**Human Rights Council**

**Thirty-ninth session**

10 – 28 September 2018 Agenda item 3

**Promotion and protection of all human rights, civil,**

 **political, economic, social and cultural rights,**

 **including the right to development**

**39/… 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 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, for the past years, the United Nations Declaration on the Rights of Indigenous Peoples has influenced positively the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and domestic legal frameworks and policies as it applies to indigenous peoples,

*Appreciating* the current efforts towards the promotion, protection and fulfillment of the rights on indigenous peoples, recalling the commitment made by the General Assembly at the World Conference of 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 the resolution adopted by the Assembly on 8 September 2017,[[1]](#footnote-1)

*Recalling* the adoption in September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[[2]](#footnote-2)

*Acknowledging* the good practice established by the Human Rights Council and the Expert Mechanism on the Rights of Indigenous Peoples to ensure participation of Indigenous Peoples’ representatives and institutions in its meetings,

*Welcoming* also the study of the Expert Mechanism entitled “Free, prior and informed consent”[[3]](#footnote-3) submitted to the Human Rights Council at its thirty-ninth session, and encouraging all parties to consider the examples of good practices and recommendations included in this study as practical advice on how to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples,

***Noting* with grave concern the Report of the Special Rapporteur on the rights of indigenous peoples, regarding attacks and criminalisation of indigenous human rights defenders. Availability of prevention and protection measures, submitted to the Human Rights Council at its thirty-ninth session, and calling on all states to adopt a zero-tolerance approach to the killing of and violence against indigenous human rights defenders,**

*Stressing* the need to pay particular attention to the rights and special needs of indigenous women, children, young people, 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,

*Recalling* the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

***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 opportunity to work with indigenous peoples on climate change and the role of local communities and indigenous peoples in achieving the targets and goals set in the United Nations Framework Convention on Climate Change, the Paris Agreement and the 2030 Agenda for Sustainable Development,**

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[[4]](#footnote-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 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 **and taking into account the resolution 71/321 of the General Assembly;**

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Further welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report to the Council,[[5]](#footnote-5) and its intersessional activities, and requests the Office of the High Commissioner to ensure timely translation and distribution of these reports;

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;

**4 bis. *Acknowledges* the efforts of indigenous peoples, States and the Expert Mechanism in the exercise of its mandate in order to enhance dialogue and advance the ends of the Declaration at the national and subnational level and encourages requests of technical assistance to the Expert Mechanism;**

5. *Notes* that the next study of the Expert Mechanism, to be finalized by its twelfth session, will focus on the theme of indigenous peoples, migration and borders, **and also that the Expert Mechanism will undertake a report on the theme of recognition, reparation and reconciliation;**

6. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples’ representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples’ representatives and institutions in relevant meetings on issues affecting them;

**6 bis. *Encourages* states to participate actively in the organisation and implementation of the activities relating to the International Year of Indigenous Languages in 2019 and to uphold the spirit of the International Year by taking measures to promote and protect the rights of indigenous peoples to preserve and develop their languages;**

7. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the fourty second session of the Council will be on a human rights based approach to the promotion and preservation of indigenous languages, in light of the International year of Indigenous languages 2019 , and requests the Office of the High Commissioner 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-fourth session;

7 bis. *Also decides* to hold a half-day interactive intersessional panel (exploring formats or modalities…)on the protection of indigenous human rights defenders, to take place before the forty-second session and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities;

7 ter. *Further decides* to hold a half-day interactive intersessional panel (formats…)on ways of enhancing the participation of indigenous peoples’ representatives and institutions in of the Human Rights Council on issues affecting them, to take place before the forty-second session and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities;

8. *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 and in the elaboration of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

9. *Strongly* *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples, 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;

10. *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;

11. *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, **as well as in the reports presented to the Human Rights treaty bodies;**

12. ***Strongly*** *Encourages* States that have endorsed the United Nations Declaration on the Rights of Indigenous Peoples to adopt measures to pursue its objectives in consultations and cooperation with indigenous peoples;

12 bis. *Further encourages* Member States to support the timely realization of regional consultations with a view to seek input from indigenous peoples from all regions of the world to advance on the enhancement of their participation in meetings of relevant United Nations bodies on issues affecting them, as agreed upon resolution 71/321 of the General Assembly;

***Alt 12 bis. Encourages States to consult the Indigenous Peoples concerned, through appropriate procedures and with the objective of achieving agreement or consent whenever consideration is being given to legislative or administrative measures which may affect them directly;***

13. *Calls upon* States 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;

14. *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;

15. *Encourages* States, **according to 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, support work towards the achievement of the SDG’s and the 2030 Agenda of Sustainable Development, and to combat and eliminate violence and multiple and intersecting forms of discrimination against them;

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

16. *Welcomes* the agreed conclusions of the Commission on the Status of Women adopted at its sixty-first session, in which the Commission called for measures to be taken to promote the 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 to promote 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;

18. *Welcomes* 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, and invites States and other potential donors to support it;

19. *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;

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

1. General Assembly resolution 71/321. [↑](#footnote-ref-1)
2. General Assembly resolution 69/2. [↑](#footnote-ref-2)
3. A/HRC/39/62 [↑](#footnote-ref-3)
4. A/HRC/36/22. [↑](#footnote-ref-4)
5. A/HRC/39/68 [↑](#footnote-ref-5)