



General Assembly

Distr.: Limited
26 September 2011

Original: English

Human Rights Council

Eighteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Australia^{*}, Austria, Bolivia (Plurinational State of)^{*}, Bosnia and Herzegovina^{*},
Brazil^{*}, Colombia^{*}, Congo, Costa Rica, Cuba, Denmark^{*}, Dominican Republic^{*},
Ecuador, El Salvador^{*}, Estonia^{*}, Finland^{*}, Ghana^{*}, Greece^{*}, Guatemala, Haiti^{*},
Honduras^{*}, Hungary, Mexico, Norway, Panama^{*}, Paraguay^{*}, Peru, Spain, Uruguay,
Venezuela (Bolivarian Republic of)^{*}, Zimbabwe^{*}: draft resolution**

18/... Human rights and indigenous peoples

The Human Rights Council,

Recalling Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

Recalling also Human Rights Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007, 9/7 of 24 September 2008, 12/13 of 1 October 2009 and 15/7 of 30 September 2010,

Bearing in mind that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

Recalling the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 on 13 September 2007,

Welcoming General Assembly resolution 65/198 of 21 December 2010, in which the Assembly expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations so that it can assist representatives of indigenous peoples' organizations and communities to participate in sessions of the Human Rights Council and of human rights treaty bodies, based on diverse and renewed participation and in accordance with relevant rules and regulations, including Economic and Social Council resolution 1996/31 of 25 July 1996, and inviting States to contribute to the Fund,

^{*} Non-Member State of the Human Rights Council.

Recognizing the importance to indigenous peoples of revitalizing, using, developing and transmitting their histories, languages, oral traditions, philosophies, writing systems and literatures to future generations, and designating and retaining their own names for communities, places and persons,

Recognizing also that the study on education of the Expert Mechanism on the Rights of Indigenous Peoples¹ highlights that education is an important way to contribute to the maintenance of indigenous cultures,

Recognizing further the need to find ways and means of promoting the participation of recognized indigenous peoples' representatives within the United Nations system on issues affecting them, as they are not always organized as non-governmental organizations,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,² and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples and the official visits he has made in the past year, takes note with appreciation of his report,³ and encourages all Governments to respond favourably to his requests for visits;

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-seventh session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples and takes note with appreciation of the report on its fourth session;⁴

5. *Also welcomes* the practice adopted during the third and fourth sessions of the Expert Mechanism of devoting specific time to the discussion of updates relevant to past mandated thematic studies of the Expert Mechanism, recommends that the Expert Mechanism adopt this practice on a permanent basis, and encourages States to continue to participate in and contribute to these discussions;

6. *Encourages* States to consider, in cooperation with indigenous peoples and on the basis of past advice of the Expert Mechanism, initiating and strengthening, as appropriate, legislative and policy measures that prioritize education in the design and implementation of national development strategies affecting indigenous peoples, including measures that will strengthen the culture and languages of indigenous peoples;

7. *Welcomes* the completion by the Expert Mechanism of its final study on indigenous peoples and the right to participate in decision-making⁵ and the inclusion of the examples of good practices at different levels of decision-making therein, including those in connection with the activities of extractive industries, and encourages all interested parties to consider them a practical guide on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

¹ A/HRC/12/33.

² A/HRC/18/26.

³ A/HRC/18/35.

⁴ A/HRC/18/43.

⁵ A/HRC/18/42.

8. *Requests* the Expert Mechanism to continue building upon its previous studies, including its study on indigenous peoples and the right to participate in decision-making, as laid out in the Expert Mechanism's latest report;

9. *Also requests* the Expert Mechanism to prepare a study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, and to present it to the Human Rights Council at its twenty-first session;

10. *Further requests* the Expert Mechanism to undertake, with the assistance of the Office of the High Commissioner, a questionnaire survey to seek the views of States on best practices regarding possible appropriate measures and implementation strategies in order to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

11. *Welcomes* the adoption of General Assembly resolution 65/198, in which the Assembly decided to organize a high-level plenary meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held in 2014, in order to share perspectives and best practices on the realization of the rights of indigenous peoples, including to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples, and stresses the importance of the open-ended consultations that will be conducted by the President of the Assembly with Member States and with representatives of indigenous peoples in order to determine the modalities for the meeting, including the participation of indigenous peoples at the Conference;

12. *Also welcomes*, in this regard, the preparatory process, and requests the Expert Mechanism, in accordance with General Assembly resolution 65/198, to discuss the upcoming World Conference and, together with other relevant mechanisms on indigenous peoples' issues, to contribute to the exploration of the modalities for the meeting, including indigenous peoples' participation in the World Conference and its preparatory process;

13. *Requests* the Secretary-General, in cooperation with the Office of the High Commissioner, the Office of Legal Affairs and other relevant parts of the Secretariat, to prepare a detailed document on ways and means of promoting participation at the United Nations of recognized indigenous peoples' representatives on issues affecting them, as they are not always organized as non-governmental organizations, and on how such participation might be structured, drawing from, inter alia, the rules governing the participation in various United Nations bodies by non-governmental organizations (including Economic and Social Council resolution 1996/31) and by national human rights institutions (including Human Rights Council resolution 5/1 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005), and to present it to the Council at its twenty-first session;

14. *Decides* to hold on an annual basis, within existing resources, a half-day panel on the rights of indigenous peoples and, in this regard, to hold, at its twenty-first session, a half-day panel on access to justice by indigenous peoples;

15. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to fulfil that role effectively, including with the support of the Office of the High Commissioner and, in that regard, welcomes the initiative by the Office and national human rights institutions to develop an operational guide for such institutions with the objective of attaining the goals of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages its widest dissemination upon its completion;

16. *Also welcomes* the ongoing cooperation and coordination among the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism, and requests them to continue to carry out their tasks in a coordinated manner, and welcomes, in this regard, their permanent effort to promote the United Nations Declaration on the Rights of Indigenous Peoples;

17. *Reaffirms* that the universal periodic review, together with the United Nations treaty bodies, are important mechanisms for the promotion and protection of human rights and, in that regard, encourages effective follow-up on accepted universal periodic review recommendations concerning indigenous peoples, as well as serious consideration to follow-up to treaty body recommendations on the matter;

18. *Encourages* those States that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for that Declaration;

19. *Welcomes* the fourth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States that have endorsed it to adopt measures to pursue the objectives of the Declaration in consultation and cooperation with indigenous peoples, where appropriate;

20. *Also welcomes* the establishment of the United Nations-Indigenous Peoples Partnership, and encourages the Partnership to carry out its mandate regarding the United Nations Declaration on the Rights of Indigenous Peoples through the mobilization of resources, and in close cooperation and coordination with States, indigenous peoples, Human Rights Council mechanisms, United Nations bodies and agencies related to indigenous peoples, national human rights institutions and other stakeholders;

21. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.
