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Strategi för samisk hälsa – en hälso- och sjukvård som bidrar till en god och jämlig hälsa för samer 2020-2030

Kunskapsnätverket för samisk hälsa erbjuder genom remissen de samiska organisationer som är involverade i nätverket, Sametinget, Samiska förvaltningskommuner, Regioner som är samiska förvaltningsområden samt Socialstyrelsen och Sveriges Kommuner och Landsting tillfälle att yttra sig över det förslag som Kunskapsnätverket arbetat fram.

Skriftligt yttrande ska ha inkommit till Kunskapsnätverket senast 15 september 2019.
Yttrande tas emot i elektronisk form till adressen diariet@regionvasterbotten.se

Vänliga hälsningar

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Strategi för samisk hälsa -

En hälso- och sjukvård som bidrar till en god och jämlig hälsa för samer 2020-2030

Innehållsförteckning

Innehållsförteckning	2
Inledning	3
Strategins syfte	3
Strategins förutsättningar	4
Bakgrund	4
Lagrum och styrande dokument	4
Omvärldsanalys och nuläge	6
Vision och mål	9
Vision	9
Mål	9
Strategisk inriktning för måluppfyllelse	9
Prioriterade vårdområden	9
1. Utbilda	10
2. Utveckla	10
3. Synliggöra	12
4. Bredda kunskapen	12
5. Realisera	12
Uppföljning	12
Referenslista	13
Förteckning bilagor	13

Inledning

När projektet *Kunskapsnätverk för samisk hälsa* inleddes år 2017 var det resultatet av flera års samverkan mellan regionerna Norrbotten, Västerbotten, Jämtland Härjedalen och Dalarna, Sametinget, samiska organisationer och andra aktörer. Bakgrunden till samarbetet låg i de identifierade kunskapsluckor och brister som hälso- och sjukvården har i relation till det samiska folket, samt i vårdens svårigheter med att identifiera och åtgärda dessa brister.

Kunskapsnätverket har under projekttiden (2017–2019) arbetat för att öka kunskapen om samiska hälsofrågor, samt undersökt hur hälso- och sjukvården kan bli bättre på att möta samers behov. Det har bland annat handlat om kompetenshöjande insatser i syfte att öka den samiska kulturförståelsen, samt insatser som förbättrar tillgången till kulturanpassade hälso- och sjukvårdstjänster. Denna inriktning svarar väl mot de intentioner som finns i Hälso- och sjukvårdslagen och Patientlagen, vilka föreskriver att hälso- och sjukvården ska verka för en god hälsa och vård på lika villkor för hela befolkningen samt att information till patienter ska anpassas bland annat utifrån språklig bakgrund. Inriktningen stärker även regionernas ställning i förhållande till de skyldigheter som åligger dem enligt Lagen om nationella minoriteter och minoritetsspråk.

Arbetet för att skapa en hälso- och sjukvård som bidrar till god och jämlig hälsa för samer har således inletts, men för att nå framgång krävs långsiktighet och en fortsatt stark samverkan. Att arbetet är långt ifrån färdigt framgår även av FN:s kritik mot Sverige (läs mer i avsnittet kritik mot Sverige). Denna handlar dels om Sveriges bristande kunskap om samers hälsa, dels om det faktum att Sverige saknar en nationell hälsopolitik för samer. Kunskapsnätverket konstaterar att urfolksperspektiv som knyter an till internationella överenskommelser saknas i både nationella och regionala styrdokument för vård och hälsa. I detta sammanhang vore vägledning från Socialstyrelsen, Sveriges Kommuner och Landsting (SKL) och andra relevanta aktörer önskvärt.

Strategin är framtagen av regionerna, tillsammans med Sametinget och samiska organisationer, och implementeringen ska ske i fortsatt samverkan. Avsteg från strategin får enbart ske i dialog med de samiska aktörerna. Genom strategin påbörjas också implementeringen av de delar i urfolksdeklarationen som berör hälso- och sjukvård (art. 21, 23, 24 se bilaga 1).

Kunskapsnätverket för samisk hälsa uppmanar regionerna att:

- arbeta för en långsiktig regional finansiering av strategin för samisk hälsa
- arbeta för ett långsiktigt statligt stöd till Kunskapsnätverket
- verka för att en nationell strategi för samisk hälsa utarbetas och antas och ett förverkligande av ett nationellt centrum för samisk hälsa
- i olika sammanhang uppmana Socialstyrelsen, SKL och relevanta myndigheter att främja urfolksperspektivet

Strategins syfte

Strategins syfte är att öka tillgången till en språk- och kulturanpassad vård för den samiska patienten.

Strategins förutsättningar

Strategins genomförande förutsätter ett tydligt stöd och engagemang från ledande funktioner på alla nivåer. Om stöd för att genomföra strategin saknas på någon nivå kommer inte resultat att uppnås.

