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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,* Denmark, Finland,* Germany,* Guatemala,* Iceland, Mexico, Norway,* Paraguay* and Sweden:* draft resolution

42/... Human rights and indigenous peoples

The Human Rights Council,

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

Reaffirming its support to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, since its adoption, the United Nations Declaration on the Rights of Indigenous Peoples has positively influenced the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and national legal frameworks and policies as it applies to indigenous peoples,

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming Assembly resolution 71/321 of 8 September 2017,

Acknowledging the participation of indigenous peoples' representatives and institutions in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples,

Acknowledging also the importance of the United Nations Voluntary Fund for Indigenous Peoples, to assist in the participation of indigenous peoples' representatives and institutions in meetings concerning them,



Taking note of the report of the Expert Mechanism on recognition, reparation and reconciliation,¹ and encouraging all parties to consider the recommendations made in the report,

Taking note also of the study of the Expert Mechanism on borders, migration and displacement,² and encouraging States to advance the advice therein regarding the causes and consequences of migration and displacement of indigenous peoples within the context of their human rights obligations,

Taking note further of the report of the Special Rapporteur on the rights of indigenous peoples on access to justice in the ordinary and indigenous justice systems,³ and calling upon all States to consider the recommendations contained in the report,

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young persons, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recognizing the thirtieth anniversary of the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and welcoming the participation of the Special Rapporteur and the Expert Mechanism in the recent Global Dialogue on the Indigenous and Tribal Peoples Convention, 1989 (No. 169) convened by the Organization,

Recognizing also that indigenous peoples are among the first to face the direct consequences of climate change owing to their dependence upon and close relationship with the environment and its resources, and welcoming the role of indigenous peoples in achieving the objectives of the United Nations Framework Convention on Climate Change, the Paris Agreement and the targets and goals of the 2030 Agenda for Sustainable Development,

Recognizing further the increasing impact of climate change on human rights and the specific impact on the rights and ways of life of indigenous peoples around the world, and recalling the preambles to the Paris Agreement and decision 1/CP.21 on the adoption of the Paris Agreement⁴ acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of indigenous peoples, and paragraph 135 of decision 1/CP.21 recognizing the need to strengthen the role of indigenous peoples' knowledge systems related to mitigation and adaptation to climate change, and paragraph 36 of the World Conference on Indigenous Peoples outcome document adopted by consensus by the General Assembly in 2014,⁵

Taking note with appreciation of the establishment by the United Nations Framework Convention on Climate Change at its twenty-fourth Conference of the Parties of the Facilitative Working Group for the Local Communities and Indigenous Peoples Platform, with equal participation by representatives of indigenous peoples and of parties to the Framework Convention to advance the objectives and implementation of the functions of this new body,

Bearing in mind the importance of the empowerment and capacity-building of indigenous women and young persons, including their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target the well-being of indigenous women, children and young persons, in particular in the areas of health, education, employment and the transmission of traditional knowledge, languages and practices, and the importance of taking measures to promote awareness and understanding of their rights,

¹ A/HRC/EMRIP/2019/3.

² See A/HRC/42/56.

³ A/HRC/42/37.

⁴ FCCC/CP/2015/10/Add.1.

⁵ General Assembly resolution 69/2.

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,⁶ 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 the relevant developments in human rights bodies and mechanisms and the 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. *Welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports,⁷ and encourages all Governments to respond favourably to the requests of the mandate holder for visits;
3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report,⁸ and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation in all official languages of the United Nations and distribution of these reports for the Council and pre-session translation of the studies and reports of the Expert Mechanism, in accordance with Council resolution 33/25 of 30 September 2016;
4. *Strongly encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;
5. *Urges* States and other potential donors to contribute to the United Nations Voluntary Fund for Indigenous Peoples, and encourages the expansion of its mandate in order to support the participation of indigenous peoples, including indigenous women, youth and persons with disabilities, in United Nations business and human rights and climate change processes;
6. *Acknowledges* the efforts of States, indigenous peoples and United Nations agencies to engage with the Expert Mechanism under its current mandate to facilitate dialogue, when agreeable to all parties, to provide technical assistance and coordination in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages all parties to consider the Expert Mechanism's initiation of country engagements upon the request of States and indigenous peoples;
7. *Notes* that the next study of the Expert Mechanism, to be finalized by its thirteenth session, will focus on the theme of the rights of indigenous peoples to lands, territories and resources, and acknowledges the efforts to improve complementarity and to avoid duplication among the reports prepared by the Expert Mechanism, the Special Rapporteur and the Permanent Forum on Indigenous Issues;
8. *Acknowledges* the progress and outcomes of and lessons learned from the International Year of Indigenous Languages in 2019 through the activities led by the United Nations Educational, Scientific and Cultural Organization, and in that regard supports the proclamation of an international decade of indigenous languages;
9. *Recalls* that the Human Rights Council decided in its resolution 39/13 that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the forty-fifth session of the Council would be the protection of indigenous human rights defenders, and requests the Office of the High Commissioner, to encourage and facilitate the participation of indigenous women and to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-seventh session;
10. *Welcomes* the half-day intersessional interactive dialogue, held on 15 July 2019, on ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, and looks

