

# ENSURING THE RIGHTS OF INDIGENOUS CHILDREN



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## EDITORIAL

In recent years issues affecting indigenous peoples have received growing national and international attention and significant progress has been made towards the promotion of their rights. In this process, encouraging as it is, indigenous children have not always received the distinct consideration they deserve. In some cases, their particular situation has been obscured by other issues of broader concern to indigenous peoples, including land rights and political representation. Such concerns are, of course, fundamental to indigenous communities, but it is nonetheless crucial that they are considered together with targeted action to safeguard the distinct identity of indigenous children and to promote the realization of their human rights.

Traditional indigenous structures are well suited to ensuring protection and provision for children and young people. When, however, these structures begin to break down as a result of pressure exerted on indigenous communities due to environmental change, economic exclusion, displacement, exploitation or armed conflict children can be particularly at risk. As this Digest highlights, all too frequently indigenous children live in extreme poverty, do not attend school, demonstrate higher levels of morbidity and mortality than their non-indigenous peers and are vulnerable to violence, abuse and exploitation. Often this experience of marginalization erodes their very identity, and with it their sense of self-esteem.

This Digest reflects the UNICEF commitment to advance the cause of indigenous children. Promoting the rights of indigenous children is one of the best ways to promote the rights of all members of indigenous communities and thus ensure the perpetuation of their way of life, their practices and beliefs. This commitment is anchored in the principles and provisions of the Convention on the Rights of the Child (CRC). It was reinforced at the UN General Assembly Special Session for Children in May 2002, that called for appropriate measures to be taken to end discrimination, provide special support and guarantee equal access to services for indigenous children. At the Special Session, States were also urged to ensure that indigenous children have access to quality education in a form that respects their heritage and sustains their cultural identity. This Digest, in contributing to the advancement of the implementation of the CRC, is conceived as an integral element in the follow-up to the Special Session. Its development is also the fruit of an ambition to, at one and the same time, benefit from and influence the initiatives regarding indigenous children that have marked 2003. Notable among these are the Second Session of the Permanent Forum on Indigenous Issues in May, and the UN Committee on the Rights of the Child day of general discussion in September. In the same month, the Fifth Ibero-American Meeting of Ministers for Children and Adolescents in Santa Cruz de la Sierra, Bolivia, also gave special consideration to the situation of indigenous children.

The Digest dedicates particular attention to four strategic areas where significant progress can be made in the realization of the rights of indigenous children to the highest standard of health and nutrition; quality education; effective, culturally sensitive protection and support; and participation in the decisions that affect them. A child who is healthy and literate, lives in security and is able to express his or her views is a child who not only develops in harmony with his or her community, but also strengthens that community and ensures that it flourishes through social progress and the promotion of respect for human rights.

Families, elders and community leaders have an important role to play in helping indigenous children to understand that they have special resources upon which to draw – spirituality, cultural identity and values; a strong bond with the land; collective memory; kinship and community. Indigenous children carry with them a reserve of knowledge that is their special inheritance, and from which we can all benefit. These fundamental values are increasingly coming to be acknowledged by both national governments and international organizations. Today, indigenous peoples are reaffirming their pride in their indigenous identity and are, in turn, nurturing this pride in their children.

Indigenous children occupy a special place between the unique world-view of their own community and an increasingly global culture. They, more than anyone, are able to bring together, learn from and enrich these two dimensions of the world we share. As one young Inuit woman affirmed, "We have a lot to say. We know what we need, we just have to be given a chance."<sup>1</sup>

Marta Santos Pais  
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## INTRODUCTION

Indigenous communities and their individual members draw their identity and form their world-view from specific historical and cultural contexts that include their own beliefs, social organization, language, customs and knowledge. As children, indigenous people develop a profound bond with their territory of origin, whether or not they and their communities still occupy this space (Box 1).

In recognition of these special dimensions, indigenous peoples are entitled to specific rights and protection under international law. These include the right to enjoy their culture, religion and language in community with other members of the group, and to preserve and protect their collective identity. The denial of their human rights has a serious impact upon both their individual and collective well-being as well as their social development.

National and international awareness of indigenous peoples' rights has increased significantly in recent years. Important landmarks have included the establishment of the Working Group on Indigenous Populations in 1982, the 1989 CRC, the 1989 International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, the International Decade of the World's Indigenous People (1995-2004), the establishment of the Permanent Forum on Indigenous Issues in 2000, and the ongoing work to prepare the Draft United Nations Declaration on the Rights of Indigenous Peoples.

