



# Social Protection for Indigenous Peoples

## Social protection for indigenous peoples: an essential component of national development strategies

Men, women and children from indigenous peoples are estimated to represent 4.5 per cent of the world's population (World Bank, 2011).<sup>1</sup> They constitute more than 5,000 different groups with distinct cultures, forms of social organization, livelihood strategies, practices, notions of poverty and well-being, values, and beliefs profoundly embedded in their collective relationship with the lands and territories that they occupy or use, which is at the heart of their distinct identities. The vast majority, approximately two-thirds of the global indigenous population, live in Asia (UN, 2014). In Africa, more than 14.2 million people self-identify as belonging to indigenous peoples (UN DESA, 2015). Latin America is home to nearly 45 million indigenous men and women accounting for 8.3 per cent of the region's population (CEPAL, 2014).

Across all regions, indigenous peoples are over-represented among the poorest segments of the national populations - it is estimated that indigenous peoples account for 10 per cent of the world's poor (World Bank, 2011). Socio-economic gaps between indigenous and non-indigenous people are persistent and in many cases have been widening. In Latin America, poverty rates among children of indigenous background are 20 percentage points higher than those of other groups (UN, Women 2013; CEPAL, UNICEF 2012; CEPAL, 2012). In Asia, indigenous peoples fare worse in regard to key indicators such as under-five mortality, water deprivation, malnutrition, literacy, and net primary school enrolment, compared to population averages (World Bank, 2011). In Africa, available data, albeit limited, show a situation of profound disadvantage and marginalisation (ILO, ACHPR 2009; UN DESA, 2015).

Lack of access to adequate social protection is a reality for millions of men, women and children belonging to indigenous peoples, which needs to be understood against the context of their common experience of historic injustices, including colonization and dispossession of their lands, territories and resources, as well as persisting marginalisation. While detailed data are not available, it is assumed that a large proportion of indigenous peoples are among the 5.2 billion people with no, or limited, social protection coverage (ILO, 2017a). In addition many indigenous peoples have no or limited access to basic social services such as essential health care and education because those services are un-

available, physically or financially inaccessible, or culturally inappropriate.<sup>2</sup> For many indigenous peoples, the lack of official registration at birth and, consequently, of identity documents also remain a considerable obstacle to their access to social protection and social services (ILO, ACHPR, 2009; Errico, 2017). Moreover, the large majority of indigenous men and women are engaged in various traditional occupations and informal economic activities in rural and urban areas for which social security coverage is limited or unavailable (CEPAL, 2012, 2014; IASG, 2014; ILO, 2017a).

Indigenous peoples' disproportionate representation among the poor and limited access to social protection are linked to their low levels of participation in decision-making concerning them and poorly designed government programmes that do not sufficiently take into account their cultural integrity

### Box 1: Key points

- ▶ Indigenous peoples have distinct cultures and ways of life rooted in their special collective relationship with the lands and territories they occupy or use.
- ▶ Indigenous peoples account for 4.5 per cent of the world's population and 10 per cent of the world's poor.
- ▶ The 2030 Agenda for Sustainable Development includes a specific target on nationally appropriate social protection systems and measures for all, including floors and achieving substantial social protection coverage of the poor and vulnerable (target 1.3).
- ▶ The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Social Protection Floors Recommendation, 2012 (No. 202), and the UN Declaration on the Rights of Indigenous Peoples provide guidance on the extension of social protection to indigenous men, women and children.

and livelihoods. Continuing dispossession of lands and natural resources, against a backdrop of structurally embedded centuries-old discrimination (See, for example, UN 2013) are additional factors. Indigenous peoples are also among those most vulnerable to the impacts of climate change (ILO, 2017b).

The 2030 Agenda for Sustainable Development has placed particular emphasis on addressing inequalities and poverty as

<sup>1</sup> The scope of the brief is geographically limited to low and middle-income countries from Africa, Asia and Latin America. The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) provides criteria for the identification of indigenous and tribal peoples. See ILO, 2013, p. 3. For practical reasons, this

brief uses the term 'indigenous peoples' to include both indigenous and tribal peoples.

