenous women with disabilities (5 February 2013); and E/C.19/2013/6, para. 7.

[89] Rivas Velarde, *Indigenous Persons with Disabilities*, p. 6.

[90] Ibid.; see also UN-Women fact sheet on indigenous women with disabilities.

57.   Indigenous peoples with disabilities suffer discrimination and stigmatization in terms of access to education, with Governments often failing to provide the infrastructure necessary to enable their learning experience.[91] States should provide assistive devices and rehabilitative services and take measures to prevent and address violence at home, in school and at residential institutions.

58.   According to UN-Women, disability rates are higher for indigenous women, who suffer from multiple forms of discrimination and experience higher-than-average rates of school abandonment, unemployment, poverty, incarceration, illness and death, maternal mortality and violence.[92]

7.   Political representation and participation

59.   Indigenous peoples living in cities often encounter barriers to participation in public life, including representation in local and national government, and voting rights. Indigenous peoples who cross international borders face even greater exclusion and have restricted access to political power and participation in the electoral process.[93]

60.   In terms of political representation, as of 2014, only 979 of 44,000 Members of Parliament worldwide were indigenous (of whom 80 per cent were men).[94] As to political participation, only 50 per cent of Aboriginal and Torres Strait Islanders are on the Australian electoral roll. This is partly due to eligible voter criteria, including the requirement of a fixed address and a ban on voting by prisoners serving a sentence of more than three years, which disproportionately affect indigenous peoples.[95] The Maori in New Zealand have representation in local governments.[96] According to the Expert Mechanism on the Rights of Indigenous Peoples, "in Kenya, the existing political system divides many communities, including the Endorois and Sengwer, into different administrative and electoral units". It indicates that "this diminishes their effective representation in parliament and participation in local decision-making, as they may not have the numbers to vote for leaders from their communities".[97]

D.   Indigenous-led initiatives

61.   Migration to urban areas can involve opportunities in terms of employment and education. Indigenous peoples have shown great resilience and adapted to urban challenges while preserving their indigenous identities. The programmes and services provided by indigenous organizations and movements have helped to support and strengthen the collective rights of indigenous peoples in cities. Urban, indigenous-serving, community-based organizations have led the efforts, in many cases with little to no government support. Those organizations at the forefront of service delivery often rely solely on funding from community partnerships. National investment and resources are needed.

62.   Proactive initiatives support urban indigenous peoples. For example, in Canada, five indigenous organizations fulfil that role. The National Association of Friendship

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[91] UN-Habitat, *Urban Indigenous Peoples and Migration*, p. 40.

[92] Indigenous women with disabilities are four times more likely to suffer sexual violence and two to three times more likely to be child brides and experience female genital mutilation. See UN-Women fact sheet on indigenous women with disabilities and E/C.19/2013/6.

[93] A/HRC/EMRIP/2019/2/Rev.1.

[94] Inter-Parliamentary Union, *Beyond Numbers*, p. 1.

[95] A/HRC/36/46/Add.2.

[96] See www.localcouncils.govt.nz/lgip.nsf/wpg_url/About-Local-Government-M%C4%81ori-Participation-in-Local-Government-Encouraging-M%C4%81ori-participation-in-local-government.

[97] A/HRC/EMRIP/2019/2/Rev.1.

Centres provides culturally relevant programmes and services to approximately 1.4 million First Nations (status and non-status), Inuit and Métis peoples living in urban environments. Services relate to health, housing, education, recreation, language, justice, employment, economic development, culture and community wellness.[98] The Assembly of First Nations is a national advocacy organization representing more than 900,000 people living in 634 First Nation communities and in cities and towns nationwide. Inuit Tapiriit Kanatami represents the voice of Inuit peoples by assisting with legal action and improving education for Inuit children.[99] The Native Women's Association of Canada is the political voice of indigenous women, girls and gender-diverse people.

63. In Latin America, the Kayambi People's Confederation, in collaboration with the municipality of Cayambe, Ecuador, delivers programmes for young children by sending community educators on home visits, providing food for infants and promoting family farms in urban areas.[100] In Peru, an indigenous organization, Consejo Shipibo Koibo Xetebo, broadcasts culturally appropriate radio and television programmes in Shipibo.[101] In Guatemala, the Grandmother Midwives of Nim Alaxik is a national movement that promotes the recognition and appreciation of ancestral knowledge in the national health-care system.[102]

