

United Nations Declaration
on the Rights of
Indigenous Peoples



United Nations Declaration on the Rights of Indigenous Peoples

GENERAL ASSEMBLY RESOLUTION 61/295
ADOPTED 13 SEPTEMBER 2007, UN DOC:
A/RES/61/295, ANNEX.

The General Assembly,
Guided by the purposes and principles of the Charter of the United Nations,
and good faith in the fulfilment of the obligations assumed by States in
accordance with the Charter,
Affirming that indigenous peoples are equal to all other peoples, while
recognizing the right of all peoples to be different, to consider themselves different,
and to be respected as such,
Affirming also that all peoples contribute to the diversity and richness of civilizations and
cultures, which constitute the common heritage of humankind,
Affirming further that all doctrines, policies and practices based on or advocating
superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic
or cultural differences are racist, scientifically false, legally invalid, morally condemnable
and socially unjust,
Reaffirming also that indigenous peoples, in the exercise of their rights, should be free
from discrimination of any kind,
Concerned that indigenous peoples have suffered from historic injustices as a result of,
inter alia, their colonization and dispossession of their lands, territories and resources, thus
preventing them from exercising, in particular, their right to development in accordance
with their own needs and interests,
Recognizing the urgent need to respect and promote the inherent rights of indigenous
peoples which derive from their political, economic and social structures and from their
cultures, spiritual traditions, histories and philosophies, especially their rights to their
lands, territories and resources,
Further recognizing the urgent need to respect and promote the rights of indigenous
peoples affirmed in treaties, agreements and other constructive arrangements with States,
Welcoming the fact that indigenous peoples are organizing themselves for political,
economic, social and cultural enhancement and in order to bring an end to all forms of
discrimination and oppression wherever they occur,

Convinced
that control
by indigenous
peoples over developments
affecting them and their lands,
territories and resources will enable them to
maintain and strengthen their institutions, cultures and traditions, and to promote their
development in accordance with their aspirations and needs,
Recognizing also that respect for indigenous knowledge, cultures and traditional practices
contributes to sustainable and equitable development and proper management of the
environment,
Emphasizing the
contribution of the
demilitarization of the
lands and territories of
indigenous peoples to
peace, economic and social
progress and development,
understanding and friendly



relations
among
nations and
peoples of the world,
Recognizing in particular
the right of indigenous families and
communities to retain shared responsibility for the
upbringing, training, education and well-being of their children, consistent with
the rights of the child,
Considering that the rights affirmed in treaties, agreements and constructive arrangements
between States and indigenous peoples are, in some situations, matters of international
concern, interest, responsibility and character,

Considering also that
treaties, agreements
and other constructive
arrangements, and
the relationships they
represent are the basis
for a strengthened
partnership between

indigenous peoples and States,
Acknowledging that the Charter of the United Nations, the International
Covenant on Economic, Social and Cultural Rights and the International
Covenant on Civil and Political Rights as well as the Vienna Declaration and
Programme of Action, affirm the fundamental importance of the right of
self-determination of all peoples, by virtue of which they freely determine their
political status and freely pursue their economic, social and cultural development,
Bearing in mind that nothing in this Declaration may be used to deny any peoples
their right of self-determination, exercised in conformity with international law,
Convinced that the recognition of the rights of indigenous peoples in this Declaration will
enhance harmonious and cooperative relations between the State and indigenous peoples,
based on principles of justice, democracy, respect for human rights, non-discrimination
and good faith,
Encouraging States to comply with and effectively implement all their obligations as they
apply to indigenous peoples under international instruments, in particular those related to
human rights, in consultation and cooperation with the peoples concerned,
Emphasizing that the United Nations has an important and continuing role to play in
promoting and protecting the rights of indigenous peoples,
Believing that this Declaration is a further important step forward for the recognition,
promotion and protection of the rights and freedoms of indigenous peoples and in the
development of relevant activities of the United Nations system in this field,
Recognizing and reaffirming that indigenous individuals are entitled without
discrimination to all human rights recognized in international law, and that indigenous
peoples possess collective rights which are indispensable for their existence, well-being
and integral development as peoples,
Recognizing also that the situation of indigenous peoples varies from region to region and
from country to country and that the significance of national and regional particularities
and various historical and cultural backgrounds should be taken into consideration,
Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous
Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual
respect,

FOUNDATIONAL RIGHTS

Article 1 COLLECTIVE AND INDIVIDUAL HUMAN RIGHTS

Indigenous peoples have the right to the full
enjoyment, as a collective or as individuals, of
all human rights and fundamental freedoms as
recognized in the Charter of the United Nations,
the Universal Declaration of Human Rights and
international human rights law.

