

**REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING TO
INDIGENOUS PEOPLES: Human Rights**

THE HUMAN RIGHTS OF INDIGENOUS CHILDREN AND YOUTH

Statement by Anna Pinto

CORE

Respected Chairperson, members of the Permanent Forum on Indigenous Issues, my honourable brothers and sisters, ladies and gentlemen, we have come here with a sense of achievement, with hope and with our visions, asking our ancient spirits and ancestors for blessings, wisdom, inspiration and guidance while we carry our precious responsibilities for our future generations. This has ever been our voiced concern and mandate: to be allowed and facilitated to pass on to our children the gifts of our Mother Earth and of our Ancestors who have taught us how to use, conserve and enhance the precious heritage - natural and cultural heritage - we have received.

This is the driving force of the indigenous peoples' movement, here and at home, in each place where we live - to ensure our heritage for our children. I would like to point out with grave concern and as a matter of pressing importance to be considered by this Forum that we must also consider the situation of our children themselves, with more attention. All we do and all we achieve becomes their trust and they must be there, alive and strong, in mind and body, in spirit and in heart to receive this trust and pass it on in their turn. This, my sisters and brothers, ladies and gentlemen is where there are also obstacles.

The issue of indigenous children's rights has so far received limited attention from several sectors working on children's issues: International Agencies, of course governments, but surprisingly even NGOs. While the Convention on the Rights of the Child is in fact the most widely ratified treaty (only the United States has so far resisted ratification) there is in fact a universal tendency to perceive children as the object of welfare and development support and assistance rather than as the holders/subjects of rights.

This perception has been quite difficult to re-orient as is evident in the negotiations for the Outcome Document of the UN Special Session on Children which was held from 8 - 10 May 2002 in New York. While NGOs and in particular the Child Rights Caucus was assiduous in advocating the use of language that promotes the Convention and the perspective of children's rights the Drafting Committee, (UNICEF) and governments were more inclined to retain language more in keeping with the traditional policies and programming of both the International Agency's existing focus and with governments' understanding of children as recipients of protection and support.

With reference to the situation and inclusion of indigenous children, however, in the Outcome Document, there appeared to be a universal reluctance to name indigenous children as being a definite and specific group requiring particular attention. It was in fact only in 2001, after the official closing of the draft NGO alternative text, that some language naming indigenous children was included in the NGO recommended text to a limited extent. This occurred after intensive lobbying and advocacy with the Child Rights Caucus itself. It needs to be mentioned here that once the text was suggested to the Drafting Committee, it quite easily found support from enough governments to pass without modification.

Again in the programming of the sessions and side events during UNGASS for children, the issues of indigenous children were conflated at the final session with issues of minorities and other discriminated groups. There appears therefore to be a consistent lack of appreciation at the international level regarding the specific and unique nature of indigenous peoples and children's issues and an apparent reluctance to name the group and address the specificities.

Given that this is still the UN International Decade of Indigenous Peoples and that the Permanent Forum was scheduled to begin the following week this absence of attention is deeply regrettable. Given also that indigenous children are known to be over represented in every marginalized and discriminated segment: poverty, malnutrition, infant mortality, poor immunization, lack of basic health care and education services, sexual abuse, violence, commercial exploitation and trafficking and impacted by armed conflict, substance abuse, conflict with the law, internal displacement, refugee situations and asylum seekers, loss of shelter, etc. etc. and that as a direct consequence there is either no or inadequate or inappropriate and, therefore, undelivered programming for indigenous children, this absence

of attention is a matter of grave concern and may be viewed in real terms as amounting to continuing discrimination and genocidal indifference.

The first problem is the naming of indigenous children in information collection, disaggregation of data and presentation. The second is the massive deficiency of expertise on the subject of indigenous children in the concerned agencies, *inter alia* UNICEF, UNESCO, WHO, UNDP etc. Some of this deficiency is no doubt linked to the lack of progress in perception of both indigenous peoples and of children as the subjects of rights. Another possible obstacle may be the reluctance to permit what is perceived as the politicisation of children's rights issues (which have the image of being apolitical, rightly or wrongly) by the linkage to indigenous peoples rights. It is more than clear that the survival, protection and development of indigenous children cannot be alienated from the issue of indigenous peoples rights including those to self determination and to heritage of natural resources, lands and culture. These are the kind of issues with which many Child Rights advocates, UNICEF and other involved groups are not comfortable.

There is therefore no consistent policy either at International agencies or bodies for programming or addressing the rights of indigenous children. There is therefore an urgency to addressing this lacuna all the more because of the evident and massive deterioration in the social and political environment of indigenous children, the increasing pressures on indigenous peoples shrinking resources to provide for our children and the global financial crunch which has negatively impacted resources available for programming on children. In this situation and given that the UNGASS for children has only just made a commitment to children including specifically indigenous children, the focussed involvement of UNICEF and other international agencies that must concern themselves with the issues of indigenous children and in the development of policy and programming must be put in place and every effort intensified.

Our Recommendations are that:

1. Firstly, UNICEF as the nodal agency designated for the promotion and protection of children's rights should present a detailed report of their activities regarding indigenous children to the Permanent Forum on Indigenous Issues including in their presentation a complete list of initiatives and the specific area in which they are operational, the precise

break ups of budgetary allocations regarding these initiatives and the reports of any such initiatives which have been running for a reasonable period together with an assessment of their impact.

2. Secondly, UNICEF as the nodal agency on children, should, within a reasonable and designated time-frame collate similar information on programs directed at, affecting and relating to indigenous children from other international and UN agencies inter alia WHO, UNESCO, ILO, UNDP
3. Thirdly, UN mechanisms with a mandate to work on children's rights or aspects of children's rights including Special Rapporteurs, Independent Experts, Working Groups, Committees and other complaints mechanisms, and mechanisms for review of national progress on treaty commitments should encourage focus on information regarding the status of implementation of these rights inherent to indigenous children from States parties, international and UN agencies and bodies and non government organisations.
4. Fourthly, before the closing of this UN Decade on Indigenous Peoples the Committee on the Rights of the Child must focus on indigenous children as the subject for the theme day in September 2004
5. Fifth, indigenous children and youth should be put on as a specific and permanent agenda item on the programme of the Permanent Forum with a view to encourage regular reporting on progress from international and UN Agencies and bodies.
6. Lastly, the Permanent Forum should establish a strong liaison with the Committee on the Rights of the Child and other monitoring mechanisms of the UN system that have implications for or direct mandates for the rights of children in various situations or aspects for the purpose of eliciting information on issues relating to the rights of indigenous children and their situation.

Thank you