<sup>2</sup> For regional overviews, see ILO and ACHPR, 2009, CEPAL, 2014, and Errico, 2017 concerning, respectively, indigenous peoples in Africa, Latin American and Asia.

they are major obstacles to sustainable development, and includes a specific target on achieving social protection coverage for all, including the poor and vulnerable (SDG target 1.3).<sup>3</sup> Guaranteeing at least a basic level of social protection, a social protection floor for all, including indigenous men, women and children, represents an essential component of national strategies for sustainable development. In building inclusive social protection systems, including floors, it is crucial to address persisting inequalities and social exclusion, prevent and reduce poverty, and build resilience to livelihood risks, including those related to climate change shocks<sup>4</sup> for one of the most vulnerable segments of the national population. In order to be sustainable and effective, strategies to extend social protection coverage to indigenous peoples should be grounded in the respect for their collective and individual rights, which is indispensable to their existence, well-being and integral development as peoples and key to overcoming persistent patterns of discrimination and marginalisation.

### **A rights-based framework for promoting social protection for indigenous men, women and children**

The rights of everyone to social security, is enshrined in the Universal Declaration on Human Rights (Art. 22) and the International Covenant on Economic, Social and Cultural Rights (article 9). The UN Committee on Economic, Social and Cultural Rights has emphasized that States should take particular care that indigenous peoples are not excluded from social security systems<sup>5</sup> through direct or indirect discrimination, particularly through the imposition of unreasonable eligibility conditions or inadequate access to information (CESCR, 2008, see also OHCHR, 2012; Sepúlveda and Nyst, 2012). Given that many indigenous women work in the informal economy and in rural areas, the UN Committee on the Elimination of Discrimination against Women (CEDAW) has recommended that States should ensure that rural women engaged in unpaid work and/or in the informal sector have access to non-contributory social protection and should adopt gender-responsive social protection floors to ensure that all rural women have access to essential health care, childcare facilities and income security (CEDAW, 2016).

The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), along with ILO Social Protection Floors Recommendation, 2012 (No. 202), provide specific guidance for the progressive realization of the right to social protection for indigenous men, women and children with full respect for their

cultural identity, social institutions, customs, traditions, ways of life and development aspirations (see table 1).

UNDRIP and Convention No. 169 articulate universal human rights with due regard to indigenous peoples' specific cultural, historical, social and economic circumstances (UN, 2013, ILO, 2009). They recognize indigenous men and women's right to social security without discrimination and contain specific provisions concerning access to social services, such as health and education, within the overarching principles of participation and consultation and respect for indigenous peoples' cultural integrity and aspirations. Recommendation No. 202 provides guidance on the establishment of social protection floors as part of national strategies for the extension of social security coverage, paying particular attention to disadvantaged groups and people with special needs. A nationally-defined social protection floor guarantees that over the life cycle, all in need have access to at least a basic level of social security, including effective access to health care and income security. The Recommendation lays down a set of fundamental guiding principles for social protection systems, including floors, which are of particular relevance to the extension of social protection to indigenous peoples. They include the principles of universality; non-discrimination, and responsiveness to special needs; social inclusion, including of persons in the informal economy; respect for the rights and dignity of people covered by the social security guarantees; consideration of diversity of methods and approaches; coherence with social, economic and employment policies; and consultation (para. 3).<sup>6</sup>

### **National strategies to extend social protection to indigenous men, women and children**

Measures to extend social protection coverage to indigenous men, women and children have been adopted in a number of countries using varying strategies, with mixed results. Overall, two main approaches can be identified, followed by a third, more recent, stream of experiences:

- Ensuring the effective coverage of indigenous peoples in general schemes, which may entail measures to adapt programmes to the specific circumstances of indigenous peoples;
- Design of specific measures and programmes; and
- A combination of social and environmental protection measures.

<sup>3</sup> Social protection is also explicitly or implicitly reflected in several other SDG targets, including targets 3.8, 5.4, 8.5 and 10.4 (see ILO, 2017a).

<sup>4</sup> The Paris Agreement on Climate Change of 2015 underscores the interlinkages existing between climate change impacts and interventions and equitable access to sustainable development and eradication of poverty (preamble). The preamble of the Agreement further states that, when taking action

to address climate change, States Parties should respect, promote and consider their respective obligations on human rights, including the rights of indigenous peoples.

<sup>5</sup> This brief uses the terms "social security system" and "social protection system" synonymously to refer to the totality of social protection schemes and programmes in a country, financed through contributions, taxes or other sources.

<sup>6</sup> See e.g. ILO, 2017c; Behrendt et al., 2017.