64. In the United States, indigenous organizations that support urban indigenous peoples include the National Urban Indian Family Coalition, the American Indian Opportunities Industrialization Center, the National Council of Urban Indian Health and the National Congress of American Indians. In addition, specific projects initiated by indigenous communities include housing development. For example, the Little Earth of United Tribes created the "first urban housing complex with Native preference, [which] serves as a national model, at the forefront of American Indian migration into urban areas".[103] The organization provides a range of programming, including urban farming education and healthy cooking classes, entrepreneurship training and education services. The Siletz secured an "Indian Housing Block Grant to build housing and in addition, counselling and other social services are provided to tenants".[104]

65. In Australia, indigenous organizations include the Close the Gap Coalition, a grouping of more than 50 indigenous and non-indigenous health and community organizations; the National Aboriginal and Torres Strait Islander Legal Services, which provides legal aid nationwide; and Australians for Native Title and Reconciliation, a national advocacy organization dedicated specifically to the rights of Aboriginal and Torres Strait Islanders. The National Family Violence Prevention and Legal Services Forum comprises 14 organizations that provide holistic, specialist and culturally safe legal and non-legal support to Aboriginal and Torres Strait Islander women.

66. In South Africa, indigenous urban Khoikhoi young people have resorted to the supplementary agreement to the Convention on Biological Diversity (Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization) to stake a traditional knowledge claim to their

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[98] Submission by the National Association of Friendship Centres.

[99] See www.newswire.ca/news-releases/inuit-tapiriit-kanatami-and-the-government-of-canada-renew-commitment-to-tuberculosis-elimination-882167177.html.

[100] Submission by the UNICEF Latin America and Caribbean Regional Office, UNICEF country offices in Bolivia (Plurinational State of), Brazil and Guyana and UNICEF New Zealand.

[101] Ibid.

[102] Submission by the Grandmother Midwives of Nim Alaxik.

[103] See https://littleearth.org/about.

[104] See http://aioic.org/about; www.ncuih.org; www.ncai.org; and www.opb.org/news/article/portland-oregon-affordable-housing-native-americans-confederated-tribes-siletz.

natural resources. As a result, an industry-wide benefit-sharing agreement of its kind between the Koikhoi and San communities and the South African rooibos tea industry provides an entitlement for indigenous peoples to participate in the decision-making process regarding urban development priorities and close disparities. [105]

E. State responses

67. Governments are responsible for upholding the individual and collective rights of indigenous peoples regardless of their domicile. Misconceptions of urban spaces being incompatible with indigenous identities do not relieve States of their legal obligations towards urban indigenous residents. Some States are fulfilling their duty to support urban indigenous peoples by delivering programmes for language preservation, job training, food sovereignty and social programmes.

68. In the United States, under the Workforce Innovation and Opportunity Act, the Indian and Native American Programs are designed to support education, employment and economic and social development in accordance with the goals and traditional cultural values of indigenous communities. [106] The Seattle public school system has a Native American education programme that provides professional development opportunities to ensure that educators employed at all levels are trained in understanding tribal sovereignty, local indigenous histories and the customs and practices of local tribes.

69. In Canada, the Urban Programming for Indigenous Peoples initiative was announced in 2017 to provide funding for programmes and services to members of urban First Nations (status and non-status), Métis and Inuit communities. Projects are focused on gender-based violence, addiction, disability, elder care and youth programming that involves land-based activities and mentoring. [107] In 2019, Canada launched an indigenous skills and employment training programme to help indigenous peoples to improve their skills and find employment.

70. Australia has committed itself to working with indigenous communities to close the gap regarding the socioeconomic inequalities facing its indigenous peoples and increase their participation in public life. Targeted under the National Agreement on Closing the Gap are such areas as education, employment, health and well-being, justice, safety, housing, land and waters and languages. The National Aboriginal and Torres Strait Islander Health Plan 2013–2023 is accompanied by an implementation plan and a tracking tool for regular monitoring of the specific goals.

71. In the Plurinational State of Bolivia, the Government is developing a multidisciplinary policy and called upon the Ayoreo peoples to define an economic and social policy to promote their participation in municipal administration and include their input in developing policies. [108] The 2009 Constitution and subsequent legislation have amplified the collective rights of indigenous peoples but do not apply specifically to urban indigenous peoples. [109]

72. In Brazil, indigenous peoples have proposed a new educational model for an intercultural space managed by the Secretary of Education to debate strategies and

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[105] Presentation by Resource Africa (virtual consultation).

[106] See www.dol.gov/agencies/eta/dinap.

[107] See www.sac-isc.gc.ca/eng/1471368138533/1536932634432 and www.canada.ca/en/indigenous-northern-affairs/news/2017/05/canada_announcesnewurbanprogrammingforindigenouspeoples.html.

