



Human Rights Council**Fifty-fourth session**

11 September–13 October 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council
on 11 October 2023****54/12. 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, jurisprudence 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 duly established by themselves, 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 duly established by themselves in the meetings of various United Nations organs and their subsidiary bodies, in particular the Human Rights Council and its Expert Mechanism on the Rights of Indigenous Peoples, as well as the Permanent Forum on Indigenous Issues,*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 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 and the report of the Office of the High Commissioner 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 duly established by themselves, in meetings concerning them,

Taking note of the study of the Expert Mechanism on the Rights of Indigenous Peoples on the impact of militarization on the rights of Indigenous Peoples,³ and of the report of the Expert Mechanism entitled "Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: establishing effective monitoring mechanisms at the national and regional levels for the implementation of the Declaration",⁴ 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 entitled "Green financing – a just transition to protect the rights of Indigenous Peoples",⁵ in which the Special Rapporteur encouraged all States to consider the recommendations contained in the report, and recognizing the efforts made by the Special Rapporteur to engage Indigenous Peoples in the preparation of annual and country reports,

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 2022, concerning the impact of social and economic recovery plans in the context of the coronavirus disease (COVID-19) pandemic on Indigenous Peoples, with a special focus on food security,⁶

Taking note of general recommendation No. 39 (2022) on the rights of Indigenous women and girls, of the Committee on the Elimination of Discrimination against Women, as well as general comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, of the Committee on the Rights of the Child, and encouraging States to consider the advice therein and also to translate them into Indigenous languages,

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 2014,⁷

Recognizing that Indigenous Peoples are among the first to face the direct consequences of climate change owing to their close relationship with and protection of the environment and its resources, and welcoming the role of Indigenous Peoples and particularly the engagement of Indigenous women and girls, who have faced the adverse impacts of climate change with resilience, in achieving the objective of the United Nations Framework Convention on Climate Change, the purpose and goals of 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 Agreement⁸ acknowledging that States should, when taking action to address climate change, respect, promote and consider their respective

¹ A/HRC/44/35.

² A/HRC/49/69.

³ A/HRC/54/52.

⁴ A/HRC/EMRIP/2023/3.

⁵ A/HRC/54/31.

⁶ A/HRC/53/43.

⁷ General Assembly resolution 69/2.

⁸ FCCC/CP/2015/10/Add.1.

obligations on the rights of Indigenous Peoples, paragraph 135 of decision 1/CP.21 recognizing the need to strengthen knowledge, technologies, practices and efforts of Indigenous Peoples related to addressing and responding to climate change, and paragraph 36 of the outcome document of the World Conference on Indigenous Peoples,

Recognizing further that many ecosystems, including water-based ecosystems, are threatened by poor management and unsustainable development and face increased uncertainty and risks owing to climate change and other factors, and urging States to recognize, respect and promote approaches led by Indigenous Peoples to ecosystem management, and the right of Indigenous Peoples to the conservation and protection of the environment and the productive capacity of their lands or territories and resources as set out in article 29 of the United Nations Declaration on the Rights of Indigenous Peoples, through their full and effective participation,

Mindful that Indigenous Peoples face significant barriers to the enjoyment of their right to the improvement of their economic and social conditions, including in the area of housing, as set out in article 21 of the United Nations Declaration on the Rights of Indigenous Peoples, owing to different factors, such as historical colonization and dispossession, disproportionately high rates of homelessness, and vulnerability to forced evictions, land-grabbing and the adverse impacts of climate change, and acknowledging the need to ensure that Indigenous Peoples can live in peace, security and dignity and enjoy the right to the improvement of their economic and social conditions, including in the area of housing, without discrimination,

Emphasizing that transnational corporations and other business enterprises have the responsibility to respect all human rights and should put in place human rights due diligence processes to identify, prevent, mitigate and account for how they address their impact on human rights, as well as paying particular attention to their impact on collective rights of Indigenous Peoples, and reaffirming the primary responsibility of States to respect, protect and fulfil human rights and their duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including transnational corporations and other business enterprises, by, inter alia, regulating these business enterprises and ensuring access to effective remedies in cases of abuse,