Article 2 EQUALITY AND FREEDOM FROM DISCRIMINATION

Indigenous peoples and individuals are free
and equal to all other peoples and individuals
and have the right to be free from any kind of
discrimination, in the exercise of their rights,
in particular that based on their indigenous origin
or identity.

Article 3 SELF-DETERMINATION

Indigenous peoples have the right to self-
determination. By virtue of that right they freely
determine their political status and freely pursue
their economic, social and cultural development.

Article 4 SELF-GOVERNMENT

Indigenous peoples, in exercising their right to
self-determination, have the right to autonomy
or self-government in matters relating to their
internal and local affairs, as well as ways and
means for financing their autonomous functions.

Article 5 OUR OWN INSTITUTIONS

Indigenous peoples have the right to maintain
and strengthen their distinct political, legal,
economic, social and cultural institutions, while
retaining their right to participate fully, if they
so choose, in the political, economic, social and
cultural life of the State.

Article 6 NATIONALITY

Every indigenous individual has the right to a
nationality.

EDUCATION, INFORMATION AND EMPLOYMENT

Article 14 EDUCATION

- Indigenous peoples have the right to establish and control
their educational systems and institutions providing
education in their own languages, in a manner appropriate
to their cultural methods of teaching and learning.
- Indigenous individuals, particularly children, have the right to
all levels and forms of education of the State without
discrimination.
- States shall, in conjunction with indigenous peoples, take
effective measures, in order for indigenous individuals,
particularly children, including those living outside
their communities, to have access, when possible, to an
education in their own culture and provided in their own
language.

Article 15 PUBLIC INFORMATION

- Indigenous peoples have the right to the dignity and
diversity of their cultures, traditions, histories and
aspirations which shall be appropriately reflected in
education and public information.
- States shall take effective measures, in consultation and
cooperation with the indigenous peoples concerned, to
combat prejudice and eliminate discrimination and to
promote tolerance, understanding and good relations
among indigenous peoples and all other segments of
society.

Article 16 MEDIA AND CULTURAL DIVERSITY

- Indigenous peoples have the right to establish their own
media in their own languages and to have access to all
forms of non-indigenous media without discrimination.
- States shall take effective measures to ensure that State-
owned media duly reflect indigenous cultural diversity.
States, without prejudice to ensuring full freedom of
expression, should encourage privately owned media to
adequately reflect indigenous cultural diversity.

Article 17 EMPLOYMENT AND WORKING CONDITIONS

- Indigenous individuals and peoples have the right to enjoy
fully all rights established under applicable international
and domestic labour law.

Article 7 SECURITY AND FREEDOM FROM GENOCIDE

- Indigenous individuals have the rights to life, physical
and mental integrity, liberty and security of person.
- Indigenous peoples have the collective right to live
in freedom, peace and security as distinct peoples
and shall not be subjected to any act of genocide or
any other act of violence, including forcibly removing
children of the group to another group.

Article 8 FREEDOM FROM ASSIMILATION AND DESTRUCTION OF CULTURE

- Indigenous peoples and individuals have the right not
to be subjected to forced assimilation or destruction
of their culture.
- States shall provide effective mechanisms for
prevention of, and redress for:

- Any action which has the aim or effect of
depriving them of their integrity as distinct
peoples, or of their cultural values or ethnic
identities;
- Any action which has the aim or effect of
dispossessing them of their lands, territories or
resources;

Article 9 COMMUNITIES AND NATIONS

Indigenous peoples and individuals have the right
to belong to an indigenous community or nation, in
accordance with the traditions and customs of the
community or nation concerned. No discrimination of
any kind may arise from the exercise of such a right.

