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

Australia,* Canada,* Chile,* Costa Rica,* Cyprus,* Denmark,* Ecuador,* Finland, Germany, Greece,* Guatemala,* Iceland,* Lithuania, Luxembourg, Marshall Islands, Mexico, New Zealand,* Norway,* Paraguay, Peru,* Spain,* Sweden,* Ukraine and United States of America: draft resolution

51/... 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 for achieving 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 the Declaration applies to Indigenous Peoples,

Appreciating the current efforts being made to promote, protect and fulfil the rights of Indigenous Peoples, recalling the commitment made at the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples 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,

Taking note of the outcome document of the Dialogue Meeting on Enhanced Indigenous Peoples' Participation at the United Nations organized by indigenous organizations and institutions and held in Quito from 27 to 30 January 2020,

Recalling the summary report prepared by the Office of the United Nations High Commissioner for Human Rights on the half-day intersessional interactive dialogue held on

* State not a member of the Human Rights Council.



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,¹ as well as the report of the Office of the intersessional round table held on 16 July 2021 on ways to enhance the participation of Indigenous Peoples' representatives and institutions in meetings of the Council on issues affecting them,²

Acknowledging the importance of the United Nations Voluntary Fund for Indigenous Peoples for supporting the participation of Indigenous Peoples' representatives and institutions in meetings concerning them,

Taking note of the study of the Expert Mechanism on treaties, agreements and other constructive arrangements, including peace accords and reconciliation initiatives, and their constitutional recognition,³ and encouraging States to consider implementing the advice therein,

Taking note also of the report of the Special Rapporteur on the rights of Indigenous Peoples on indigenous women and the development, application, preservation and transmission of scientific and technical knowledge,⁴ and encouraging all States to consider the recommendations contained in the report,

Taking note further of the report of the Special Rapporteur on the human rights to safe drinking water and sanitation entitled "Human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures",⁵

Taking note of the report of the Special Rapporteur on violence against women and girls, its causes and consequences, on violence against indigenous women and girls,⁶

Recalling the report of the Office of the High Commissioner on the annual half-day panel discussion on the rights of Indigenous Peoples held on 28 September 2021, the theme of which was the situation of human rights of Indigenous Peoples facing the coronavirus disease (COVID-19) pandemic, with a special focus on the right to participation,⁷

Stressing the need to pay particular attention to the rights and needs of indigenous women, children, young persons, older persons, persons with disabilities and persons in vulnerable situations, and to intensify efforts to prevent and eliminate all forms of violence and 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 on Indigenous Peoples, which was adopted by consensus by the General Assembly in 2014,⁸

Recognizing 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 particular the engagement of indigenous women and girls, 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 also the increasing impact of climate change on the enjoyment of human rights and its specific impact on the enjoyment of rights and ways of life of Indigenous Peoples around the world, and recalling the preamble to the Paris Agreement and to decision 1/CP.21 on the adoption of the Paris Agreement⁹ acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of Indigenous Peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen the role of Indigenous Peoples' knowledge systems

¹ A/HRC/44/35.

² A/HRC/49/69.

³ A/HRC/51/50.

⁴ A/HRC/51/28.

⁵ A/HRC/51/24.

⁶ A/HRC/50/26.

⁷ A/HRC/50/48.

⁸ General Assembly resolution 69/2.

⁹ FCCC/CP/2015/10/Add.1.

relating to mitigation and adaptation to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

Recognizing further that many ecosystems, including water-related ecosystems, upon which Indigenous Peoples depend are threatened by poor management and unsustainable development and face increased uncertainty and risks owing to climate change and other factors,

Noting with appreciation the establishment of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform by the Conference of the Parties to the United Nations Framework Convention on Climate Change at its twenty-fourth session, with equal participation of representatives of Indigenous Peoples and of parties to the Framework Convention, to advance the objectives and implementation of its functions, and noting the second three-year workplan of the Facilitative Working Group for the period 2022–2024,