**Box 2. A rights-based framework for extending social protection to indigenous peoples: International standards**

UN Declaration on the Rights of Indigenous Peoples, 2007	ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)	ILO Social Protection Floors Recommendation, 2012 (No. 202)
<b>Providing culturally appropriate, at least basic social security guarantees</b>		
<p>Indigenous peoples have the right to their <b>traditional medicines</b> and to maintain their <b>health practices</b>, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services (Art. 24.1)</p> <p>Indigenous peoples have the right to <b>establish</b> and control <b>their educational systems and institutions</b> providing education in their own languages, in a manner <b>appropriate to their cultural methods of teaching and learning</b>. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, to have access, when possible, to an <b>education in their own culture and provided in their own language</b> (Art. 14).</p> <p>States shall take effective measures and, where appropriate, <b>special measures</b> to ensure continuing improvement of their economic and social conditions, including in <b>the areas of social security</b>. Particular attention shall be paid to the rights and special needs of indigenous <b>elders, women, youth, children and persons with disabilities</b> (Art. 21). Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law (Art. 17).</p>	<p><b>Health services</b> shall, to the extent possible, be <b>community-based</b> and be planned and administered in co-operation with the indigenous peoples concerned. They shall take into account their economic, geographic, social and cultural conditions as well as their <b>traditional preventive care, healing practices and medicines</b>. Preference shall be given to the training and employment of <b>local community health workers</b> (Art. 25).</p> <p><b>Education programmes</b> and services for indigenous peoples shall be <b>developed and implemented in co-operation</b> with them and shall <b>incorporate their histories, their knowledge and technologies, their value systems</b> and their further social, economic and cultural aspirations. In addition, Governments shall recognise the right of these peoples to <b>establish their own educational institutions and facilities</b> and provide appropriate resources for this purpose (Art. 27). Indigenous children shall, wherever practicable, be taught to read and write in their own <b>indigenous language</b> and shall have the opportunity to attain fluency in the <b>national language</b> (Art. 28).</p> <p><b>Social security schemes shall be extended</b> progressively to cover the peoples concerned, and applied without discrimination against them (Art. 24). Governments shall do everything possible to <b>prevent any discrimination</b> between workers belonging to indigenous peoples and other workers, in particular as regards: [...] (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing (Art. 20.2)</p>	<p>Social protection floors shall be established comprising at least the following basic social security guarantees:</p> <ul style="list-style-type: none"> <li>● access to <b>essential health care</b>, including maternity care, that meets the criteria of <b>availability, accessibility, acceptability and quality</b>;</li> <li>● <b>basic income security for children</b>, at least at a nationally defined minimum level, providing access to <b>nutrition, education, care</b> and any other necessary goods and services;</li> <li>● <b>basic income security</b>, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of <b>sickness, unemployment, maternity and disability</b>; and</li> <li>● <b>basic income security</b>, at least at a nationally defined minimum level, <b>for older persons</b>. (para. 5)</li> </ul> <p>Social protection floors shall be implemented within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards (para. 1(b)), in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102).</p>
<b>Ensuring consultation and participation of indigenous peoples</b>		
<p>Indigenous peoples have the <b>right to participate in decision-making</b> in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures (Art. 18). States shall <b>consult and cooperate in good faith with the indigenous peoples</b> concerned <b>through their own representative institutions</b> in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (Art. 19).</p> <p>Indigenous peoples have the right to be actively involved in developing and determining <b>health, housing and other economic and social programmes affecting them</b> and, as far as possible, to administer such programmes through their own institutions (Art. 23).</p>	<p>Governments shall establish means by which indigenous peoples can freely <b>participate in decision-making</b> concerning them and shall <b>consult indigenous peoples</b>, through appropriate procedures and in particular <b>through their representative institutions</b>, whenever consideration is being given to legislative or administrative measures which may affect them directly. The consultations shall be undertaken, <b>in good faith and in a form appropriate to the circumstances</b>, with the objective of achieving agreement or consent to the proposed measures (Art. 6).</p> <p>Indigenous peoples shall participate in the formulation, implementation and evaluation of plans and programmes directed at <b>improvements of their conditions of life and work and levels of health and education</b> (Art. 7).</p>	<p>When defining the basic social security guarantees, Members should give due consideration to the following: [...] (d) in regard to the establishment and review of the levels of these guarantees, tripartite participation with representative organizations of employers and workers, as well as consultation with other relevant and representative organizations of persons concerned, should be ensured (para. 8).</p> <p>States should formulate and implement national social security extension strategies, based on national <b>consultations through effective social dialogue and social participation</b> (para. 13. (1))</p>