Därutöver är det nödvändigt att en ansvarig funktion (koordinator, strateg eller motsvarande) med ett tydligt uppdrag att arbeta för strategins genomförande, utses i respektive region. Denna funktion ska ha samisk kulturkompetens och ett engagemang i frågan.

En avgörande förutsättning är också att samarbetet mellan regionerna, Sametinget och de samiska organisationerna fortsätter. En övergripande funktion (huvudkoordinator) är av stor vikt för ett effektivt samarbete mellan de skilda aktörerna. Utan övergripande samordning finns risk för brister både i samverkan mellan regionerna och i dialog med samerna - något som i förlängningen kan skada förtroendet för det fortsatta arbetet. Även denna funktion ska ha samisk kulturkompetens.

I samband med att *Kunskapsnätverk för samisk hälsa* startade upp sitt arbete inrättades samiska kompetensnätverk i respektive region. Dessa nätverk är öppna för vårdpersonal, oberoende av yrkeskategori, med hög samisk språk- och kulturkompetens. Att näverken har ledningens stöd och att dess kompetens tillvaratas är centralt för strategins genomförande.

Lika avgörande är Sametingets och de samiska organisationernas fortsatta engagemang i samarbetet. Utan tillräcklig samisk delaktighet ökar risken att de insatser som görs blir irrelevanta.

Bakgrund

Lagrum och styrande dokument

Folkrättsliga åtaganden

Samernas juridiska status som urfolk erkändes år 1977 av Sveriges riksdag. Erkännandet innebär en rätt för samerna till kulturell särbehandling.¹ Sedan 2011 erkänns också samerna som ett eget folk i Sveriges grundlag.²

Sverige har undertecknat FN:s deklaration för urfolkens rättigheter (2007, se bilaga 1). Denna fastslår i artikel 24 att samerna har rätt till högsta möjliga fysiska och psykiska hälsa, liksom att staterna ska vidta alla nödvändiga åtgärder för att åstadkomma detta: "Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States should take the necessary steps with a view to achieving progressively the full realisation of this right".

Urfolksdeklarationen uppger också att urfolk har rätt att aktivt medverka till att administrera, utveckla och fatta beslut kring program för det egna folkets hälsa, så långt som möjligt genom sina egna institutioner (artikel 23). Vidare erkänns samernas rätt till sin traditionella läkekonst (artikel 24),

¹ *Med anledning av propositionen 1976/77:80 om insatser för samerna jämte motioner.* Betänkande 1976/77:KrU43.

² Regeringsformen (1974:152), kap.1 2§.

samt rätten att använda och bli förstådda på sitt eget språk (artikel 13). Statens skyldighet att samråda och samarbeta med företrädare för samiska organisationer inskrärps (artikel 19).

I FN:s barnkonvention (1989), framhålls samiska barns särskilda rätt till sitt språk och sin kultur (artikel 30). FN:s barnrättskommitté har i sina allmänna kommentarer framhållit urfolks barns rätt till en kulturell hänsynstagande hälsa- och sjukvård.³

Sverige har också undertecknat Europarådets ramkonvention om skydd för nationella minoriteter (1995). Även här framkommer att staterna förväntas vidta lämpliga åtgärder för att främja fullständig och effektiv jämlikhet mellan nationella minoriteter och majoritetsbefolkningen (artikel 4). Hänsyn tas i detta sammanhang tas till samernas särskilda omständigheter. I samma artikel betonas att sådana åtgärder inte ska betraktas som diskriminerande. Det allmänna ska avhålla sig från assimilerande metoder (artikel 5).

Nationell lagstiftning

Hälso- och sjukvårdslagen (2§) och Patientlagen (6§) beskriver målet för hälso- och sjukvården som rätten till en god hälsa och en vård på lika villkor för hela befolkningen.

Lagen om nationella minoriteter och minoritetsspråk poängterar samers rätt till inflytande i frågor som berör dem (5§). Regionerna Norrbotten, Västerbotten, Jämtland Härjedalen och Dalarna är samiska förvaltningsområden enligt denna lag.⁴ Särskilt lyfter lagstiftningen fram barn och ungdomars rätt till inflytande, samt det allmännas särskilda ansvar att främja barns utveckling av en kulturell identitet och användning av det egna minoritetsspråket (4§,5a§). Regionerna ska verka för att det finns tillgång till personal med kunskaper i samiska där detta behövs (8§).

Regional samverkan

Regionerna samverkar idag främst genom Kunskapsnätverk för samiska hälsa. Kunskapsnätverket består av en samordnande funktion, huvudkoordinator, samt av regionala koordinatorer. För att säkra riktning, relevans och delaktighet har Kunskapsnätverket en styrgrupp med representanter från respektive region, Sametinget och de samiska organisationerna. Kontinuerlig avstämning görs med en politisk referensgrupp.

