



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2005/L.66  
14 April 2005

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 15

**INDIGENOUS ISSUES**

**Andorra\*, Argentina, Bolivia\*, Chile\*, Costa Rica, Croatia\*, Cuba,  
Democratic Republic of the Congo\*, Denmark\*, Dominican Republic,  
Ecuador, Estonia\*, Finland, Germany, Greece\*, Guatemala, Honduras,  
Hungary, Israel\*, Italy, Luxembourg\*, Mexico, Norway\*, Paraguay,  
Peru, Portugal\*, Romania, Spain\*, Sweden\* and Switzerland\*:  
draft resolution**

**2005/... Human rights and indigenous issues**

*The Commission on Human Rights,*

*Bearing in mind* that the Charter of the United Nations establishes as one of the purposes of the Organization 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,

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\* 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, political or other opinion, national or social origin, property, birth or other status,

*Guided* by the relevant norms and standards of international human rights instruments, 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,

*Recalling with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,

*Recalling* the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169), of the International Labour Organization,

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

*Recalling* the provisions relevant to the present resolution contained in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12 and Corr.1),

*Recalling* that the General Assembly proclaimed in its resolution 59/174 of 20 December 2004, the Second International Decade of the World's Indigenous People, which began on 1 January 2005, with the goal of further strengthening international cooperation for the solution of problems faced by indigenous people in such areas as culture, education,

health, human rights, the environment and social and economic development, by means of action-oriented programmes and specific projects, increased technical assistance and relevant standard-setting activities,

*Welcoming* the progress made at the last session of the working group on a draft United Nations declaration on the rights of indigenous peoples, emphasizing the importance of continuing to drive all efforts to finalize, through open and constructive dialogue, the “draft United Nations declaration on the rights of indigenous peoples” and urging all parties involved to present it for adoption as soon as possible,

*Welcoming* the important contributions made so far by the Permanent Forum on Indigenous Issues and its report on its third session (E/2004/43-E/C.19/2004/23) and recalling that the mandate of the Permanent Forum consists of discussing indigenous issues within the mandate of the Economic and Social 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, with special attention to the evolution of standards concerning their rights,

*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 to ensure the full respect and equal enjoyment by indigenous people of all human rights and fundamental freedoms, and noting in particular the vulnerable situation of those who could find themselves in situations of conflict,

*Recalling* its resolution 2004/62 of 21 April 2004,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2005/88 and Add.1-4), as well as the official visits he has made during the last year, and encourages Governments to respond positively to requests by the Special Rapporteur to visit their country;

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, and 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;

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, as well as the recommendations, observations and conclusions of the Committee on the Elimination of Racial Discrimination;

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 continue requesting, receiving and exchanging 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 reports, 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. *Takes note* of the intention of the Special Rapporteur to devote his next report to the topics of constitutional reform, legislation and implementation of laws regarding the protection of rights of indigenous people and the effectiveness of their application;

7. *Also takes note* of the proposal raised during the resumed meeting of the tenth session of the working group on a draft United Nations declaration on the rights of indigenous peoples, to hold a workshop with the participation of representatives of States, indigenous experts, internationally recognized academics, independent experts and civil society organizations, to be hosted and co-sponsored by the Government of Mexico, on issues related to the draft declaration, with the purpose of promoting the rapprochement of positions of all partners involved, and invites the Special Rapporteur to participate in this workshop;

8. *Notes with appreciation* the outcome of the Expert Seminar on Indigenous Peoples and Education (E/CN.4/2005/88/Add.4) organized by the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization with the participation of governmental, indigenous, non-governmental and independent experts, encourages the Special Rapporteur to continue developing his thematic work programme and invites all States to take into account his recommendations in the formulation of public policies on the subject;

9. *Requests* the Special Rapporteur to begin preparing a study regarding best practices carried out to implement the recommendations contained in his general and country reports and to submit a progress report to the Commission at its sixty-second session and the final study at its sixty-third session;

10. *Also requests* the Special Rapporteur to liaise with the Special Adviser of the Secretary-General on the Prevention of Genocide with regard to the protection of indigenous people from genocide and, together with other special procedures established by this Commission and relevant United Nations bodies, to facilitate consultation and exchange of information, in order to enable all involved actors to adopt necessary preventive measures in a timely manner;

11. *Invites* the Special Rapporteur to continue to carry out his task in coordination with the Permanent Forum on Indigenous Issues and the Working Group on Indigenous Populations and to take into account their recommendations relevant to his mandate;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the attendance of the Special Rapporteur at the fourth annual session of the Permanent Forum on Indigenous Issues to be held at United Nations Headquarters in May 2005;

13. *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;

14. *Takes note with appreciation* of the intention of the Office of the High Commissioner and the Inter-parliamentary Union to organize, making use of existing financial resources and voluntary contributions, a seminar on constitutional reforms, legislation and implementation of laws regarding the rights of indigenous people and the effectiveness of their application, with the participation of indigenous and governmental and non-governmental experts, to assist the Special Rapporteur in examining the main topic of his annual report to the Commission in 2006;

15. *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;

16. *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 in its second phase, to be held in Tunis in 2005;

17. *Urges* those States that have not yet done so to consider, as a matter of priority, ratifying or acceding to the Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) of the International Labour Organization;

18. *Requests* the Special Rapporteur to submit a report on his activities to the General Assembly at its sixtieth session and to the Commission at its sixty-second session;

19. *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 effective fulfilment of his mandate;

20. *Decides* to continue consideration of this question at its sixty-second session, under the same agenda item.

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