**Box 2. A rights-based framework for extending social protection to indigenous peoples: International standards**

UN Declaration on the Rights of Indigenous Peoples, 2007	ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)	ILO Social Protection Floors Recommendation, 2012 (No. 202)
<p>Indigenous peoples have the right to determine and develop <b>priorities and strategies for the development</b> or use of their lands or territories and other resources (Art. 32).</p>	<p><b>Ensuring coordination with other public policies</b></p> <p>Governments shall have the responsibility for developing, with the participation of indigenous peoples, <b>co-ordinated and systematic action</b> to, <i>inter alia</i>, promote the full realisation of their social, economic and cultural rights and eliminate socio-economic gaps with other members of the national community (Art.2).</p> <p>Indigenous peoples have the right to decide their <b>priorities for development</b> (Art. 7). Governments shall, with the participation of these people and whenever appropriate, ensure that their handicrafts, <b>rural and community-based industries</b>, and subsistence economy and <b>traditional activities</b> are <b>strengthened and promoted</b> (Art. 23).</p> <p>Whenever existing programmes of vocational training of general application do not meet their special needs, governments shall, with the participation of indigenous peoples, ensure the provision of <b>special training programmes and facilities</b> (Art. 22).</p>	<p>In designing and implementing national social protection floors, Members should, among others, ensure <b>coordination with other policies</b> that enhance <b>formal employment, income generation, education, literacy, vocational training, skills and employability</b>, that reduce precariousness, and that promote secure work, entrepreneurship and sustainable enterprises within a decent work framework (para. 10).</p>

Ensuring the inclusion of indigenous peoples in general and specific schemes and programmes is not mutually exclusive. Both approaches may be combined to ensure adequate social protection for men, women and children belonging to indigenous peoples. Globally, specific information on the impact of social protection measures on indigenous men, women and children is limited. The scarcity of disaggregated data on the social and economic situation of indigenous peoples affects both the formulation of appropriate measures and the monitoring of their effects. National experiences are presented below with a view to highlighting some main lessons learned. They are limited to a selection of measures for which specific information concerning indigenous peoples is available.

### *Ensuring the effective coverage of indigenous peoples in general social protection schemes*

Social protection systems include a broad range of different schemes and programmes, with benefits in cash and in kind, and financed from contributions (mostly social insurance), taxation or other sources, ranging from child benefits to old age pensions (ILO, 2017a). Where indigenous peoples face obstacles in accessing these benefits and realizing their rights, removing such obstacles should be a priority.

Cash transfer schemes often represent a first step to extending social protection to segments of the national population which have historically been excluded (Devereux *et al.* 2015). When these schemes are used to reach out to indigenous

peoples it is essential to recognize that indigenous communities may have their own specific notions of poverty and well-being. Similarly, the cultural appropriateness of the measures and approaches proposed, and the need to undertake prior consultations with the peoples concerned, the respect for their individual and collective rights more generally, as well as the role played by their traditional institutions in lives of the communities need to be considered (IADB, 2011).

The *Familias en Acción* Programme of Colombia has been a pioneer in adapting a general cash transfers scheme to the needs, realities and rights of indigenous peoples, despite some persistent challenges regarding the enforcement of conditionalities (Gutiérrez *et al.*, 2012).<sup>7</sup> Extending the coverage of the programme to indigenous peoples involved the introduction of changes to the original scheme at three levels: (1) in the process of identification and selection the beneficiaries; (2) in the institutional arrangements for the implementation of the programme; and (3) in the incorporation of a set of 'complementary actions' designed to strengthen local institutions and promote access to health and education services using an intercultural approach (Gutiérrez *et al.* 2012).

Regarding the first aspect, the targeting mechanism based on geographic and poverty-related criteria which is used in the scheme, was replaced for indigenous peoples by a bottom-up process decided by the indigenous communities themselves through their representative institutions (*cabildos*).<sup>8</sup> Prior consultations were thus held with the indige-

<sup>7</sup> The programme provides monthly cash benefits to poor households with children, on the condition that children up to the age of 7 receive regular medical check-ups, and that children aged between 7 and 18 attend no less than 80 per cent of school classes during the school year. As of 2011, the programme covered 22 per cent of the national population and indigenous families accounted for 3 per cent of the total number of recipient families.