Huvudkoordinatoren håller ihop regionernas arbete, fungerar som facilitator i process- och utvecklingsarbeten och som en sammanhållande resurs för regionerna och de samiska aktörerna. Huvudkoordinatoren driver den gemensamma arbetsprocessen framåt samt samordnar reviderings- och uppfölningsarbete. Länskoordinatorerna arbetar med regionsspecifika insatser kopplade till

³ Barn som tillhör ursprungsbefolkningar och deras rättigheter enligt konventionen.

Barnrättskommitténs allmänna kommentar nr.11 (2009).

⁴ Förordning om nationella minoriteter och minoritetsspråk (2009:1299).

information, utbildning, regionala kompetensnätverk samt tjänsteutveckling för ökad samisk kulturkompetens.

Sedan 2016 finns en överenskommelse *Att samverka och handla för psykisk hälsa i Sápmi* mellan regionerna Norrbotten, Västerbotten och Jämtland Härjedalen. Denna innebär att regionerna i samverkan ska utveckla hälso- och sjukvårdens kompetenser och utbud för att kunna erbjuda en vård på lika villkor för samer med psykisk ohälsa, vilket överensstämmer med intentionen i denna strategi.

Omvärldsanalys och nuläge

Kritik mot Sverige

Sverige har vid flera tillfällen fått internationell kritik för att inte i tillräckligt hög grad tillgodose samernas rättigheter. Paul Hunt, en av FN:s specialrapportörer i hälsofrågor, kritiserade år 2007 Sverige för att inte ha beaktat samernas särskilda status som urfolk i relation till hälsa. Hunt rekommenderar att Sverige inrättar både ett centrum för samisk hälsoforskning och en samisk vårdinrättning. Vidare uppmanar han Sverige att fastslå en nationell hälsopolitik för samer, inklusive en nationell plan för att trygga renskötares hälsa och arbetsmiljö. Slutligen föreslår Hunt utbildning om samisk kultur för vårdpersonal samt ökad vårdinformation på samiska.⁵

ILO: konvention nr.169, artikel 25

Till skillnad från både Norge och Danmark har Sverige inte ratificerat ILO:s konvention nr.169 som är en mer långtgående konvention än Urfolksdeklarationen. I artikel 25 anges bland annat att i områden där urfolk bor ska personer som tillhör urfolket ges företräde till både vårdutbildningar och till anställning inom hälso- och sjukvård (se bilaga 2).⁶

Sametinget

Sametinget inrättade år 2018 en nämnd för hälsa, äldrefrågor och idrott. Sedan starten har nämnden haft ett nära samarbete med Kunskapsnätverket för samisk hälsa.

Sedan tidigare har Sametinget bland annat publicerat rapporten *Kunskapssammanställning om samers psykosociala ohälsa* med ett flertal förslag på hur den psykiska hälsan bland samer kan förbättras. Förslagen uppmanar bland annat regeringen att i samarbete med de nordliga regionerna ta initiativ till ett centrum för samisk hälsa. Därtill rekommenderas förebyggande hälsoarbete i

⁵ Hunt, Paul (2007). "The Sami". *Report of the special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. Mission to Sweden*, Human Rights Council, FN.

⁶ *Indigenous and Tribal Peoples Convention (no.169)*. International Labour Organization (1989).

samverkan med det samiska civilsamhället, en höjning av samisk språk- och kulturkunskap i hälso- och sjukvården, samt samiska behandlingsalternativ/enheter inom vården.⁷

Samisk hälsoforskning

Den samiska hälsoforskningen är relativt begränsad i omfattning, men uppvisar samstämmiga resultat. Södra Lapplands Forskningsenhet sammanställde på uppdrag av Sametinget, befintlig kunskap om samernas hälsa i *Samernas hälsosituation - en kunskapsöversikt*. Författarna drog slutsatsen att kunskapen om de svenska samernas hälsosituation är bristfällig, samt konstaterade att det finns ett stort behov av att undersöka en rad olika sjukdomstillstånd bland samer, samt hur dessa är kopplade till olika riskfaktorer och hur de förändras över tid.⁸

Suicidalitet bland samer har studerats av bland andra psykologen Niclas Kaiser. I sin avhandling visar han på en betydligt högre förekomst av suicidala uttryck (livströtthet, dödsönskningar, självmordstankar, självmordsplaner) hos samiska renskötande män än hos den majoritetssvenska referensgruppen, med undantag för den allvarligaste graden (självmordsförsök) där en viss skillnad visserligen kvarstod men utan att vara statistiskt signifikant. Samma mönster uppvisade renskötande kvinnor. Ungefär dubbelt så många yngre renskötande män (18–29 år) rapporterade att de gjort upp självmordsplaner jämfört med referensgruppen. För män i åldrarna 30–49 år var denna skillnad nästan tre gånger så stor.⁹