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 the equal participation of representatives of Indigenous Peoples and parties to the Framework Convention, to advance the objectives and implementation of its functions, and noting the second three-year workplan of the Platform for the period 2022–2024,

Recognizing the importance of ensuring the full and effective participation of Indigenous Peoples in decision-making processes for the implementation of the Kunming-Montreal Global Biodiversity Framework under the Convention on Biological Diversity,

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, adequate housing, health services, mental health, food security and improved nutrition, including through family farming and fishing, education, including intercultural and multilingual 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,

Taking note with appreciation of resolution WHA76.16 entitled “The health of Indigenous Peoples” adopted on 30 May 2023 by the World Health Assembly at its seventy-sixth session,

1. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the rights of Indigenous Peoples,⁹ and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of Indigenous Peoples, in plain language and Easy Read formats, 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, highlighting challenges and main achievements, 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;

3. *Also welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, including its annual report for 2023¹⁰ and its intersessional activities;

4. *Requests* the Secretary-General and the Office of the United Nations High Commissioner for Human Rights to continue to provide all human, technical and financial assistance necessary for the Expert Mechanism to fulfil its mandate fully and effectively, including webcasting services for its annual meetings, with communication access real-time translation, as well as 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;

5. *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;

6. *Acknowledges* the efforts of States, Indigenous Peoples, United Nations entities and other stakeholders to engage with the Expert Mechanism under its current mandate, and strongly encourages them to continue to do so, including to facilitate dialogue, when agreeable to all parties, and to provide technical assistance and advice in order to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, as well as the implementation by States of accepted recommendations and concluding observations related to Indigenous Peoples arising from the universal periodic review and the treaty bodies, respectively;

7. *Encourages* all parties to consider the Expert Mechanism's initiation of country engagements at the request of States and Indigenous Peoples, to seize the opportunity for dialogue provided by such requests and to facilitate country engagement mission arrangements to enable the Expert Mechanism to implement its mandate comprehensively;

8. *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;

9. *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,¹¹ 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

⁹ A/HRC/54/39.

¹⁰ A/HRC/54/64.

¹¹ See General Assembly resolution 74/135.

upon States, United Nations entities and other stakeholders to promote the effective and meaningful participation of Indigenous Peoples in leading and holding activities to mark the Decade at the national and international levels;

10. *Takes note* of the Global Action Plan for the International Decade of Indigenous Languages, and calls upon States and United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, 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;

11. *Recalls* the right of Indigenous Peoples to establish their own media in their own languages and to have access to all forms of non-Indigenous media without discrimination, as set out in article 16 (1) of the United Nations Declaration on the Rights of Indigenous Peoples, and calls upon States to promote and examine national policies, practices and funding programmes on Indigenous media, including on capacity-building and content production in Indigenous languages by Indigenous content producers and media professionals, especially Indigenous women, and to foster international cooperation, knowledge-sharing and cooperation among Indigenous media and other partners, including mainstream media and Governments;

12. *Encourages* States to translate, interpret and disseminate the United Nations Declaration on the Rights of Indigenous Peoples into Indigenous languages, including Indigenous sign 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 formats;

13. *Decides* that the theme of the annual half-day panel discussion on the rights of Indigenous Peoples, to be held during the fifty-seventh session of the Human Rights Council, will be on laws, policies, judicial decisions and other measures that States have taken, consistent with article 38 of the United Nations Declaration on the Rights of Indigenous Peoples, to achieve the ends of the Declaration, 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-ninth session;

14. *Welcomes with appreciation* 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, held from 21 to 24 November 2022, including the discussion and the recommendations resulting from the workshop as contained in the summary report prepared by the Office of the High Commissioner;¹²

15. *Requests* the Office of the High Commissioner to prepare a stocktaking report, taking into account previous stocktaking exercises included in the reports thereon of the Secretary-General of 2012 and 2020¹³ and in the note by the President of the General Assembly in 2016,¹⁴ compiling existing procedures on the participation of Indigenous Peoples at the United Nations and highlighting existing gaps and good practices, and to present the report to the Human Rights Council at its fifty-seventh session;

16. *Decides* to continue to discuss and develop further steps and measures necessary to enable and to facilitate the participation of Indigenous Peoples' representatives and institutions duly established by themselves in the work of the Human Rights Council, and in this regard:

(a) *Decides* to organize a two-day intersessional meeting before the fifty-seventh session of the Human Rights Council and another two-day intersessional meeting before the

¹² A/HRC/53/44.