<sup>8</sup> The evaluation of the *Oportunidades* Programme in Mexico has found that the targeting process relying on socio-economic household data, which are not available for the communities living in the most remote areas, affected the capacity of the programme to cover the most marginalised indigenous communities and highlighted the need for alternative methods of selection of beneficiaries (Ulrichs and Roelen, 2012).

nous institutions to present the programme, assess its cultural appropriateness and discuss the adjustments that may be needed. On this basis, the indigenous representatives presented the programme to the community's assembly that decided whether or not to participate in the programme. Households eligible to benefit from the cash transfers were also identified by the community's assembly to take into account differing understanding of poverty by the indigenous communities.<sup>9</sup> In some cases, it was found that in order to avoid internal tensions and preserve the community's cohesion, the assembly included also households that would not be normally eligible for cash transfers (Gutiérrez *et al.* 2012).

The institutional and implementation arrangements were discussed and agreed by the State's local authorities, the indigenous institutions and the programme. This flexibility gave a margin of autonomy at the local level to ensure the cultural relevance and appropriateness of the programme, as well as respecting the right of indigenous peoples to be consulted through their representative institutions. Additional measures were aimed at strengthening the traditional institutions of the communities concerned which, in turn, reinforced the programme's institutional structure, including acknowledging and facilitating the role of spiritual leaders and traditional healers. A number of other interventions were introduced which were designed to support traditional economic activities within the framework of the national development strategy (Gutiérrez *et al.* 2012). These actions played an important role in ensuring income and food security, preserving indigenous cultures, and contributing to health and education, in keeping with the community's cos-movision.

Additional lessons learned regarding the adjustments of general schemes that may be needed to ensure effective inclusion of indigenous households are offered by the experience of the Oportunidades Programme of Mexico (now Prospera), one of the most long-standing cash transfer programmes and commonly acknowledged as a successful experience when it comes to the inclusion of indigenous peoples, yet again the enforcement of conditionalities represents a particular challenge for the most vulnerable households (Ulrichs and Roelen 2012; Orozco Corona and Gammage, 2017).<sup>10</sup> While it has been estimated that the programme reaches 93.7 per cent of all indigenous people living in the country, coverage for the poorest and most marginalised households and the impact on indigenous households have been limited by the absence of special provisions which take into consideration the different cultural, socio-economic and geographic features affecting indigenous peoples (Ulrichs and Roelen, 2012). Specific challenges included the lack of training for staff on working in indigenous communities and insufficient tailored information which took into account the

communities' cultural and linguistic differences. Indigenous peoples also tended to incur higher opportunity costs related to the collection of benefits and the compliance with the conditions because of geographical remoteness and limited access to services (long distances from schools or health centres and depth of poverty). Therefore the net value of the transfers were often not sufficient to significantly improve their situations. The rigid conditionality system that leads to the expulsion of families from the programme in case of non-compliance reportedly particularly affected poor indigenous households in remote areas, who face higher transport costs and have less reliable services. Consequently, it was proposed to provide higher benefits to remote communities to take into account the higher opportunity costs (Ulrichs and Roelen, 2012).

Ensuring the effective inclusion of indigenous peoples also entailed identifying and addressing a number of structural obstacles to their coverage, which impeded the participation of indigenous households in the programmes, or undermined the impact of the measures. The experience of *Oportunidades* shows that lack of direct access to social services in remote areas is a major obstacle to the participation of indigenous households in the programme, ultimately affecting its coverage.<sup>11</sup> It also reveals that where health and education services are available, beneficiaries may drop out when these are of a low quality due to a number of factors including lack of personnel, inadequate facilities, absence of essential medicines, linguistic or cultural barriers, discriminatory attitudes by service providers and inappropriateness of school curricula.

Poor quality or irrelevance of the services provided also has a bearing on the actual impact of the schemes. For example, it was estimated that 56 per cent of indigenous beneficiaries of *Oportunidades* left primary school without having acquired the necessary competencies to continue successfully with secondary school (Ulrichs and Roelen, 2012). Broader structural obstacles to the realization of the long-term goals of the programme have also been identified in overall patterns of discrimination limiting significantly the opportunities of indigenous men, women and youth in the labour market, which calls for a more comprehensive approach to the design and implementation of social protection measures and stronger coordination with other interventions under the national development strategies (Ulrichs and Roelen, 2012).