⁶ A/HRC/42/19.

⁷ A/HRC/42/37 and Add.1-2.

⁸ A/HRC/42/55.

forward to the summary report to be prepared thereon by the Office of the High Commissioner for submission to the Council prior its forty-fourth session;

11. *Decides* to continue to discuss further steps to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Human Rights Council, in particular during the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples;

12. *Also decides* to hold an intersessional round table on possible steps to be taken to enhance the participation of indigenous peoples' representatives and institutions in meetings of the Human Rights Council on issues affecting them, to allow for the broadest participation of Member States and indigenous peoples, with the full and effective participation of indigenous peoples' representatives and institutions from the seven indigenous sociocultural regions represented at the thirteenth session of the Expert Mechanism;

13. *Requests* the President of the Human Rights Council or a representative thereof to participate as co-chair of the intersessional round table, calls upon the indigenous peoples participating to nominate a co-chair for the round table, and requests the co-chairs and the Office of the High Commissioner to prepare a summary report on the round table and to present it to the Council at its forty-fifth session;

14. *Encourages* the Expert Mechanism to continue its discussions on the issue of enhancing the participation of indigenous peoples' representatives and institutions in the relevant meetings of the Human Rights Council on issues affecting them;

15. *Encourages* States and the relevant agencies and entities of the United Nations system to support the Secretary-General in holding regional consultations, including through the regional commissions, as appropriate, in order to seek input from indigenous peoples from all regions of the world on the measures necessary to enable the participation of indigenous peoples' representatives and institutions in meetings of the relevant United Nations bodies on issues affecting them;

16. *Encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda for Sustainable Development and in the formulation of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

17. *Encourages* the Special Rapporteur, the Expert Mechanism and the Permanent Forum on Indigenous Issues to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, including in treaties and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

18. *Encourages* the development of a process to facilitate the international repatriation of indigenous peoples' sacred items and human remains through the continued engagement of the United Nations Educational, Scientific and Cultural Organization, the World Intellectual Property Organization, the Expert Mechanism, the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum on Indigenous Issues, States, indigenous peoples and all other relevant parties in accordance with their mandates;

19. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples, in the application of treaties;

20. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including

measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

21. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by adopting measures, including national action plans, legislation or other frameworks, as required, to pursue its objectives in consultation and cooperation with indigenous peoples, taking into account the use of their languages;

22. *Calls upon* States in all regions that 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, taking into account its contribution to the promotion and protection of the rights of indigenous peoples;

23. *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 recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

24. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them and to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda;

25. *Also encourages* States to work with indigenous peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change, and recognizes the importance of the Local Communities and Indigenous Peoples Platform for the exchange of experience and the sharing of best practices on mitigation and adaptation in a holistic and integrated manner;

26. *Reaffirms* the importance of promoting the political, social and economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and of promoting their participation in relevant decision-making processes at all levels and in all areas while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

27. *Notes with great concern* the increase in cases of reprisals against indigenous human rights defenders, indigenous peoples' representatives attending United Nations meetings, and United Nations mandate holders working on the rights of indigenous peoples, and expresses its concern at the practice of some countries hosting meetings on indigenous issues of intentionally delaying or denying entry visas to respective United Nations mandate holders;

28. *Urges* States to ensure that all human rights violations and abuses against indigenous peoples and indigenous human rights defenders, including indigenous women, are investigated and the perpetrators are held accountable, and to take measures to prevent such events;

29. *Invites* States and potential donors to support the work of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples;

30. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

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