**Overview and rationale**

|  |  |
| --- | --- |
| **Indicator** | **14. Extent to which policies as well as legal and administrative measures respect customary rights, practices and expressions, particularly as regards the practice and transmission of ICH** |
| **Assessment factors** | This indicator is assessed on the basis of three country-level factors monitored and reported by each State Party: |
| * 1. Forms of legal protection, such as intellectual property rights and privacy rights, are provided to ICH practitioners, bearers and their communities when their ICH is exploited by others for commercial or other purposes.
 | OD 104, OD 173 |
| * 1. The importance of customary rights of communities and groups to land, sea and forest ecosystems necessary for the practice and transmission of ICH is recognized in policies and/or legal and administrative measures.
 | OD 178(c) |
| * 1. Policies and/or legal and administrative measures recognize expressions, practices and representations of intangible cultural heritage that contribute to dispute prevention and peaceful conflict resolution.
 | OD 194, OD 195 |
| **Relation with SDGs and other indicators** | **Sustainable Development Goals:** This indicator corresponds to several Sustainable Development Goals and Targets. In its concern for protecting traditional knowledge, Assessment Factor 14.1 complements SDG Target 2.5, which advocates ‘access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge’ as well as SDG Target 15.6, which echoes that same language. The customary rights of women in particular are invoked in SDG Target 5.a, which refers to their ‘access to ownership and control over land…and natural resources’. Assessment Factor 14.3 complements SDG Target 16.a in its concern for ‘building capacity at all levels…to prevent violence’. Overall, Indicator 14 addresses SDG Target 17.14 (‘enhance policy coherence for sustainable development’) and SDG Target 17.15 (‘respect each country’s policy space and leadership to establish and implement policies for poverty eradication and sustainable development’). The present indicator also addresses SDG Target 11.4, which seeks to ‘strengthen efforts to protect and safeguard the world’s cultural and natural heritage.’**Relation to other indicators:** The present indicator complements the others concerned with policies focusing respectively on the culture sector (Indicator 11), education sector (Indicator 12) and other sustainable development sectors (Indicator 13). Here the emphasis is on the policy context rather than its content while Indicators 15 and 16 turn to the programmes and plans through which those policies are translated into action, particularly in the area of sustainable development. Indicator 17 concerns protection of the rights of communities, groups and individuals within efforts to raise awareness about their ICH. |
| **Rationale for action** | The present indicator aligns with the Convention’s Article 13(a), which refers to the importance of ‘integrating the safeguarding of [ICH] into planning programmes’. Many countries worldwide have found it increasingly useful to integrate customary rights, practices and expressions into their larger legal and policy frameworks, finding that such integration contributes to greater equity and civic participation. Such customary systems – often recognized by communities and groups as part of their ICH – offer an important resource for sustainable development. With specific regard to indigenous peoples, the United Nations Declaration on the Rights of Indigenous Peoples (Article 31) gives particular attention to their ‘right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions’ as well as their associated intellectual property. Many countries as well as international organizations have integrated indigenous and informal traditions for administering justice and settling disputes into their policies and justice systems. Moreover, Article 8(j) of the UN Convention on Biological Diversity underlines the importance of the knowledge, practices and innovations of indigenous and local communities for ensuring biological diversity. |
| **Key terms** | * Policies
* Legal measures
* Administrative measures
* Customary rights
* Customary practices
* Intellectual property rights
* Privacy rights
* Practitioners and bearers
* Communities, groups or, in some cases, individuals
 |

**Specific guidance on monitoring and periodic reporting**

|  |  |
| --- | --- |
| **Benefits of monitoring** | Monitoring of this indicator will allow the State to determine whether customary rights, practices and expressions have been integrated effectively into the larger legal and policy framework and, if not, where it can identify entry points for so doing. Such monitoring can also point to gaps that leave communities, groups and individuals vulnerable to unfair or uncompensated exploitation of their ICH or that weaken their customary rights over ecosystems whose existence is necessary to permit them to continue the practice and transmission of their ICH. Monitoring at the global level can point to good practices that have been innovated in various countries, can substantiate the importance of ICH in constructing a culture of peace, and can support the need for global systems of legal protection of ICH and traditional cultural expressions. |
| **Data sources and collection** | Policies and legal and administrative measures in these areas may fall within the scope of various ministries, such as those concerned with justice, with rural development, with the environment, or with intellectual property protection. A consultative body or coordination mechanism that involves representatives of such ministries may exist. If not, the monitoring team may need to take up contact with the respective ministries to determine if such policies and legal and administrative measures have been developed and are being implemented.**Possible data sources*** Official journals or compendia of laws and legal regulations
* Policy documents of relevant ministries
* Country reports to the UN Convention on Biological Diversity on Article 8(j)
* National sustainable development strategy such as a five-year plan or ten-year plan
* Surveys or research carried out by research institutes examining relevant policy areas
 |