A further aspect that deserves special attention is the communities' mistrust of the State, a consequence of their historical and current patterns of marginalisation, as evidenced by the evaluation of Peru's Programa Nacional de Apoyo Directo a los más Pobres, commonly referred to as "Juntos"

<sup>9</sup> The requirement for identity documents (ID) poses an important practical barrier to the indigenous households' access to the Programme. The evaluation of the Programme suggested that the process of enrolment in the programme should be combined with the ID registration process and the release of identification documents, which would also facilitate indigenous men, women and children's access to other public services. The experience of the South African Child Support Grant provides guidance on procedural simplifications (see DSD, SASSA and UNICEF, 2012).

<sup>10</sup> The programme aims at breaking intergenerational transmission of poverty by providing mothers with two types of cash transfers: food and school grants that are respectively conditional on health check-ups for all family members and a monthly school attendance of 85 per cent for the targeted children in the household. Indigenous households represent one in four beneficiaries.

<sup>11</sup> It has been estimated that in Mexico only 21.9 per cent of communities with more than 40 per cent of indigenous peoples have direct access to health services (Ulrichs and Roelen, 2012).



(IADB, 2014). Juntos is a cash transfer programme targeting pregnant women, children and adolescents until the age of 19 who live in extreme poverty, with the objective of reducing poverty and breaking the cycle of its intergenerational transmission through the promotion of access to public services, including education and health. An evaluation of the programme by the Inter-American Development Bank showed that the indigenous communities interviewed tended to associate the presence of external actors with abuses and discrimination and perceived the implementation of the measures under the programme as a strategy to facilitate the exploitation of natural resources in their territories and as a potential threat to the cohesion of the communities (IADB, 2014). Hence, the importance of engaging in intercultural dialogues with the communities, through their representative institutions, becomes paramount to take into account their perspectives and understandings of poverty, their needs, priorities and development aspirations, and to design and implement social protection extension strategies in cooperation with them.

### Designing specific measures and programmes

A number of countries have designed special measures to provide social protection to indigenous peoples. In 2012, Paraguay, for example, introduced a non-contributory pension for older persons from the age of 65, in which indigenous women and men are exempted from the need to prove their poverty status, to ensure the universal pension coverage of the pension system. The measure is based on the acknowledgment of the specific vulnerabilities faced by these peoples in the country (García Agüero, 2015). In Brazil, the public health system, the *Sistema Único de Saúde* (SUS), which provides comprehensive, universal and free care for the entire population, includes special measures for the indigenous population (Cecchini *et al.*, 2015). Similarly, in Viet Nam, special programmes have been put into place to promote access of indigenous peoples to health care and approximately 29 million poor people and members of ethnic minority groups have been provided with free health insurance (ILO, 2015). In Bolivia, traditional medicine has been recognized in the country's legal framework and is part of the benefits and services covered by the national health system<sup>12</sup>; similar examples exist in Sri Lanka.<sup>13</sup>

In Cambodia, the National Social Protection Strategy for the Poor and Vulnerable recognizes that indigenous communities face particular challenges due to overlapping vulnerabilities that require comprehensive forms of social protection, as social transfers alone would not be sufficient. According to the strategy, indigenous communities need priority attention due to their specific situation, and social protection interventions should be designed to include specific, targeted and customised measures and programmes tailored to their cultural values and specific needs, using a holistic approach.

The National Policy on the Development of Indigenous Peoples and the Policy on Land Registration and Land-Use Rights of Indigenous Communities are a part of this broader approach to social protection (ADB, 2014).

In the Philippines, the Indigenous Peoples Master Plan (2012-2016) developed by the National Commission on Indigenous Peoples under the Indigenous Peoples Rights Act of 1997 uses an integrated strategy for development based on recognition of land rights, cultural identity and self-governance, while at the same time emphasizing “decent work principles which encompass the promotion of fundamental rights, income and employment generation, social protection and social dialogue” (NCIP, 2012, para. 235-237). Addressing social protection in the broader context of indigenous peoples' individual and collective rights, the Plan puts a particular accent on strengthening the provision of basic services such as health and education, creating economic opportunity in indigenous communities, and sustainable management of natural resources in the ancestral domains/lands against the backdrop of climate change.

### Combining social and environmental protection

Initiatives combining social and environmental protection objectives offer a potential avenue to extend social protection to indigenous peoples, given their high dependence on land and natural resources for their livelihoods. However, this requires that some basic conditions are met, including ensuring participatory and rights-based approaches.