[108] Submission by Apoyo Para el Campesino-Indígena del Oriente Boliviano on the situation of indigenous peoples in urban zones in the Plurinational State of Bolivia.

[109] Joint submission by Jóvenes Indígenas y Afrobolivianos de Santa Cruz, Nación Indígena Originario Qhara Qhara and Mancomunidad de Comunidades Indígenas de los Ríos Beni, Tuichi y Quiquibey.

knowledge about inter-ethnic contact. Known as "frontier schools", they are public spaces for learning the political and cultural identity of indigenous nations. The project proposes interculturality in the theory and practice of education to place value on indigenous languages, which has an impact on students' self-esteem.[110]

73.   To support indigenous persons with disabilities, the Ministry of Health of New Zealand launched a Maori disability action plan in consultation with the Maori. The "culturally anchored approach" supports Maoris with disabilities and their families in gaining access to employment, training and other support.[111]

IV.   Conclusions and recommendations

74.   **Indigenous peoples' migration and relocation to urban areas occur in the context of historical and current colonization and structural racial discrimination, as well as the disproportionate impact of climate change. The potential loss of identity, language and culture and disconnect from traditional lands and community notwithstanding, indigenous peoples are resilient and adapting to urban life and forging new paths, often with the help of indigenous-led initiatives. States should fulfil their international human rights obligations to ensure that indigenous peoples, including those living in urban areas, fully and effectively enjoy their individual and collective rights, in conformity with international human rights standards, in particular the United Nations Declaration on the Rights of Indigenous Peoples. In that context, Member States should:**

(a)   **Ratify the core human rights treaties and ILO Convention No. 169 and take effective measures to incorporate the United Nations Declaration on the Rights of Indigenous Peoples into legislation and policies, including local legislation, policies and programmes in urban areas;**

(b)   **Integrate the indigenous rights framework into public policy and urban planning to guarantee the individual and collective rights of indigenous peoples living in urban areas;**

(c)   **Adopt legislative and policy measures prohibiting forced eviction and displacement and ensuring that involuntarily displaced indigenous peoples have the right to return to their traditional lands and territories;**

(d)   **Ensure the participation of indigenous peoples living in urban areas in decision-making relating to urban planning and public life, with specific guarantees for the direct participation of women, persons with disabilities, children, young people, older persons and lesbian, gay, bisexual, transgender and intersex persons;**

(e)   **Ensure the participation of indigenous peoples living in urban areas in the planning and implementation of dedicated spaces and services that address their socioeconomic needs and to maintain and strengthen their political, legal, economic, social and cultural institutions;**

(f)   **Coordinate with indigenous peoples to provide economic development opportunities in urban contexts, including access to government tenders and contracts and civil service delivery;**

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[110] Submission by Projeto Assistência Indígena em Naviraí (Brazil).
[111] Rivas Velarde, *Indigenous Persons with Disabilities*; see also www.health.govt.nz/publication/whaia-te-ao-marama-2018-2022-maori-disability-action-plan.

(g)   Take effective measures to support the development of small businesses and other entrepreneurial efforts undertaken by indigenous peoples living in urban areas;

(h)   Enact policies, in consultation with indigenous peoples, to address employment and training needs for indigenous peoples in conjunction with education programmes to promote transferable skill sets and culturally specific workforce development;

(i)   Adopt effective measures to support and diversify employment opportunities and job training programmes;

(j)   Promote culturally specific policy development for indigenous peoples in health care, education, housing and employment in an urban context;

(k)   Guarantee recognition of and financial support for community-based education, the implementation of intercultural education addressing structural racial discrimination and the adoption of curricula contextualized by the experiences of indigenous educators;

(l)   Implement family-friendly policies related to the workplace and improve access to early childhood education;

(m)   Support agencies that offer technical assistance to strengthen the capacity of indigenous organizations in urban contexts;

(n)   Develop and implement policies to address the lack of security of tenure experienced by indigenous peoples living in urban areas, in particular to prohibit forced evictions;

(o)   Take effective measures to ensure that all indigenous households, regardless of their tenure status or income level, are entitled and have effective access to essential services, including potable water, sanitation, electricity and health care;

(p)   Ensure effective access to health-care services, including COVID-19 testing, treatment and vaccination;

(q)   Adopt effective and appropriate measures for indigenous peoples with disabilities, especially women and girls, so that they have access to education, health care, including reproductive health, and justice;

(r)   Regularly collect and publish disaggregated data on indigenous peoples living in urban areas.

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