At the same time, movements of indigenous peoples around the world are calling for the opportunity to participate more actively in the decisions that affect their lives, including the development of economic and social policies. They are also working to preserve and nurture their cultures and cultural heritage, as well as staking their claims to land and the natural and mineral resources it contains. Direct political participation of indigenous organizations at local and national levels of government has the proven capacity to improve governance, strengthen democracy and reinforce citizenship (Box 2). These same elements are inherent to the promotion of human rights, including those of children-indigenous and non-indigenous alike. Indigenous peoples' movements have shown themselves to be

important catalysts of change with the potential to advance the global human rights agenda.

Despite these advances, around the world indigenous children consistently number among the most marginalized groups in society and are frequently denied

the enjoyment of their rights, including the highest attainable standard of health, education, protection and participation in decision-making processes that are relevant to their lives.

This Digest discusses the situation of indigenous children in income-rich and

### Box 1: Land, environment and culture

*You see, the land is not only to cultivate. The land is also for you to be cultivated in as a person. This is why, when the land is in the hands of others, you are only a tool.*<sup>2</sup>

**Marcelino T., Guaraní farmer, Bolivia.**

Indigenous peoples invariably demonstrate a deep and intimate bond with their territory of origin. In indigenous world-views, land cannot be separated from culture and identity. It is not only a resource for survival, but also a fundamental source of, and element in, indigenous belief systems.<sup>3</sup> Indigenous peoples draw their spirituality, cultural values and collective identity from the land, and their traditional laws, customs and practices reflect this attachment. The Earth lies at the centre of their cosmologies, and connects them with their past, as home of their ancestors, their present, as provider of their material needs, and their future, as a legacy that they hold in trust for their children.<sup>4</sup>

Just as the cultural diversity of indigenous peoples represents an invaluable human resource, so too their knowledge of sustainable practices is a key element in maintaining the world's ecological richness. Indeed, the global distribution of indigenous peoples demonstrates a marked correlation with areas of high biological diversity.<sup>5</sup>

The significance of land is not restricted to indigenous peoples who continue to inhabit their place of origin. For those who have been forced off their land or who have moved, often to urban areas or shanty towns, for economic reasons, to escape armed conflict or to pursue education, the spiritual homeland continues to possess deep cultural resonance that is often reconfirmed by periodic ceremonies or rituals. From this perspective, denying indigenous children access to sacred sites because, for instance, they have been privatized or militarized, means denying them an important aspect of their own identity and compromising their full development.

### Box 2: Indigenous movements and democratic reform in Latin America

Some of the most far-reaching reforms brought about by indigenous peoples' movements have been in Latin America. For example, in 1994 the Bolivian government approved the Citizens' Participation Law as a response to regional campaigns for political and administrative decentralization led by indigenous organizations. This law promotes accountable government at the local level and allocates funding to municipalities on the basis of their population size. Local government incorporates grass-roots territorial organizations and monitoring committees include indigenous, peasant and community organizations. These organizations participate directly in decision and policy-making, influence budgetary allocations and shape development plans in areas such as health, education, agriculture, sports and recreation.<sup>6</sup>

In Ecuador, the indigenous peoples' movement has consistently worked to have indigenous peoples' rights recognized and respected and has campaigned against government corruption. In January 2001, the National Confederation of Ecuadorian Indigenous Nationalities (CONAIE) mobilized indigenous organizations against economic adjustment that brought with it increases in the price of basic goods and services. The Ecuadorian government eventually signed an agreement with indigenous leaders emphasizing the development of participatory mechanisms for "the collective construction of solutions." This agreement blocked increases in fuel prices in 2001 and introduced economic measures to benefit the poorest citizens, including reductions in public transportation fares for children, persons with disabilities and the elderly.<sup>7</sup>

income-poor countries alike. It examines the impact on indigenous children of situations in which their human rights are compromised or denied, and identifies innovative programmes and practices designed to protect and promote these rights. The most effective initiatives include full and meaningful participation in decision-making processes at all levels and succeed in promoting respect for cultural diversity and protection from discrimination. They also recognize the close interaction among key elements in the indigenous world-view: the physical, mental and economic well-being of indigenous peoples, their freedom from exploitation, and their survival and development are intimately linked to the unhindered pursuit of their culture, beliefs and spirituality, as well as to access to their land and its resources. Any efforts to promote the rights of indigenous children need to be anchored in and informed by this reality. The statements by indigenous children in Box 3 reinforce this point while serving to illustrate some of the themes that emerge in

this Digest: these children's sense of their own identity, their close relationship with and sensitivity to their land and environ-

ment; and their capacity – and, indeed, enthusiasm – to understand the world through the lens of their own culture.