The *Bolsa Verde* programme in Brazil is a well-known example of an initiative combining a social protection programme, i.e. *Bolsa Familia*, with a payment for environmental services (PES) intervention. It aims at reducing poverty in rural areas while improving the conservation of ecosystems. Eligible households have to fulfil the social conditions of extreme poverty to be a beneficiary of *Bolsa Familia*, and the additional requirement of living in defined priority rural areas, which include territories occupied by indigenous communities. Households receive a payment of approximately US\$ 125 every three months to develop sustainable activities to maintain the vegetation and conserve natural resources (Schwarzer *et al.* 2016).

Research on PES schemes has shown that local people's access to those schemes is constrained by insecure tenure, high transaction and investments costs, and low awareness, education and technical capacity, particularly in the case of women and marginalized groups, notably indigenous peoples (Lee and Mahanty, 2009). A further obstacle is that a cost-efficient PES system should reward, by definition, only providers which can demonstrate a clear 'additionality' – i.e. engage in relevant activities which would not take place without PES – thus disregarding those users who have sustainably managed their environment and do not represent a 'threat' to forests. It has thus been observed that rewarding

<sup>12</sup> See [https://www.paho.org/bol/index.php?option=com\\_docman&view=downl](https://www.paho.org/bol/index.php?option=com_docman&view=download&alias=79-ley-de-medicina-tradicional-y-sureglamento&category_slug=publications&Itemid=1094)

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<sup>13</sup> World Bank (2005), see also UN DESA (2016).

the environmental stewardship of indigenous communities within a broad-based rural development framework could prove to be a more promising approach than providing individual cash transfers (Hall, 2012).

Another example of the combination of social and environmental goals is provided by India's Mahatma Gandhi National Rural Employment Guarantee, which was launched in 2005 with the objective of improving the livelihood security of the rural population. Based on the principles of universality and self-selection, the programme guarantees at least 100 days of wage employment yearly for every household willing to undertake unskilled manual work. It makes special provisions for scheduled tribes, offering up to 50 additional days of wage employment per scheduled tribe household living in forest areas (ILO, 2016). It also explicitly provides for the realization of works designed to develop land and natural resources for households belonging to scheduled tribes and castes and those living below the poverty line (Narasimha Reddy *et al.* 2014). A fifth of spending has thus been invested in infrastructure projects for these groups. Works undertaken include soil conservation, irrigation provisioning and improvement, water harvesting and conservation. Members of scheduled castes and tribes accounted for about half of the total person-days of work in 2010 (ADB, 2013). In 2015, the programme converged with the National Mission for Green India that aims at increasing and enhancing forest cover within the framework of the national action plan on climate change (ILO, 2016).

### **Lessons learnt for extending social protection to indigenous peoples: universalism through tailoring and recognition of rights**

Persistent social protection coverage gaps for indigenous peoples, linked to broader patterns of marginalisation and discrimination underpinning their social exclusion, call for special measures and holistic approaches developed with the participation of the peoples concerned to tackle the root causes of inequality and poverty, while respecting indigenous peoples' cultural integrity and development aspirations. In this regard, the recognition and respect for indigenous peoples' collective and individual rights, including their right to consultation and participation and to define their own priorities for development, play a fundamental role. Particular attention should be devoted to the specific vulnerabilities of indigenous women and persons with disabilities, within and outside their communities. Convention No. 169

and UNDRIP, together with Recommendation No. 202, provide useful guidance to ensure social protection for indigenous peoples (see Box 2).<sup>14</sup>

Participation of indigenous peoples in the design, monitoring and implementation of social protection policies and strategies, as well as in specific schemes and programmes, is particularly important to ensure the respect for their rights, the cultural appropriateness of the measures and approaches proposed, as well as the relevance to their needs and aspirations. This is also crucial, in many cases, to overcome communities' mistrust of state institutions and 'external' interventions. Lessons learned from national experiences also suggest that benefit levels should take into account the higher opportunity costs faced by members of indigenous communities, due to socio-economic and geographical factors. Complementary actions focusing on strengthening indigenous peoples' institutions and livelihood strategies could accompany the transfers. The involvement of indigenous persons' communities and institutions and flexible modalities of implementation, including the use of mobile teams for the delivery of services, could be explored to address some of the more recurrent barriers to access. Strengthening staff's capacity in intercultural approaches and their awareness of the histories, cultures and rights of indigenous peoples is critical for avoiding discriminatory attitudes.