Bearing in mind the importance of supporting the empowerment and building the capacity of indigenous women, young persons, older persons, persons with disabilities, persons in vulnerable situations and children, in accordance with their age and maturity, including for their full and effective participation in decision-making processes in matters that affect them directly, including policies, programmes and resources, where relevant, that target their well-being, in particular in the areas of universal and equitable access to quality public services, health services, mental health, food security and improved nutrition, including through family farming, education, employment and the transmission of languages and traditional knowledge, innovations and practices, and also the importance of taking measures to promote awareness and understanding of their rights,

Acknowledging the efforts made to ensure the full and effective participation of Indigenous Peoples in the process of preparing the post-2020 biodiversity framework under the Convention on Biological Diversity,

Noting the preparation of draft general recommendation No. 39, on the rights of indigenous women and girls, by the Committee on the Elimination of Discrimination against Women,

Noting also that the COVID-19 pandemic is having a serious impact on the health, education, food security, safety, well-being and livelihoods of people across the world, with a disproportionately negative effect on Indigenous Peoples, their ancestral territories and sacred sites, and the need to take immediate and appropriate measures to address these effects, including the elimination of barriers, such as digital and language barriers, to the full and effective participation of Indigenous Peoples in matters affecting their rights, and to leave no one behind, with an endeavour to reach the furthest behind first, founded on the dignity of the human person and reflecting the principles of equality and non-discrimination,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of Indigenous Peoples,¹⁰ 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 United Nations High Commissioner for Human Rights at headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and to follow up on the effectiveness of the Declaration;

2. *Welcomes* the work of the Special Rapporteur on the rights of Indigenous Peoples, and encourages all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by giving serious consideration to responding favourably to the requests of the mandate holder for visits, furnishing all available information requested in his or her communications and reacting promptly to his or her urgent appeals;

¹⁰ A/HRC/51/18.

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report for 2022¹¹ and its intersessional activities, and requests the Office of the High Commissioner to ensure the timely translation into all official languages of the United Nations and distribution of its reports to the Human Rights Council and the pre-session translation of its studies and reports, in accordance with Council resolution 33/25 of 30 September 2016;

4. *Strongly encourages* all relevant stakeholders, including States and Indigenous Peoples, to attend and participate actively in the sessions of the Expert Mechanism, to submit contributions to its studies and reports and to engage in dialogue with it, including during its intersessional activities;

5. *Acknowledges* the efforts of States, Indigenous Peoples and United Nations entities to engage with the Expert Mechanism under its current mandate to facilitate dialogue, when agreeable to all parties, and to provide technical assistance and coordination in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, encourages all parties to consider the Expert Mechanism's initiation of country engagements at the request of States and Indigenous Peoples, and acknowledges the engagement of those States that have already collaborated with the Expert Mechanism under its current mandate;

6. *Notes* that the next study of the Expert Mechanism, to be finalized by its sixteenth session, will be focused on the impact of militarization on the rights of Indigenous Peoples and that the next report will be focused on establishing effective monitoring mechanisms at the national and regional levels for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges the efforts made 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;

7. *Urges* States and invites other public and/or private potential donors 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 and to support 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;

8. *Recalls* the proclamation of the period 2022–2032 as the International Decade of Indigenous Languages to draw attention to the critical loss of Indigenous Peoples' languages and the urgent need to preserve, revitalize and promote Indigenous Peoples' languages, including sign languages, and to take urgent steps to that end at the national and international levels,¹² also recalls the establishment, in conjunction with Indigenous Peoples, of the Global Task Force for Making a Decade of Action for Indigenous Languages, and calls upon States to promote the effective and meaningful participation of Indigenous Peoples in leading and holding activities to mark the Decade;

9. *Takes note* of the Global Action Plan for the International Decade of Indigenous Languages, and calls upon States to take concrete measures to implement it at the local and national levels, in conjunction with Indigenous Peoples, including by seeking to ensure the full and meaningful participation of Indigenous Peoples in the design and subsequent implementation of strategies, initiatives, policies and legislation and by engaging in fruitful and sustained dialogue with other relevant stakeholders;

10. *Encourages* States to translate and disseminate the United Nations Declaration on the Rights of Indigenous Peoples into indigenous languages, as appropriate, and to cooperate with the Office of the High Commissioner, the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism to translate their reports and make them accessible to Indigenous Peoples, including by producing them in plain language and Easy Read format;

11. *Decides* that the theme of the annual half-day panel discussion on the rights of Indigenous Peoples, to be held during the fifty-fourth session of the Human Rights Council, will be the impact of certain development projects on the rights of Indigenous Peoples, in

¹¹ A/HRC/51/49.