Psykologen Lotta Omma har i sin avhandling undersökt hälsa och livsvillkor hos samiska barn (13–18 år) och unga vuxna samer (18–28 år). Ett av hennes viktigaste resultat är att en så stor andel av de unga samerna lever i någon form av utsatthet. Hälften av respondenterna i studien hade erfarenhet av etnisk diskriminering (att vara illa behandlad på grund av sin härkomst) och siffran är ännu högre bland de unga renskötande samerna. Det framkommer ett starkt samband mellan upplevd etnisk diskriminering och psykisk ohälsa. De unga vuxna som har erfarenhet av diskriminering rapporterar mer bekymmer, oro, ångest och nedstämdhet jämfört både med andra samiska ungdomar och unga svenskar i norr. De rapporterar också mer stresssymptom än andra samiska ungdomar. Utsattheten består också i att ofta i olika sammanhang behöva förklara sin kultur och försvara sin existens som same. Liksom i Kaisers forskning framkommer betydligt högre förekomst av suicidala uttryck hos unga vuxna samer jämfört med en svensk referensgruppen bestående av unga i norr. De samiska skolbarnen svarade på frågor om hälsorelaterad livskvalitet och jämfördes med hur svenska skolbarn

⁷ Stoor, Petter. (2016). *Kunskapssammanställning om samers psykosociala ohälsa*. Sametinget.

⁸ Södra Lapplands forskningsenhet (2009). *Samernas hälsosituation – en kunskapsöversikt*.

Sametinget.

⁹ Kaiser, Niclas, Salander Renberg, E. (2012). *Suicidal expressions among the Swedish reindeer herding Sami population*. *Suicidology Online*, (3): 102-113.

hade svarat på samma frågor. Resultatet visar att de samiska skolbarnen rapporterade lägre hälsorelaterad livskvalitet jämfört med svenska skolbarn.¹⁰

Laila Daerga visar i sin avhandling *Att leva i två världar - hälsoaspekter bland renskötande samer* att renskötande samer hela tiden behöver anpassa sig till ett majoritetssamhälle med en annan livsstil och kultur, andra normer och värderingar och för en del ett annat språk. Studier visar att renskötande samer har signifikant lägre förtroende för hälso- och sjukvården jämfört med den övriga norrländska befolkningen. Det framkom flera faktorer som påverkar det låga förtroendet såsom historiska händelser (till exempel kolonisering, tvångskristnande, tvångsförflyttning), värderingar i den egna kulturen om hälsa och ohälsa, upplevelser av att hälso- och sjukvårdspersonalen har bristande kulturkompetens och hälso- och sjukvårdens organisation. Renskötsel är ett fysiskt krävande arbete och i jämförelse med andra yrkeskategorier inom bygg-, industri- och transportsektorn föreligger det högre förekomst av muskuloskeletalala symtom från armbågar, händer-och handleder och ländrygg hos renskötande män.¹¹

Etnologen Christina Åhrén har beskrivit de svårigheter som personer utan tillgång till samiska markörer, som renar och samiskt språk, kan ha både i mötet med andra samer och i sitt personliga identitetsskapande.¹²

Resultat av Kunskapsnätverkets dialoger och webbenkät

Kunskapsnätverket genomförde under 2018 en digital enkätundersökning samt ett flertal dialoger med olika grupper från samisk befolkning. Syftet har varit att tydliggöra samiska behov i relation till hälso- och sjukvård.

De viktigaste önskemål som framkommit är ökad kulturförståelse, bra bemötande och god tillgänglighet hos personal inom hälso- och sjukvården. Det framhålls genomgående som viktigt att personalen har:

- Kunskap om vad det innebär att leva i minoritet (minoritetsstress)
- Kunskap om samisk kultur, historia och livsvillkor
- Kunskap om renskötselns livsvillkor och förutsättningar

I enkäten framkommer även att många undviker att berätta om sitt samiska ursprung, trots att man tror att det har betydelse för behandling och vård. Anmärkningsvärt är också att hälften av de renskötare som besvarat enkäten upplever sig illa behandlad av sjukvården på grund av sitt ursprung.

¹⁰ Omma, Lotta (2013). *Ung same i Sverige: livsvillkor, självvärdering och hälsa*. Umeå: Umeå Universitet.

¹¹ Daerga, Laila (2017). *Att leva i två världar - hälsoaspekter bland renskötande samer*. Umeå: Umeå universitet.

¹² Åhrén, Christina (2008). *Är jag en riktig same? En etnologisk studie av unga samers identitetsarbete*. Umeå: Umeå universitet.

I dialoger har även det upplevda utanförskapet bland samer utanför renskötseln lyfts som en svårighet.

Vision och mål

Vision

Vår vision är en god och jämlik hälsa, liksom en vård på lika villkor, för urfolket samerna enligt Hälso- och sjukvårdslagen, Patientlagen, Minoritetslagen samt Urfolksdeklarationen. Detta innebär en hälso- och sjukvård som aktivt tar hänsyn till samisk kultur, språk och den samiska patientens behov och livsvillkor.