### BOX 3: Voices of indigenous children<sup>9</sup>

*I had never before heard these two words together: 'indigenous' and 'pride'. Now I know that I want to be a proud indigenous boy.*

**Rody Ccallo (aged 16), Quechua Indian, Peru**

*I am called Celina Temb  because I am a Temb  Indian ... I like living by the river – I want to live here for the rest of my life. I love the forest, and it makes me sad when people chop down the trees.*

**Celina Temb  (aged 9), Temb  Indian, Brazil**

*My name is Trieu Thi Li n. We say our family name first then our 'given' name. When I grow up, I want to be an agricultural engineer and develop new ways of growing rice. Rice farming is difficult here in the mountains because people have to carry heavy baskets up steep slopes. I think it must be much easier down on the plains. It would be very useful to learn about science and technology.*

**Trieu Thi Li n (aged 9), Dao hill tribe, Viet Nam**

*I came to live with Nanna because I am half Maori and I wanted to find out about that part of me... I like reading and studying Maori ... At the moment we are reading this book about a man who tries to catch the sun to stop it from going down.*

**Ngawiata Evans (aged 9), Maori, New Zealand**

## UNDERSTANDING INDIGENOUS CHILDREN'S RIGHTS

In the cosmology of the Quechua<sup>9</sup> people of South America, the concept of *pachacutec*<sup>10</sup> (which means 'devastating power' or 'earthquake') describes the necessary and dramatic breaking of a given order to make way for a new one. The Quechua consider that the natural order was overturned with the Spanish conquest, but that this cycle of change has not yet been completed. Until order is returned, the Quechua people believe they will experience confusion, imbalance and uncertainty.

Like the Quechua most indigenous societies have seen their traditional orders and corresponding cosmologies disrupted through contact with more 'powerful' societies. The impact of colonialism saw traditional indigenous social structures eroded, while colonizing powers rarely extended the benefit and protection of their own concept of citizenship to indigenous peoples. Often these peoples have experienced discrimination, oppression, exploitation and even genocide. Promoting indigenous peoples' rights and guaranteeing their fundamental freedoms as recognized by international standards must necessarily mean respecting indigenous cultures and offering indigenous peoples the means to discover a new equilibrium between their own culture on the one hand and national and global cultures on the other.

### The Convention on the Rights of the Child

The 1989 CRC is the first binding instrument in international law to deal comprehensively with the rights of children. The implementation of the CRC is monitored by the Committee on the Rights of the Child, which assesses the progress made by States Parties in fulfilling their obligations. In the context of its mandate, the Committee makes suggestions and recommendations to governments and the UN General Assembly on ways to meet the Convention's objectives. The Committee also holds days of general discussion on specific issues it considers to be of particular importance. In 2003, the day of general discussion was devoted to the rights of indigenous children.

#### Article 30

The CRC is one of the first international human rights treaties to address explicitly the situation of indigenous children. While all the provisions of the Convention apply to these children, Article 30 specifically addresses their reality:

"In those States in which ethnic, religious or linguistic minorities or persons of indigenous origins exist, a child

belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."

The very existence of such an article indicates a concern regarding the need for special safeguards to ensure the enjoyment of indigenous culture, religion and language. It also highlights the importance of the indigenous child enjoying these elements "in community with other members of his or her group". In adopting this approach, the Convention acknowledges that certain activities draw their significance from the fact that they are pursued in a group that shares the same values. Thus, while this provision addresses the individual rights of the indigenous child, it further recognizes the collective dimension of culture, religion and language.

Article 30 does not make explicit the important relationship between indigenous culture and the natural environment. Nonetheless, in indigenous communities the enjoyment of culture and the profession of religion are so closely linked to sacred sites and the natural environment that pre-

#### Box 4: International instruments with particular relevance to the rights of indigenous children

The following human rights instruments are legally binding for signatories.

