



General Assembly

Distr.: Limited
21 September 2012

Original: English

Human Rights Council

Twenty-first session

Agenda item 3

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

Argentina^{*}, Australia^{*}, Austria, Bolivia (Plurinational State of)^{*}, Bosnia and Herzegovina^{*}, Colombia^{*}, Costa Rica, Cuba, Denmark^{*}, Dominican Republic^{*}, Ecuador, Estonia^{*}, Finland^{*}, Greece^{*}, Guatemala, Honduras^{*}, Ireland^{*}, Mexico, New Zealand^{*}, Nicaragua^{*}, Norway, Panama^{*}, Paraguay^{*}, Peru, Spain, Uruguay: draft resolution

21/... Human rights and indigenous peoples

The Human Rights Council,

Recalling all Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

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, the Expert Mechanism on the Rights of Indigenous Peoples, the Permanent Forum 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 urging States to contribute to the Fund,

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,

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

Taking note of the study by the Expert Mechanism on the Rights of Indigenous Peoples on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples, according to which cultural and language rights are indivisible and central to all the other rights,¹

Recognizing 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,

Welcoming the completion by the Expert Mechanism of its follow-up study on the right to participate in decision-making, with a focus on extractive industries,² and encouraging all parties to consider the examples of good practices and recommendations included in the report as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,³ 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,⁴ 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-eighth session;

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its fifth session,⁵ and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. *Calls upon* States to consider, in consultation and cooperation with indigenous peoples, initiating and strengthening, as appropriate, effective legislative and policy measures to protect, promote, respect and, where necessary, to revitalize indigenous peoples' languages and culture, taking into account, as appropriate, the study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples;⁶

6. *Stresses* the need to pay particular attention to the rights and special needs of indigenous women and girls, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting indigenous peoples languages and culture;

7. *Requests* the Expert Mechanism on the Rights of Indigenous Peoples to prepare a study on access to justice in the promotion and protection of the rights of

¹ A/HRC/21/53, para. 8.

² A/HRC/EMRIP/2012/2.

³ A/HRC/21/23.

⁴ A/HRC/21/47 and Add.1-3.

⁵ A/HRC/21/52.

⁶ A/HRC/21/53.

indigenous peoples, and to present it to the Human Rights Council at its twenty-fourth session;

8. *Also requests* the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, a questionnaire survey to seek the views of States and of indigenous peoples on best practices with regard to possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples, with a view to completing a final summary of responses for presentation to the Human Rights Council at its twenty-fourth session, and encourages those States which have not yet provided their responses to do so;

9. *Welcomes* the adoption of by the General Assembly of its resolutions 65/198 and 66/296 of 17 September 2012, on the organization of the High-level Plenary Meeting of the General Assembly, to be known as the World Conference on Indigenous Peoples, to be held 22 and 23 September 2014, and takes note of its inclusive preparatory process, including the preparatory meeting to be held in Guatemala on 21 December 2012 and, in this regard:

(a) Encourages States, in accordance with the provisions contained in General Assembly resolution 66/296, to continue to promote the participation of indigenous peoples during the preparatory process of the World Conference and to support it, in particular by means of technical and financial contributions;

(b) Recommends that the studies and advice of the Expert Mechanism be considered in the formulation of the agendas of the preparatory process;

10. *Notes with appreciation* the report of the Secretary-General on the ways and means of promoting participation at the United Nations of indigenous peoples' representatives on issues affecting them,⁷ and invites the General Assembly to consider and include in its agenda the issue based on the possible steps elaborated in the report and taking into account practical ways to enable indigenous peoples' representatives to participate, existing procedural rules regulating such participation, and issues for consideration and conclusions contained in the report;

11. *Decides* to hold, from within existing resources, at its twenty-fourth session, a half-day panel discussion on the World Conference on Indigenous Peoples;

12. *Welcomes* the ongoing cooperation and coordination among the Special Rapporteur on the rights of indigenous peoples, 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;

13. *Reaffirms* that the universal periodic review, together with 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 on treaty body recommendations on the matter;

14. *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, to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support of States for that Declaration;

⁷ A/HRC/21/24.

15. *Welcomes* the fifth 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;

16. *Also 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 (the Paris Principles) in advancing indigenous issues, and encourages such institutions to develop and strengthen their capacities to play that role effectively, including with the support of the Office of the High Commissioner;

17. *Encourages* relevant United Nations mechanisms, indigenous peoples and States to increase their attention to the human rights of indigenous persons with disabilities;

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