Mål

Övergripande mål:

En hälso- och sjukvård som aktivt bidrar till en god och jämlik hälsa hos den samiska befolkningen

Delmål:

Indikatorer för delmålen tas fram i gemensamma handlingsplaner. Följande är delmålen:

1. Utbilda - Höja kompetensen bland anställda inom hälso- och sjukvården
2. Utveckla - Nya arbetssätt och metoder för en språk- och kulturanpassad hälso- och sjukvård
3. Synliggöra - Samiska språk och samisk kultur är närvarande och synliga i hälso- och sjukvården
4. Bredda kunskapen - Samisk hälsoforskning och kunskapsutveckling för en jämlik hälsa främjas
5. Realisera - Verka för ett nationellt centrum för samisk hälsa

Strategisk inriktning för måluppfyllelse

Den strategiska inriktningen beskriver *hur* det fortsatta arbetet ska genomföras för att nå målen.

Strategin utgår från tre kriterier som ska genomsyra alla insatser. För det första utgår strategin från att samer enligt Urfolksdeklarationen har särskilda rättigheter som relaterar till vård och hälsa. För det andra utgår strategin från att samer omfattas av rätten till en god hälsa och en vård på lika villkor enligt Hälso- och sjukvårdslagen och Patientlagen. Den tredje utgångspunkten är att fortsatt arbete ska bedrivas genom regional samverkan och med samisk delaktighet.

Dessa bör ses som horisontella kriterier och ska genomsyra alla insatser i förbättringsarbetet för en god och jämlik hälsa för den samiska befolkningen.

Prioriterade vårdområden

Strategin har fem prioriterade vårdområden, som utgår från forskning och resultaten av de dialoger som har hållits med samiska befolkningen. Dessa vårdområden är: primärvård, vuxenpsykiatri, barn- och ungdomspsykiatri, geriatrik samt förebyggande hälsovård för renskötare.

Vid utvecklingsarbeten som rör dessa områden ska det samiska folkets perspektiv uttryckligen lyftas fram, tillsammans med lämpliga åtgärder. Detta kan till exempel bli aktuellt i relation till insatser som rör tillgänglighet, e-hälsa, suicidprevention, psykisk hälsa, folkhälsa eller upphandling.

1. Utbilda

Höja kunskapen om urfolksrättigheterna

En intern kunskapsutveckling om samernas urfolksrätt innehåller utbildningsinsatser för politiker, tjänstemannaledning och relevanta stabstödfunktioner. Det kan också handla om att internt ta ställning för samers rättigheter och att aktivt tillämpa ett aktivt normkritiskt (dekoloniserande) arbetssätt i den egna organisationen.

I alla övergripande styrdokument för vården bör urfolksperspektivet beaktas. När system för kunskapsstyrning etableras förespråkar vi att samiska perspektiv beaktas i programområden för i första hand psykisk ohälsa, akutvård, barn och ungas hälsa samt äldres hälsa. Detta kan med fördel genomföras med kompetensstöd från befintlig samisk språk- och kulturkompetens i regionerna.

Höja kulturkompetensen i hälso- och sjukvården

En gemensam utbildningsplan för samverkande regioner bör tas fram för ökad samisk kulturkompetens i hälso- och sjukvården. En del av detta bör vara den e-utbildning som tas fram av Kunskapsnätverket för samisk hälsa. Behov finns av fortsatt samverkan med Samisk Nasjonal Kompetansetjeneste - psykisk helsevern og rus (Sanks) för kunskaps- och erfarenhetsutbyte.

Utveckla stöd för kultursensitiva vårdmöten

Vårdpersonal behöver mer stöd i att ställa kultursensitiva frågor. Kultursensitiva frågor öppnar på ett naturligt sätt upp för samtal om sådana kulturella aspekter som kan ha betydelse för individens hälsa och mående. Kulturformuleringsintervjuer är en modell som kan användas för detta.

2. Utveckla

Personcentrerad vård

I alla insatser som handlar om att göra patienten till medskapare i vården behöver det samiska perspektivet finnas med som en möjlighet. När vi samverkar med kommunerna och andra parter eftersträvar vi gemensamt ansvar för att det samiska perspektivet finns med.

Tillvarata och utveckla samisk kompetens

Planer behöver utarbetas för hur befintlig språk- och kulturkompetens kan tillvaratas och utvecklas för att komma patienter och anhöriga till del. Det är viktigt att insatser för att tillvarata samisk kompetens präglas av flexibilitet och har stöd från ledningsnivå. Ett första steg är att ge fortsatt stöd till de samiska kompetensnätverken för vårdpersonal som finns i respektive region.

Ett exempel på hur kompetens kan tillvaratas är att vårdenheter och vårdgivare, som har samisk kulturkompetens, blir synliggjorda och valbara för befolkningen. På så sätt tillvaratas samisk kompetens effektivt och samisk befolkning kan erbjudas en ur kulturellt hänseende nära vård. Även digitala lösningar kan, genom sin flexibilitet och tillgänglighet, bidra till att samisk kompetens tillvaratas.

