

Germany's response to the compilation of good practices and challenges, including discrimination in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities

- Indigenous peoples rights are integral part of German Policy

Germany is committed to indigenous peoples rights. The human rights strategy paper of the German Federal Ministry for Economic Cooperation and Development (BMZ) 'Human Rights in German Development Policy' (2011) is binding for all institutions implementing bilateral German development cooperation. It provides for the mainstreaming of the human rights based approach (HRBA) throughout all priority areas and sectors of development cooperation. The human rights-based approach (HRBA) requires that civil and political, economic, social and cultural rights as well as human rights principles are systematically referred to. The policy explicitly refers to **indigenous peoples' rights**, e.g. in regards to accessing services.

With the adoption of the *Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation* in 2013 the Germany has demonstrated its continuing strong commitment towards human rights. The Guidelines are designed to facilitate the mandatory appraisal of human rights risks and impacts. Selected human rights risks, **among them discrimination against indigenous peoples** are pointed to in the annex to the guidelines and ways of enhancing the human rights orientation of development interventions are proposed.

Good practices in supporting indigenous peoples in businesses and in accessing financial services

- Germany has supported **a study** compiled by the International Work Group for Indigenous Affairs (IWGIA) on "*Indigenous peoples and the UN Guiding principles on Business and Human Rights: A critical review of opportunities, limitations and perspectives.*" This study was presented during the 2014 session of the UN Expert Mechanism on the Rights of Indigenous Peoples.
- In 2015 Germany has supported a **training for indigenous peoples prior to the Business and Human Rights Forum in Geneva**. The training helped indigenous peoples to better understand the current state of play with business and human rights so that they can fully benefit from opportunities afforded by the UN Guiding Principles, and other instruments, for improving the human rights situation of business-affected communities, and effectively participate in national, regional and international negotiation and standard setting processes in the area of business and human rights.
- Another example for Germany's engagement can be drawn from a bilateral project in the Philippines. A development advisor supports the Mindanao Development Authority to establishing an **inclusive business model**, which especially addresses indigenous peoples and respects their culture and rights.

Challenges in regard to economic inclusion of indigenous persons with disabilities

Indigenous persons with disabilities face discrimination and accessibility barriers both related to their disability and also related to being indigenous peoples. Many of the development programs do not meet the needs of and are often inaccessible for indigenous peoples with disabilities. Findings from international research have shown that any efforts to improve access to training, employment and livelihoods for indigenous persons with disabilities require:

- that multiple structural barriers to employment, training and livelihoods need to be addressed. Such barriers include multiple forms of discrimination, historical marginalization, lack of access to land and to social services such as healthcare and education;
- that a multiagency approach be applied to the employment and training needs of indigenous persons with disabilities;
- that the cultural competency of policy-makers in areas such as health, education and employment needs to be strengthened by gaining awareness of indigenous issues via capacity-building and fostering partnerships with indigenous communities.

Recommendations

- Germany commits to support the economic empowerment of indigenous peoples, including through the establishment and prosperity of indigenous-owned businesses. This will enable indigenous persons and communities to improve their own social, cultural, civil and political outcomes, achieve greater economic independence, and build more sustainable and resilient communities;
- Supporting partner countries to compile **disaggregated data** including on the bases of ethnicity and disability to make sure that development programmes reach indigenous peoples (“Leave no one behind” principle);
- Historical marginalization and rights infringements should be counteracted by strengthening the influence of the UNDRIP, ILO Convention No.169 and CRPD in relation to the right to work. It is recommended that the key principles suggested in Section 3.4 be viewed as a starting point for debate on the creation of environmental conditions conducive to good livelihoods and working conditions for indigenous persons with disabilities;
- It is important that these efforts fully involve indigenous persons with disabilities in line with the principles enshrined in the ILO Convention 169, the UNDRIP and the UN CRPD.