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HUMAN RIGHTS COUNCIL  
Twelfth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile,  
Costa Rica\*, Croatia\*, Cyprus\*, Denmark\*, Ecuador\*, Estonia\*, Finland\*,  
Guatemala\*, Hungary, Mexico, Nicaragua, Norway, Panama\*, Peru\*, Spain\*,  
Uruguay, Venezuela (Bolivarian Republic of)\*: draft resolution**

**12/... Human rights and indigenous peoples**

*The Human Rights Council,*

*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,

*Bearing in mind also* General Assembly resolution 60/251 of 15 March 2006 and Council  
resolutions 5/1 on institution-building of the Council and 5/2 on the code of conduct for special  
procedures mandate holders of the Council, of 18 June 2007,

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\* Non-Member State of 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* Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007 and 9/7 of 24 September 2008,

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

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues (A/HRC/10/51), and requests the High Commissioner to present an annual report on the rights of indigenous peoples to the Council, containing information on relevant developments of 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 and respect for, and the full application of, the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up the effectiveness of the declaration;

2. *Also welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/12/34);

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

4. *Welcomes* the first and second reports of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/10/56 and A/HRC/12/32);

5. *Also welcomes* the successful completion of the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/33), and strongly encourages States to disseminate it broadly and to take it into account when elaborating national plans and strategies;

6. *Requests* the Expert Mechanism, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making, and requests it to present a progress report to the Council at its fifteenth session, and a final study to the eighteenth session;

7. *Decides* that the reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Expert Mechanism on the Rights of Indigenous Peoples and the High Commissioner be considered by the Council during its annual September session and that the Expert Mechanism should hold its future annual sessions well in advance of that session, if possible in June;
8. *Also decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;
9. *Requests* the Office of the High Commissioner to prepare a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund, in particular if it is expanded, the current working methods and resources of the Fund, and to present it to the Council at its fifteenth session;
10. *Requests* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to continue to carry out their tasks in a coordinated manner;
11. *Encourages* those States that have not yet ratified or acceded to the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (C169) to consider doing so, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples;
12. *Decides* to continue consideration of this question at a future session in conformity with its annual programme of work.

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