Article 10 REMOVAL AND RELOCATION

Indigenous peoples shall not be forcibly removed from
their lands or territories. No relocation shall take place
without the free, prior and informed consent of the
indigenous peoples concerned and after agreement on
just and fair compensation and, where possible, with
the option of return.

- States shall in consultation and cooperation with
indigenous peoples take specific measures to protect
indigenous children from economic exploitation and from
performing any work that is likely to be hazardous or to
interfere with the child's education, or to be harmful to
the child's health or physical, mental, spiritual, moral or social
development, taking into account their special vulnerability
and the importance of education for their empowerment.
- Indigenous individuals have the right not to be subjected
to any discriminatory conditions of labour and, inter alia,
employment or salary.

PARTICIPATION, DEVELOPMENT AND ECONOMIC AND SOCIAL RIGHTS

Article 18 DECISION-MAKING

Indigenous peoples have the right to participate
in decision-making in matters which would
affect their rights, through representatives
chosen by themselves in accordance with their
own procedures, as well as to maintain and
develop their own indigenous decision-making
institutions.

Article 19 CONSENT AND PARTNERSHIP

States shall consult and cooperate in good faith
with the indigenous peoples concerned through
their own representative institutions in order
to obtain their free, prior and informed consent
before adopting and implementing legislative or
administrative measures that may affect them.

Article 20 ECONOMIC DEVELOPMENT

- Indigenous peoples have the right to maintain
and develop their political, economic and
social systems or institutions, to be secure
in the enjoyment of their own means of
subsistence and development, and to engage
freely in all their traditional and other
economic activities.
- Indigenous peoples deprived of their means of
subsistence and development are entitled to
just and fair redress.

Article 21 IMPROVED LIVING CONDITIONS

- Indigenous peoples have the right, without
discrimination, to the improvement of their
economic and social conditions, including,
inter alia, in the areas of education,
employment, vocational training and
retraining, housing, sanitation, health and
social security.
- States shall take effective measures and,
where appropriate, special measures to ensure
continuing improvement of their economic
and social conditions. Particular attention

shall be paid to the rights and special needs of
indigenous elders, women, youth, children and
persons with disabilities.

Article 22 SPECIAL NEEDS

- Particular attention shall be paid to the
rights and special needs of indigenous elders,
women, youth, children and persons with
disabilities in the implementation of this
Declaration.
- States shall take measures, in conjunction
with indigenous peoples, to ensure that
indigenous women and children enjoy the full
protection and guarantees against all forms of
violence and discrimination.

Article 23 DEVELOPMENT

Indigenous peoples have the right to determine
and develop priorities and strategies for
exercising their right to development. In
particular, indigenous peoples have the right
to be actively involved in developing and
determining health, housing and other economic
and social programmes affecting them and, as
far as possible, to administer such programmes
through their own institutions.

Article 24 HEALTH AND TRADITIONAL MEDICINES

- Indigenous peoples have the right to their
traditional medicines and to maintain their
health practices, including the conservation
of their vital medicinal plants, animals and
minerals. Indigenous individuals also have
the right to access, without any discrimination,
to all social and health services.
- Indigenous individuals have an equal right
to the enjoyment of the highest attainable
standard of physical and mental health. States
shall take the necessary steps with a view to
achieving progressively the full realization of
this right.

IMPLEMENTING THE DECLARATION

Article 38 NATIONAL MEASURES

States in consultation and cooperation with
indigenous peoples, shall take the appropriate
measures, including legislative measures, to achieve
the ends of this Declaration.

Article 39 ACCESS TO FUNDING AND OTHER ASSISTANCE

Indigenous peoples have the right to have access
to financial and technical assistance from States
and through international cooperation, for
the enjoyment of the rights contained in this
Declaration.

Article 40 DISPUTE RESOLUTION AND EFFECTIVE REMEDIES

Indigenous peoples have the right to access to and
prompt decision through just and fair procedures for
the resolution of conflicts and disputes with States
or other parties, as well as to effective remedies for
all infringements of their individual and collective

rights. Such a decision shall give due consideration
to the customs, traditions, rules and legal systems of
the indigenous peoples concerned and international
human rights

Article 41 INTERNATIONAL COOPERATION

The organs and specialized agencies of the United
Nations system and other intergovernmental
organizations shall contribute to the full realization
of the provisions of this Declaration through the
mobilization, inter alia, of financial cooperation and
technical assistance. Ways and means of ensuring
participation of indigenous peoples on issues
affecting them shall be established.