¹³ A/HRC/21/24 and A/75/255.

¹⁴ A/70/990.

fifty-eighth session, in order to allow States, relevant United Nations agencies, funds and programmes, international organizations, Indigenous Peoples from the seven Indigenous sociocultural regions, national human rights institutions and civil society organizations to hold a dialogue on concrete ways to enhance the participation of Indigenous Peoples in the work of the Human Rights Council;

(b) Requests the President of the Human Rights Council to appoint one State co-facilitator and one Indigenous co-facilitator for each intersessional meeting;

(c) Decides that the co-facilitators, together with the Office of the High Commissioner, shall be responsible for the preparation of a joint report on the discussions and outcomes of the meetings, including specific recommendations, and for its presentation to the Council before its fifty-ninth session;

(d) Requests the Office of the High Commissioner to provide, for the above-mentioned two-day intersessional meetings, all the services and facilities necessary to make the discussions fully accessible to persons with disabilities;

17. *Invites* the United Nations Voluntary Fund for Indigenous Peoples, within the Fund's rules and established procedures, to facilitate the participation of Indigenous Peoples' representatives and institutions duly established by themselves, in the above-mentioned intersessional meetings, promoting balanced regional, gender and intergenerational representation;

18. *Encourages* the Expert Mechanism to continue its discussions on the issue of enhancing the participation of Indigenous Peoples' representatives and institutions duly established by themselves, in the relevant meetings of the Human Rights Council on issues affecting them;

19. *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;

20. *Urges* States to take appropriate measures to protect Indigenous children, in particular girls and young persons, from all forms of violence, and to ensure that all human rights violations and abuses against them are investigated, that perpetrators are held accountable, that appropriate preventive measures are put in place and that there is access to effective remedies and reparations;

21. *Calls upon* States to duly recognize, observe and enforce existing treaties, agreements and other constructive arrangements concluded between States and Indigenous Peoples in order to advance and achieve the realization of the rights of Indigenous Peoples, and encourages new ones as a method for implementing the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples;

22. *Acknowledges* the efforts made by the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur on the rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues to improve complementarity and to avoid duplication among their reports, encourages them 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;

23. *Requests* the President of the Human Rights Council to organize the participation of Indigenous Peoples' representatives and institutions duly established by themselves from the seven Indigenous sociocultural regions, in consultation with the Expert Mechanism on the Rights of Indigenous Peoples and with the support of the Office of the High Commissioner, for the interactive dialogues with the Special Rapporteur on the rights

of Indigenous Peoples and with the Expert Mechanism on the Rights of Indigenous Peoples at the fifty-seventh session of the Council;

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

25. *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;

26. *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;

27. *Calls upon* States to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples by, inter alia, engaging in good faith and sustained dialogue with Indigenous Peoples as well as with civil society, academia, local governments, United Nations bodies and other relevant stakeholders, as well as by adopting and implementing measures, including national action plans, legislation or other frameworks, as required, 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;

28. *Calls upon* States in all regions 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;

29. *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;

30. *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;

31. *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, including intercultural and multilingual 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;

32. *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 or in a discriminatory manner delaying or denying entry visas to United Nations mandate holders or Indigenous Peoples' representatives, or applying additional travel restrictions to them that interfere, inter alia, with their ability to participate in such meetings or to return;

33. *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 investigated, that the perpetrators are held accountable, that appropriate preventive measures are put in place, and that there is access to effective remedies and reparation, including guarantees of non-recurrence;

34. *Decides* to remain seized of the matter.

*46th meeting
11 October 2023*

[Adopted without a vote.]