Ökad tillgänglighet

Drop-in eller kvällssöppet på vård-/hälsocentraler är exempel på bra strategier för att öka tillgängligheten till vården. Andra alternativ kan vara tidsbokning/ombokning på nätet eller arbetssätt som innebär att vårdpersonalen träffar patienten där hen befinner sig.

Digitala lösningar kan anpassas efter samiska behov. För samer i rensköteln kan det underlätta att slippa resa till närmaste vård-/hälsocentral och istället få träffa vårdpersonalen via mobilen. Andra digitala lösningar kan språk- och kulturanpassas efter samiska behov.

Riktade insatser

Riktade insatser behöver göras i relation till särskilda grupper - till exempel barn, renskötare och personer med psykisk ohälsa och självmordsproblematik.

- Barn och unga - Både Barnkonventionen, Urfolksdeklarationen och Lagen om nationella minoriteter lyfter särskilt samiska barn och ungas rätt till språk och kultur. Denna möjlighet är särskilt viktig inom till exempel barnhälsovården och på ungdomsmottagningar, där arbetssätt som möjliggör språk- och kulturanpassade vårdmöten behöver utvecklas.
- Psykisk hälsa - Regionerna bör stödja och driva ett suicidforebyggande arbete, som till exempel utbildningar i Första hjälpen till psykisk hälsa. Detta behöver ske i samverkan med det samiska civilsamhället och i relevanta fall också med kommunerna, Sanks, brukarorganisationer och ideella organisationer.
- Rensköters arbetsmiljö - Renskötsel är ett av Sveriges farligaste yrken och när olyckor inträffar är det dessutom ofta långt till närmaste vårdinrättning. Att öka samebyarnas förmåga att ge första hjälpen i väntan på vård är ett sätt att öka tryggheten i arbetet. Renskötselarbete kan också leda till belastnings- och förslitningsskador. Det vore därför önskvärt med hälsofrämjande insatser riktade särskilt mot renskötargruppen.
- Samer utanför rensköteln - Särskilda åtgärder bör genomföras för att upprätta dialog och samverkan med den icke-renskötande samiska befolkningen.
- Utsatta grupper - Slutligen är det viktigt att uppmärksamma den särskilda utsatthet som återfinns bland samiska hbtq-personer, samer med funktionsnedsättning och samer som lever med våld i familjen. Att bidra till fungerande stödstrukturer för dessa grupper är viktigt ur ett hälsofrämjande perspektiv.

Stärkt samisk delaktighet

Regionerna har i dagsläget samråd med samer. Utöver dessa kan andra former för inflytande etableras för vård närmare medborgaren. Det kan handla om att vård-/hälsocentraler och andra

vårdverksamheter inrättar egna samråd med samer, eller om att samisk delaktighet säkerställs i brukarråd och andra befintliga arenor för brukar-/patientinflytande. Det kan också handla om att samer ingår i referensgrupper för utveckling av nya tekniker och arbetssätt.

Samisk delaktighet är avgörande för att säkra relevanta prioriteringar i det fortsatta förbättringsarbetet. De regionala kompetensnätverken har en nyckelroll i detta utvecklingsarbete utifrån sin samiska kulturkompetens och kunskap i regionernas organisation.

3. Synliggöra

Samiska språk

Samer har rätt att prata samiska i kontakter med hälso- och sjukvården. Riktlinjer för att kunna bemöta rätten att tala samiska behöver tas fram. Hälso- och sjukvården ska arbeta vidare med att synliggöra den samiska närvaren i vänturum, på skytar, och i digitala forum. Detta kan göras genom litteratur på samiska, översättningar av informationsmaterial, samisk skyltning i vårdinrättningar, samt samiska i hälso- och sjukvårdens digitala forum både regionalt och nationellt.

Samisk kultur

Samiska symboler och markörer behöver synliggöras genom samiska flaggan, inredning och konst, bruksföremål, leksaker och är särskilt viktiga i de miljöer där barn och unga, samt äldre vistas.

4. Bredda kunskaper

Det finns brist på aktuell forskning inom hälsoområdet och strategin förespråkar därför fortsatt samisk hälsoforskning och kliniknära hälsoforskning i nära samarbete med det samiska folket.

Det finns ett behov av att ta fram en nationell hälsostrategi för den samiska befolkningen, då samer är bosatta i hela Sverige.

Etiska riktlinjer och inrättandet av ett etiskt råd för samisk hälsoforskning är nödvändigt för att säkra att historiska trauman relaterade till forskning inte upprepas. Dessa riktlinjer bör integreras i ordinarie etikprövningsnämnders arbete.

