

7<sup>th</sup> session of the UN Permanent Forum on Indigenous Issues

COLLECTIVE STATEMENT ON THE UNHRC UNIVERSAL PERIODIC REVIEW  
AGENDA ITEM 5: Human Rights

**Cordillera Peoples Alliance(CPA), Philippine Indigenous Peoples Rights Monitor, International Work Group on indigenous Affairs(IWGIA), Asia-Pacific Indigenous Youth Network(APYIN), Asia Indigenous Women's Network(AIWN), Tebtebba Foundation, Philippine Links( PIPLINKS), Center for Organization, Research and Education (CORE), Alliansi Masyarakat Adat Nusantara ( AMAN), Manipur Committee on Human Rights**

Madam Chairperson, we wish to call the attention of the expert members of the UNPFii, the governments, UN agencies and our fellow indigenous brother and sisters on the process of the Universal Periodic Review based on the Resolution 5/1, the Institution-building of the United Nations Human Rights Council. This is a process for review of States on their record of upholding human rights based on the UN Charter, the Universal Declaration of human rights, Human rights instruments to which a State is party and voluntary pledges and commitments made by States.

The first session of the UPR was held in April 7-18 2008 of sixteen (16) States and eight (8) of these States have indigenous peoples. However, in the national report of States, as well as in the three-hour session for each country, there was hardly any mention, questions, statements and recommendation on the human rights situation of indigenous peoples. Further, the UN Declaration on the rights of indigenous peoples (UNDRIP) was not also referred to in terms of the obligations of States under review. We therefore raise our concern on the marginalization of indigenous human rights issues in the UPR process which is contrary to the commitments made by States in adopting the UNDRIP. In fact, some States still continue to deny the existence of indigenous peoples as distinct peoples in their own countries.

We would also like to call your attention on the very limited space provided to civil society for its meaningful engagement to the UPR process, especially during the session of the UPR. In particular, NGO parallel events and distribution of critical materials are almost prohibited during the UPR sessions at the UN headquarters in Geneva. While we were allowed to hold an information seminar on indigenous peoples rights, we were prevented to make critical statements to any State and also to distribute critical materials on the violation of indigenous peoples rights by States and other parties.

Madam Chairperson, we believe the UPR is a very important and crucial process for States to me made accountable to its human rights obligations including to indigenous peoples. In this context, the UNDRIP should be included as a basis of the UPR and be used as the benchmark for reviewing States on their human rights commitments to indigenous peoples. The UN HRC has adopted the UNDRIP before the final adoption of the UN General Assembly. It is then paramount that the members of the UNHRC take the lead in

**mainstreaming the UNDRIP in the UPR process. This action is a critical step forward in making the UNDRIP a living document for the respect of the rights of indigenous peoples.**

**We thereby forward the following recommendations to the UNPFii and to the Special Rapporteur on the fundamental rights and freedoms of indigenous peoples to recommend to the UN Human Rights Council the ff:**

1. To call and urge the UNHRC for the inclusion of the UNDRIP as part of the scope and framework of the Universal Periodic Review :
  - a. Ensure the effective participation of indigenous peoples in the broad national consultations;
  - b. State Reports should address indigenous peoples issues and concerns in relation to the recognition and exercise of their collective rights;
  - c. States to include presentations, views, questions and recommendations relating to indigenous peoples rights.
2. Ensure the independence of Troika members and for them to play a bigger role in the UPR process to include but not limited to the following :
  - a. To seek and receive information related to human rights from civil society, including indigenous peoples;
  - b. To ask questions to States under review based on the information received and on specific issues and concerns in relation to the human rights obligations of States;
  - c. To make their own recommendations and independently prepare the report for presentation and adoption.
3. To provide space for civil society including indigenous peoples to have better interaction with Troika members and States :
  - a. To organize parallel events during the lunch breaks of the UPR Session on human rights concerns;
  - b. To allow Troika members to attend these parallel events;
  - c. To display and distribute materials related to human rights, including indigenous peoples' issues.
4. To ensure provision of timely and accurate information on the UPR, especially on mechanisms, schedules, processes , among others;
5. To conduct information dissemination and awareness raising activities with civil society especially with indigenous peoples on the UPR;
6. To review the mechanisms, processes, conduct and methods of the UPR in order to ensure the accountability and adherence of States to their human rights obligations.

We also call on the UNPFii and the Office of the High Commissioner on Human Rights to support efforts and initiative for awareness raising and capacity building of indigenous peoples to engage in the UPR process.