Article 42 PROMOTION OF THE DECLARATION

The United Nations, its bodies, including the
Permanent Forum on Indigenous Issues, and
specialized agencies, including at the country
level, and States shall promote respect for and full
application of the provisions of this Declaration and
follow up the effectiveness of this Declaration.

RIGHTS TO COUNTRY, RESOURCES AND KNOWLEDGE

Article 25 CONNECTION TO COUNTRY

Indigenous peoples have the right to maintain and strengthen
their distinctive spiritual relationship with their traditionally
owned or otherwise occupied and used lands, territories,
waters and coastal seas and other resources and to uphold
their responsibilities to future generations in this regard.

Article 26 OWNERSHIP AND USE OF COUNTRY

- Indigenous peoples have the right to the lands, territories
and resources which they have traditionally owned,
occupied or otherwise used or acquired.
- Indigenous peoples have the right to own, use, develop
and control the lands, territories and resources that
they possess by reason of traditional ownership or other
traditional occupation or use, as well as those which they
have otherwise acquired.
- States shall give legal recognition and protection to these
lands, territories and resources. Such recognition shall be
conducted with due respect to the customs, traditions and
land tenure systems of the indigenous peoples concerned.

Article 27 RECOGNISING OUR RIGHTS TO COUNTRY

States shall establish and implement, in conjunction with
indigenous peoples concerned, a fair, independent, impartial,
open and transparent process, giving due recognition to
indigenous peoples' laws, traditions, customs and land tenure
systems, to recognize and adjudicate the rights of indigenous
peoples pertaining to their lands, territories and resources,
including those which were traditionally owned or otherwise
occupied or used. Indigenous peoples shall have the right to
participate in this process.

Article 28 SETTING THIS RIGHT - COMPENSATION

- Indigenous peoples have the right to redress, by means
that can include restitution or, when this is not possible,
just, fair and equitable compensation, for the lands,
territories and resources which they have traditionally
owned or otherwise occupied or used, and which have been
confiscated, taken, occupied, used or damaged without
their free, prior and informed consent.
- Unless otherwise freely agreed upon by the peoples
concerned, compensation shall take the form of lands,
territories and resources equal in quality, size and legal
status or of monetary compensation or other appropriate
redress.

Article 29 CARING FOR COUNTRY AND THE ENVIRONMENT

- Indigenous peoples have the right to the conservation
and protection of the environment and the productive
capacity of their lands or territories and resources. States
shall establish and implement assistance programmes for
indigenous peoples for such conservation and protection,
without discrimination.

ACKNOWLEDGEMENTS

The section and article headings are prepared by the Aboriginal and Torres Strait Islander Social Justice Commissioner. The Aboriginal and Torres Strait Islander Social Justice Commissioner acknowledges the poster produced by Syracuse Cultural Workers assisted by the American Indian Law Alliance.

The Aboriginal and Torres Strait Islander Social Justice Commissioner also acknowledges the plain English poster of the United Nations Declaration on the Rights of Indigenous Peoples produced by the Diplomacy Training Program and Batchelor Institute, with the support of Oxfam Australia, prepared by Dr Sarah Pritchard. This work was adapted from the plain English version of the Draft Declaration on the Rights of Indigenous Peoples that was commissioned from Dr Pritchard by the Aboriginal and Torres Strait Islander Commissioner.

LANGUAGE, CULTURAL AND SPIRITUAL IDENTITY

Article 11 CULTURE AND CULTURAL PROPERTY

- Indigenous peoples have the right to practise
and revitalize their cultural traditions and
customs. This includes the right to maintain,
protect and develop the past, present and
future manifestations of their cultures, such as
archaeological and historical sites, artefacts,
designs, ceremonies, technologies and visual
and performing arts and literature.
- States shall provide redress through effective
mechanisms, which may include restitution,
developed in conjunction with indigenous
peoples, with respect to their cultural,
intellectual, religious and spiritual property
taken without their free, prior and informed
consent or in violation of their laws, traditions
and customs.