5. Realisera

Strategin stödjer Sametinget och samiska organisationer i uppbyggandet av ett nationellt centrum för samisk hälsa. Regionerna anser att detta centrum bör få ett nationellt uppdrag beträffande kulturanpassad hälso- och sjukvård, kunskapsuppbryggnad och kunskapsspridning.

Uppföljning

Strategin konkretiseras i gemensamma handlingsplaner som beskriver insatser och hur dessa ska följas upp.

Status för aktiviteter i handlingsplanerna rapporteras årligen av Kunskapsnätverket för samisk hälsa till respektive organisation. När strategin är genomförd ska resultatet utvärderas och återrapporteras.

Strategin revideras 2025, samt när nya lagar eller ny relevant forskning som berör samisk hälsa publiceras.

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Förteckning bilagor

Bilaga 1. *United Nations Declaration on the Rights of Indigenous Peoples*, 2007.

Bilaga 2. *C169 Indigenous and Tribal Peoples Convention*, International Labour Organization, 1989.



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Report of the Human Rights Council

Belgium, Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Latvia, Nicaragua, Peru, Portugal, Slovenia and Spain: draft resolution

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

* Reissued for technical reasons.



Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights¹ and the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action,² affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing also that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

¹ See resolution 2200 A (XXI), annex.

² A/CONF.157/24 (Part I), chap. III.

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples 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 Rights³ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

³ Resolution 217 A (III).

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. 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 provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, 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.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of

the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, *inter alia*, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Convention concerning Indigenous and Tribal Peoples in Independent Countries
(Entry into force: 05 Sep 1991) Adoption: Geneva, 76th ILC session (27 Jun 1989) - Status:
Up-to-date instrument (Technical Convention). Convention may be denounced: 05 Sep 2021 - 05 Sep 2022

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 76th Session on 7 June 1989, and

Noting the international standards contained in the Indigenous and Tribal Populations Convention and Recommendation, 1957, and

Recalling the terms of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the many international instruments on the prevention of discrimination, and

Considering that the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards, and

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

Noting that in many parts of the world these peoples are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live, and that their laws, values, customs and perspectives have often been eroded, and

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding, and

Noting that the following provisions have been framed with the co-operation of the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, as well as of the Inter-American Indian Institute, at appropriate levels and in their respective fields, and that it is proposed to continue this co-operation in promoting and securing the application of these provisions, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention revising the Indigenous and Tribal Populations Convention, 1957;

adopts this twenty-seventh day of June of the year one thousand nine hundred and eighty-nine the following Convention, which may be cited as the Indigenous and Tribal Peoples Convention, 1989;

PART I. GENERAL POLICY

Article 1

1. 1. This Convention applies to:
 - o (a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
 - o (b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.
3. The use of the term *peoples* in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

Article 2

1. 1. Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity.
2. Such action shall include measures for:
 - o (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;
 - o (b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions;
 - o (c) assisting the members of the peoples concerned to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

Article 3

1. 1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples.

2. 2. No form of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention.

Article 4

1. 1. Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.
2. 2. Such special measures shall not be contrary to the freely-expressed wishes of the peoples concerned.
3. 3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

Article 5

In applying the provisions of this Convention:

- (a) the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- (b) the integrity of the values, practices and institutions of these peoples shall be respected;
- (c) policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

Article 6

1. 1. In applying the provisions of this Convention, governments shall:
 - (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
 - (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
 - (c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.
2. 2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 7

1. 1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. 2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans

- for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.
 4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

Article 8

1. In applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary laws.
2. These peoples shall have the right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognised human rights. Procedures shall be established, whenever necessary, to resolve conflicts which may arise in the application of this principle.
3. The application of paragraphs 1 and 2 of this Article shall not prevent members of these peoples from exercising the rights granted to all citizens and from assuming the corresponding duties.

Article 9

1. To the extent compatible with the national legal system and internationally recognised human rights, the methods customarily practised by the peoples concerned for dealing with offences committed by their members shall be respected.
2. The customs of these peoples in regard to penal matters shall be taken into consideration by the authorities and courts dealing with such cases.

Article 10

1. In imposing penalties laid down by general law on members of these peoples account shall be taken of their economic, social and cultural characteristics.
2. Preference shall be given to methods of punishment other than confinement in prison.

Article 11

The exaction from members of the peoples concerned of compulsory personal services in any form, whether paid or unpaid, shall be prohibited and punishable by law, except in cases prescribed by law for all citizens.

Article 12

The peoples concerned shall be safeguarded against the abuse of their rights and shall be able to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Measures shall be taken to ensure that members of these peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.

PART II. LAND

Article 13

1. 1. In applying the provisions of this Part of the Convention governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.
2. 2. The use of the term *lands* in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

Article 14

1. 1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. 2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. 3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. 1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.
2. 2. In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities.