Overall, when addressing structural obstacles to indigenous peoples' access to social protection, there is a need for strong coordination of social protection measures with broader human rights-based development strategies, including those regarding their right to health. Extending the supply of benefits and services and increasing their quality is required to ensure effective access and adequacy, as is valuing and strengthening indigenous peoples' occupations, securing their rights to land and natural resources, facilitating the transition from the informal to the formal economy and enhancing formal employment. Tailored programmes to tackle specific livelihood risks faced by indigenous men and women, including those caused by climate change, or to reward environmental stewardship of indigenous communities in the framework of combined social-environmental schemes can be part of such broader interventions designed with the participation of the peoples concerned. Although there is no one-size-fits-all model, some policy recommendations are presented in Box 3 below.

<sup>14</sup> It should be recalled that at the 2014 World Conference on Indigenous Peoples, UN Member States made a number of commitments concerning,

among others, the access of indigenous peoples to social and economic programmes. See for examples, paras. 10-16 and 25 of the Outcome Document.

### Box 3: Main policy recommendations

- ▶ **Recognize indigenous peoples:** The identification and recognition of indigenous peoples, where this is not yet the case, is a first step to ensure an appropriate approach in the formulation of social protection measures that respond to their specific conditions and are respectful of their rights. Convention No. 169 and UNDRIP provide key guidance in this regard.
- ▶ **Jointly define needs and priorities for social protection:** Current gaps in social protection, barriers and priorities for intervention should be identified jointly with indigenous peoples, possibly in the context of a broader national dialogue. This would allow overcoming difficulties stemming from the lack of disaggregated data and qualitative information on the situation of indigenous men and women, while also taking into account that their perceptions of poverty and well-being may differ from those of other sectors of the population. Relevant indicators for the subsequent monitoring of the implementation of social protection interventions should also be established in cooperation with the peoples concerned.
- ▶ **Ensure indigenous peoples' participation in the design, implementation and monitoring of social protection policies and strategies:** The effective participation of indigenous peoples in the design, implementation and monitoring of social protection policies and strategies, including effective access to health care, is essential to ensure their inclusion in a culturally appropriate way, in line with the guidance provided by the Recommendation No. 202, Convention No. 169 and UNDRIP. Indigenous peoples shall be consulted, through their representative institutions, with the objective of achieving their agreement or consent to the proposed measures. Particular attention shall be paid to ensure effective the participation of indigenous women. When traditional institutions do not allow for such participation, special measures shall be adopted. With regard to health, the full and effective participation of indigenous peoples, including women and youth, in decision-making processes is particularly critical to ensure that traditional healing methods are taken into account and health-related information is provided through culturally appropriate methods.
- ▶ **Avoid conditionalities:** The effectiveness of cash transfer programmes to reach the most vulnerable segments of indigenous peoples is strongly inhibited by making access to benefits conditional upon the demonstrated use of health or education services, particularly where the available services do not include and value traditional knowledge and methods, are not culturally appropriate, are inaccessible from remote areas or place a disproportionate additional burden on women. For this reason, unconditional transfers should be preferred, accompanied by accessible and culturally appropriate health and education services.
- ▶ **Support indigenous peoples' livelihoods and income-generation activities:** This would imply, among other things: recognizing and protecting indigenous peoples' rights to land and natural resources; undertaking participatory assessments of climate change vulnerabilities and designing accordingly adaptation and mitigation strategies; providing relevant training programmes; recognizing and valuing indigenous peoples' traditional knowledge and skills; and ensuring that indigenous peoples can define their own priorities for development.
- ▶ **Ensure policy coordination:** Defining and pursuing a systematic and coordinated action and ensuring effective cooperation across responsible line ministries, as provided in Convention No. 169, is key to overcoming structural obstacles to indigenous peoples' enjoyment of social protection and to ensuring the full realization of their social, economic and cultural rights.
- ▶ **Strengthen national capacities to ensure the effective access of indigenous peoples to social protection:** Educational programmes and awareness-raising measures should be implemented to combat prejudices and negative stereotypes against indigenous peoples, which are often at the root of their exclusion from public policies. In addition, specific capacity-building on intercultural approaches and indigenous peoples' rights, as enshrined in international and national instruments, directed at national government agencies and local units involved in the delivery of social services should be undertaken. Those agencies should be provided with the means, including financial, which are necessary for the fulfilment of their functions to ensure the participation of indigenous peoples in the planning, coordination, execution and evaluation of the programmes. These measures should also ensure that indigenous peoples are fully informed about their social protection rights and entitlements, including with regard to health protection, in a culturally appropriate way.



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