Article 12 SPIRITUALITY

- Indigenous peoples have the right to manifest,
practise, develop and teach their spiritual and
religious traditions, customs and ceremonies;
the right to maintain, protect, and have access
in privacy to their religious and cultural
sites; the right to the use and control of
their ceremonial objects; and the right to the
repatriation of their human remains.

Article 13 OUR WAYS OF BEING AND KNOWING

- Indigenous peoples have the right to revitalize,
use, develop and transmit to future generations
their histories, languages, oral traditions,
philosophies, writing systems and literatures,
and to designate and retain their own names
for communities, places and persons.
- States shall take effective measures to ensure
that this right is protected and also to ensure
that indigenous peoples can understand
and be understood in political, legal and
administrative proceedings, where necessary
through the provision of interpretation or by
other appropriate means.

SELF-GOVERNANCE

Article 33 DETERMINING OUR IDENTITIES

- Indigenous peoples have the right to
determine their own identity or membership
in accordance with their customs and
traditions. This does not impair the right of
indigenous individuals to obtain citizenship
of the States in which they live.
- Indigenous peoples have the right to
determine the structures and to select the
membership of their institutions in
accordance with their own procedures.

Article 34 OUR LAWS, CUSTOMS AND TRADITIONS

Indigenous peoples have the right to promote,
develop and maintain their institutional
structures and their distinctive customs,
spirituality, traditions, procedures, practices
and, in the cases where they exist, judicial
systems or customs, in accordance with
international human rights standards.

Article 35 RESPONSIBILITIES

Indigenous peoples have the right to
determine the responsibilities of individuals to
their communities.

Article 36 BEYOND BORDERS

- Indigenous peoples, in particular those
divided by international borders, have the
right to maintain and develop contacts,
relations and cooperation, including
activities for spiritual, cultural, political,
economic and social purposes, with their
own members as well as other peoples
across borders.
- States, in consultation and cooperation
with indigenous peoples, shall take effective
measures to facilitate the exercise and
ensure the implementation of this right.

Article 37 TREATIES AND AGREEMENTS

- Indigenous peoples have the right to the
recognition, observance and enforcement of
treaties, agreements and other constructive
arrangements concluded with States or
their successors and to have States honour
and respect such treaties, agreements and
other constructive arrangements.
- Nothing in this Declaration may be
interpreted as diminishing or eliminating
the rights of indigenous peoples contained
in treaties, agreements and other
constructive arrangements.

INTERPRETING THE DECLARATION

Article 43 SURVIVAL, DIGNITY AND WELL-BEING

The rights recognized herein constitute the
minimum standards for the survival, dignity
and well-being of the indigenous peoples of the
world.

Article 44 MEN AND WOMEN ARE EQUAL

All the rights and freedoms recognized herein
are equally guaranteed to male and female
indigenous individuals.

Article 45 OTHER RIGHTS ARE NOT DIMINISHED

Nothing in this Declaration may be construed
as diminishing or extinguishing the rights
indigenous peoples have now or may acquire in
the future.

Article 46 HOW TO INTERPRET THE DECLARATION

- Nothing in this Declaration may be interpreted
as implying for any State, people, group or
person any right to engage in any activity or
to perform any act contrary to the Charter
of the United Nations or construed as
authorizing or encouraging any action which

would dismember or impair, totally or in part,
the territorial integrity or political unity of
sovereign and independent States.

- In the exercise of the rights enunciated in
the present Declaration, human rights and
fundamental freedoms of all shall be
respected. The exercise of the rights set forth
in this Declaration shall be subject only to
such limitations as are determined by law and
in accordance with international human rights
obligations. Any such limitations shall be non-
discriminatory and strictly necessary solely for
the purpose of securing due recognition and
respect for the rights and freedoms of others
and for meeting the just and most compelling
requirements of a democratic society.

- The provisions set forth in this Declaration
shall be interpreted in accordance with the
principles of justice, democracy, respect for
human rights, equality, non-discrimination,
good governance and good faith.