Article 16

1. 1. Subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.
2. 2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.
3. 3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.
5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

Article 17

1. Procedures established by the peoples concerned for the transmission of land rights among members of these peoples shall be respected.
2. The peoples concerned shall be consulted whenever consideration is being given to their capacity to alienate their lands or otherwise transmit their rights outside their own community.
3. Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them.

Article 18

Adequate penalties shall be established by law for unauthorised intrusion upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

Article 19

National agrarian programmes shall secure to the peoples concerned treatment equivalent to that accorded to other sectors of the population with regard to:

- (a) the provision of more land for these peoples when they have not the area necessary for providing the essentials of a normal existence, or for any possible increase in their numbers;
- (b) the provision of the means required to promote the development of the lands which these peoples already possess.

PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT

Article 20

1. Governments shall, within the framework of national laws and regulations, and in co-operation with the peoples concerned, adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.
2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:
 - (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
 - (b) equal remuneration for work of equal value;
 - (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;

- (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.
3. The measures taken shall include measures to ensure:
- (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;
 - (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;
 - (c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
 - (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.
4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES

Article 21

Members of the peoples concerned shall enjoy opportunities at least equal to those of other citizens in respect of vocational training measures.

Article 22

1. Measures shall be taken to promote the voluntary participation of members of the peoples concerned in vocational training programmes of general application.
2. Whenever existing programmes of vocational training of general application do not meet the special needs of the peoples concerned, governments shall, with the participation of these peoples, ensure the provision of special training programmes and facilities.
3. Any special training programmes shall be based on the economic environment, social and cultural conditions and practical needs of the peoples concerned. Any studies made in this connection shall be carried out in co-operation with these peoples, who shall be consulted on the organisation and operation of such programmes. Where feasible, these peoples shall progressively assume responsibility for the organisation and operation of such special training programmes, if they so decide.

Article 23

1. Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.
2. Upon the request of the peoples concerned, appropriate technical and financial assistance shall be provided wherever possible, taking into account the traditional technologies and cultural

characteristics of these peoples, as well as the importance of sustainable and equitable development.

PART V. SOCIAL SECURITY AND HEALTH

Article 24

Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

Article 25

1. 1. Governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health.
2. 2. Health services shall, to the extent possible, be community-based. These services shall be planned and administered in co-operation with the peoples concerned and take into account their economic, geographic, social and cultural conditions as well as their traditional preventive care, healing practices and medicines.
3. 3. The health care system shall give preference to the training and employment of local community health workers, and focus on primary health care while maintaining strong links with other levels of health care services.
4. 4. The provision of such health services shall be co-ordinated with other social, economic and cultural measures in the country.

PART VI. EDUCATION AND MEANS OF COMMUNICATION

Article 26

Measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community.

Article 27

1. 1. Education programmes and services for the peoples concerned shall be developed and implemented in co-operation with them to address their special needs, and shall incorporate their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations.
2. 2. The competent authority shall ensure the training of members of these peoples and their involvement in the formulation and implementation of education programmes, with a view to the progressive transfer of responsibility for the conduct of these programmes to these peoples as appropriate.
3. 3. In addition, governments shall recognise the right of these peoples to establish their own educational institutions and facilities, provided that such institutions meet minimum standards established by the competent authority in consultation with these peoples. Appropriate resources shall be provided for this purpose.

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.
2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 29

The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.

Article 30

1. Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention.
2. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.

Article 31

Educational measures shall be taken among all sections of the national community, and particularly among those that are in most direct contact with the peoples concerned, with the object of eliminating prejudices that they may harbour in respect of these peoples. To this end, efforts shall be made to ensure that history textbooks and other educational materials provide a fair, accurate and informative portrayal of the societies and cultures of these peoples.

PART VII. CONTACTS AND CO-OPERATION ACROSS BORDERS

Article 32

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

PART VIII. ADMINISTRATION

Article 33

1. 1. The governmental authority responsible for the matters covered in this Convention shall ensure that agencies or other appropriate mechanisms exist to administer the programmes affecting the peoples concerned, and shall ensure that they have the means necessary for the proper fulfilment of the functions assigned to them.
2. 2. These programmes shall include:
 - o (a) the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in this Convention;
 - o (b) the proposing of legislative and other measures to the competent authorities and supervision of the application of the measures taken, in co-operation with the peoples concerned.

PART IX. GENERAL PROVISIONS

Article 34

The nature and scope of the measures to be taken to give effect to this Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country.

Article 35

The application of the provisions of this Convention shall not adversely affect rights and benefits of the peoples concerned pursuant to other Conventions and Recommendations, international instruments, treaties, or national laws, awards, custom or agreements.

PART X. FINAL PROVISIONS

Article 36

This Convention revises the Indigenous and Tribal Populations Convention, 1957.

Article 37

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 38

1. 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 39

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 40

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 41

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 42

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 43

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides-
 - o (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 39 above, if and when the new revising Convention shall have come into force;
 - o (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 44

The English and French versions of the text of this Convention are equally authoritative.