¹² General Assembly resolution 74/135.

particular the impact on indigenous women, and requests the Office of the High Commissioner to encourage and facilitate the participation of indigenous women, to make the discussion fully accessible to and inclusive for persons with disabilities and to prepare a summary report on the discussion for submission to the Council prior to its fifty-sixth session;

12. *Looks forward* to the discussion and to considering the subsequent recommendations of the four-day expert workshop convened by the Office of the High Commissioner on possible ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council, which will be held from 21 to 24 November 2022 and will be open to the participation of States and of Indigenous Peoples from the seven indigenous sociocultural regions;

13. *Decides* to continue to discuss further steps and measures necessary to enable and to facilitate the participation of Indigenous Peoples' representatives and institutions in the work of the Human Rights Council, in particular by taking into consideration the summary report on the discussion and the resulting recommendations of the four-day expert workshop to be prepared by the Office of the High Commissioner and submitted to the Council prior to its fifty-third session;

14. *Reiterates* the invitation to the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples, within the Fund's rules and established procedures, to assist representatives of Indigenous Peoples' organizations and institutions in participating in the above-mentioned expert workshop, promoting balanced regional representation;

15. *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;

16. *Encourages* States to give due consideration to the rights of Indigenous Peoples and to all forms of violence and discrimination, including multiple and intersecting forms of discrimination, faced by Indigenous Peoples and individuals, including setbacks and aggravated barriers caused by the coronavirus disease (COVID-19) pandemic, 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. *Urges* States to take appropriate measures to protect indigenous children, in particular girls, and young persons from violence, and to ensure that all perpetrators of such violence are held accountable;

18. *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 on Indigenous Peoples, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms and the human rights treaty bodies, within their respective mandates;

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

20. *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;

21. *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 achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, during their reviews;

22. *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, and welcomes the fact that several States have developed or are in the process of developing national action plans and domestic legislation for the implementation of the Declaration with the full and meaningful participation of Indigenous Peoples;

23. *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;

24. *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 of such institutions developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

25. *Encourages* States, according to their relevant national context and characteristics, to collect and securely disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographical 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 all forms of violence and discrimination, including multiple and intersecting forms of discrimination, against them, to include the specific needs and priorities of Indigenous Peoples in COVID-19 recovery plans, to support work towards the achievement of the Sustainable Development Goals and the 2030 Agenda and to work with Indigenous Peoples to strengthen technologies, practices and efforts related to addressing and responding to climate change;

26. *Reaffirms* the importance of promoting the political, social and economic empowerment of indigenous women and girls, including indigenous women and girls with disabilities, by, inter alia, 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 that 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, noting the importance of the United Nations Declaration on the Rights of Indigenous Peoples for indigenous women and girls, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

27. *Condemns* the increase in cases of intimidation, harassment and reprisals against indigenous human rights defenders and indigenous leaders, including indigenous women, as well as 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, including those hosting meetings on indigenous issues, of intentionally delaying or denying entry visas to United Nations mandate holders or applying additional travel restrictions to them that interfere, inter alia, with their ability to return;

28. *Urges* States, in conjunction with Indigenous Peoples, to take all measures necessary and emergency responses, with a gender perspective, to ensure the rights, protection and safety of Indigenous Peoples and indigenous human rights defenders and leaders, including indigenous women human rights defenders, and to ensure that all human rights violations and abuses against them are prevented and investigated, that the perpetrators are held accountable, and that there is access to effective remedies and reparation, including guarantees of non-recurrence;

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