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INDIGENOUS ISSUES

Argentina, Armenia, Australia, Bolivia*, Brazil, Burundi*, Canada, Chile, Costa Rica, Croatia, Cyprus*, Democratic Republic of the Congo, Denmark*, Dominican Republic*, Ecuador*, Estonia*, Finland*, France, Germany, Guatemala, Italy*, Mexico, New Zealand*, Norway*, Panama*, Paraguay, Peru, Portugal*, Romania*, Rwanda*, South Africa, Spain*, Sweden, Switzerland*: draft resolution

2003/... Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status,

Recalling the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169), of the International Labour Organization,

Guided by the relevant norms and standards of international human rights law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind the recommendations of the World Conference on Human Rights held in Vienna in June 1993,

Welcoming the provisions relevant to this resolution contained in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I) on 8 September 2001, in Durban, South Africa,

Being attentive to the developments of the working group of the Commission to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994,

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health,

Underlining the importance of concluding, at the latest in 2004, the "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly, prior to the conclusion of the International Decade of the World's Indigenous People,

Noting with satisfaction the holding of the first session of the Permanent Forum on Indigenous Issues, a subsidiary organ of the Economic and Social Council, held in New York in May 2002 and recalling that the mandate of the Permanent Forum consists of discussing indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking into account the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Recalling its resolution 2002/65 of 25 April 2002,

Deeply concerned about the precarious levels of economic and social development that indigenous people endure in many parts of the world, and the disparities in their situation in comparison to the overall population, as well as about the persistence of grave violations of their human rights,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people,

Encouraged by the renewed commitment and growing interest of the international community in the full and effective protection of the human rights of indigenous people,

Welcoming the outcome document of the Special Session of the General Assembly on Children adopted on 10 May 2002 and the commitments contained therein to promote and protect the human rights of indigenous children, and noting with satisfaction that at its second session the Permanent Forum on Indigenous Issues will focus on the theme "Indigenous children and youth",

Welcoming also the outcome of the World Summit on Sustainable Development and the attention given to indigenous issues in this respect,

Welcoming further the recommendation on the "Role of telecommunications in economic, social and cultural development of indigenous peoples" adopted by the World Telecommunication Development Conference, held in Istanbul in March 2002,

1. *Welcomes* the second report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2003/90 and Add.1-3), submitted pursuant to Commission resolution 2002/65;

2. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his mandate as contained in Commission resolution 2001/57;

3. *Requests* the Special Rapporteur, in performing his work, to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate;

4. *Also requests* the Special Rapporteur, in carrying out his mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of indigenous people, wherever they may occur, from Governments, United Nations human rights treaty bodies, specialized agencies, special mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights, as well as from intergovernmental organizations, other relevant organizations of the United Nations system and civil society, including indigenous organizations, and to respond effectively to such information;

5. *Further requests* the Special Rapporteur to continue working on the topics included in his first report, in particular, those that impact on the situation of the human rights and fundamental freedoms of indigenous people, which may contribute to advancing the debate on fundamental issues of the “Draft United Nations declaration on the rights of indigenous peoples”;

6. *Invites* the Special Rapporteur, in carrying out his task, to take into account all the recommendations of the Permanent Forum on Indigenous Issues and of the Working Group on Indigenous Populations of the Sub-Commission relevant to his mandate;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the attendance of the Special Rapporteur at the second annual session of the Permanent Forum on Indigenous Issues to be held at United Nations Headquarters in May 2003;

8. *Reiterates* the invitation to the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective;

9. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his urgent appeals;

10. *Welcomes* the initial official visits of the Special Rapporteur and encourages Governments to respond positively to a request by the Special Rapporteur to visit their country;
11. *Takes note* of the intention of the Office of the High Commissioner for Human Rights to organize, making use of voluntary contributions, a seminar on the administration of justice to assist the Special Rapporteur in examining the main topic of his annual report for 2004, with the participation of governmental, indigenous, non-governmental and independent experts;
12. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his mandate;
13. *Encourages* the World Summit on the Information Society to take indigenous issues duly into account in its declaration of principles and action plan and in all other relevant programmes to be adopted by the Summit, to be held in Geneva in 2003 and Tunis in 2005;
14. *Urges* those States that have not yet done so to consider, as a matter of priority, signing, ratifying or acceding to the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169);
15. *Urges* all States, in this context, to fulfil the commitments relevant to the present resolution made in the Durban Declaration and Programme of Action;
16. *Requests* the Special Rapporteur to submit a report on his activities to the Commission at its sixtieth session;
17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of his mandate;
18. *Decides* to consider the follow-up to this question, as a matter of priority, at its sixtieth session, under the same agenda item.
