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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)*, Chile, Colombia*, Congo, Costa Rica, Cuba*, Denmark*, Dominican Republic*, Ecuador, Estonia, Finland*, Germany, Greece*, Guatemala, Honduras*, Hungary*, Mexico*, New Zealand*, Norway*, Paraguay*, Peru, Spain, Uruguay*, Venezuela (Bolivarian Republic of): draft resolution

24/... 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 of 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 on Indigenous Issues and of the 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 also welcoming Assembly resolution 66/296 of 17 September 2012, in which the Assembly further expanded the mandate of the Voluntary Fund so that it can assist, in an equitable manner, representatives of indigenous peoples, organizations and communities to participate in the World Conference on Indigenous Peoples, including in the preparatory process, in accordance with the relevant rules and regulations, and urged States to contribute to the Voluntary 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,

Welcoming the completion by the Expert Mechanism on the Rights of Indigenous Peoples of its study on access to justice in the promotion and protection of the rights of indigenous peoples¹ submitted to the Human Rights Council at its twenty-fourth session, and encouraging all parties to consider the examples of good practices and recommendations included in that study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, youth and persons with disabilities, as set out in the United Nations Declaration on the Rights of Indigenous Peoples, including in the process of protecting and promoting access to justice by indigenous peoples, indigenous women, children, youth and persons with disabilities,

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,

Taking note of the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises,² in which the Working Group addresses the impact of business-related activities on the rights of indigenous peoples through the lens of the Guiding Principles on Business and Human Rights,³

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,⁴ 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,⁵ and encourages all Governments to respond favourably to his requests for visits;

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

4. *Welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, takes note with appreciation of the report on its sixth session,⁶ and encourages States to continue to participate in and contribute to its discussions, including by their national specialized bodies and institutions;

5. *Requests* the Expert Mechanism to continue its study on access to justice in the promotion and protection of the rights of indigenous peoples, with a focus on restorative

¹ A/HRC/24/50.

² A/68/279.

³ A/HRC/17/31, annex.

⁴ A/HRC/24/26.

⁵ A/HRC/24/41.

⁶ A/HRC/24/49.

justice and indigenous juridical systems, particularly as they relate to achieving peace and reconciliation, including an examination of access to justice related to indigenous women, children and youth and persons with disabilities, and to present it to the Human Rights Council at its twenty-seventh session;

6. *Also requests* the Expert Mechanism to prepare a study on promotion and protection of the rights of indigenous peoples in natural disaster risk reduction, prevention and preparedness initiatives, including consultation and cooperation with the indigenous peoples concerned in elaboration of national plans for natural disaster risk reduction, and to present it to the Human Rights Council at its twenty-seventh session;

7. *Further requests* the Expert Mechanism to continue to undertake, with the assistance of the Office of the High Commissioner, the questionnaire survey to seek the views of States and indigenous peoples 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, with a view to completing a final summary of responses for presentation to the Human Rights Council at its twenty-seventh session, and encourages States which have not yet provided their responses to do so, as well as those States which have already responded to the questionnaire survey to update their responses as appropriate;

8. *Welcomes* the adoption by the General Assembly of its resolutions 65/198 and 66/296 on the organization of the high-level plenary meeting of the General Assembly, known as the World Conference on Indigenous Peoples, to be held on 22 and 23 September, 2014, and takes note of its inclusive preparatory process, including the meeting to be held in Mexico 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;

9. *Welcomes* the decision of the General Assembly, in its resolution 67/153 of 20 December 2012, to continue, at its sixty-ninth session, its consideration of the ways and means of promoting the participation of representatives of indigenous peoples at meetings of relevant United Nations bodies and other relevant United Nations meetings and processes on issues affecting indigenous peoples, on the basis of the rules of procedure of such bodies and existing United Nations procedural rules and regulations, taking into account the report of the Secretary-General,⁷ existing practices for the accreditation of representatives of indigenous peoples at the United Nations and the objectives of the United Nations Declaration on the Rights of Indigenous Peoples;

10. *Recommends* that the General Assembly consider changing the title of the United Nations Voluntary Fund for Indigenous Populations to the United Nations Voluntary Fund for Indigenous Peoples;

11. *Decides* to hold, at its twenty-seventh session, a half-day panel discussion on promotion and protection of the rights of indigenous peoples in natural disaster risk reduction, prevention and preparedness initiatives, including consultation and cooperation with the indigenous peoples concerned in the elaboration of national plans for natural disaster risk reduction;

⁷ A/HRC/21/24.

12. *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 that 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 the United Nations treaty bodies, are important mechanisms for the promotion and protection of human rights and, in that regard, encourages effective follow-up to accepted universal periodic review recommendations concerning indigenous peoples, as well as serious consideration to follow-up to 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, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples, and welcomes the increased support by States for that Declaration;

15. *Welcomes* the sixth 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. *Encourages* States to consider the rights of indigenous peoples in the discussion of the United Nations development agenda beyond 2015;

17. *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 fulfil that role effectively, including with the support of the Office of the High Commissioner;

18. *Takes note* of the outcome document of the Global Indigenous Preparatory Conference for the World Conference on Indigenous Peoples held in Alta, Norway, in June 2013, and other proposals made by indigenous peoples, and recommends that the four themes identified in the outcome document be taken into account when considering the specific themes for the round tables and interactive panel for the World Conference;

19. *Welcomes* the study on the situation of indigenous persons with disabilities⁸ presented to the Permanent Forum on Indigenous Issues at its twelfth session, stresses the need to focus on challenges to indigenous persons with disabilities regarding full enjoyment of their human rights and to include them in all aspects of development, including by enhancing their access to goods and services to improve their standard of living, and encourages all stakeholders to increase consultations on these topics with indigenous persons with disabilities;

20. *Takes note* of the activity of the United Nations Indigenous Peoples' Partnership and invites States and other potential donors to support it;

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

⁸ E/C.19/2013/6.