- *1965 International Convention on the Elimination of All Forms of Racial Discrimination*: Article 2 which calls upon States Parties to take – in social, economic, cultural and other fields – measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them and thus ensure the full and equal enjoyment of their human rights. Article 5 calls upon State Parties to guarantee to everyone, without distinction, their civil rights and their economic, social and cultural rights.
- *1966 International Covenant on Civil and Political Rights*: this treaty contains, among others, articles on the right to protection from discrimination as well as the right to self-determination for all peoples. These include the right to determine one's political status and economic, social and cultural development, and the right of persons belonging to ethnic, religious or linguistic minorities to enjoy their own culture, profess and practice their own religion and use their own language. (The Human Rights Committee has emphasized that indigenous peoples are covered by this article, even though they may not be a 'minority' population.)
- *1966 International Covenant on Economic, Social and Cultural Rights*: this treaty includes articles on the rights of children to protection and assistance without discrimination, the right to education that promotes understanding, tolerance and friendship among all racial, ethnic or religious groups, and the right to take part in cultural life, together with the responsibility of States Parties to conserve, develop and diffuse culture.
- *1989 ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries*: see Box 6.

servicing this environment and ensuring access to land may be interpreted as a necessary prerequisite for the realization of the child's right to "enjoy his or her own culture, to profess and practice his or her own religion".

#### Other articles

The elements of Article 30 are also reflected in other Articles of the Convention. Notably, article 2 asserts the general principle of non-discrimination "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." The other general principles of the Convention are equally relevant, namely: the best interests of the child as a primary consideration in all actions concerning children (Article 3); the inherent right to life and the obligation of States Parties to ensure to the maximum extent possible the survival and development of the child (Article 6); and the right of a child who is capable of forming his or her own views to express these views freely in all matters affecting that child (Article 12).

In addition, other articles in the CRC contain specific references to indigenous children and reflect the importance of protecting and promoting cultural diversity. Article 17 on the right to information emphasizes the importance of support for linguistic diversity. It recognizes the critical function performed by the mass media and requires States Parties to ensure that the child has access to information and materi-

al from a diversity of national and international sources, and to "encourage the mass media to have particular regard to the linguistic needs of the child ... who is indigenous". Article 29 emphasizes the potential of education to provide a foundation for a harmonious multicultural society in which every child's cultural identity is respected: "States Parties agree that the education of the child shall be directed to ... the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin". Moreover, Article 29 states that a child's education should be directed to "the development of respect for the child's ... own cultural identity, language and values" as well as to the "development of respect for the natural environment."

Article 5 of the CRC is also particularly significant for indigenous children. Informed by the cultural and social envi-

#### Box 5: International agreements relevant to the rights of indigenous children

The following international standards and commitments offer important international guidelines for the realization of the rights of indigenous children.

- *1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*: as regards children, the right of parents or legal guardians to organize family life in accordance with their religion or belief; the right to have access to education in the matter of religion or belief in accordance with the wishes of the child's parents; and the right of the child to be protected from any form of discrimination on the basis of religion or belief.
- *1986 Declaration on the Right to Development*: in particular, Article 5 calls upon States to eliminate violations of the human rights of peoples affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism and refusal to recognize the fundamental right of peoples to self-determination.
- *1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*: includes articles relating to State protection of ethnic, cultural, religious and linguistic identities; the right of minorities to enjoy their own culture, religion and language; and the requirement that national policies and programmes have due regard for the interests of persons belonging to minorities.
- *1992 Agenda 21, adopted at the United Nations Conference on Environment and Development (Earth Summit)*: Chapter 26 calls upon governments to ensure that indigenous youth have access to natural resources, housing and a healthy environment.
- *1993 Vienna Declaration on Human Rights and Programme of Action, adopted at the World Conference on Human Rights*: Part 1, Paragraph 20 acknowledges the unique contribution of indigenous people to the development and plurality of society. It calls upon States to ensure the full and free participation of indigenous people in all aspects of society. States should also take positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization.
- *2002 A World Fit For Children, outcome document from the UN General Assembly Special Session on Children*: Paragraph 20 asserts that appropriate measures should be taken to end discrimination, provide special support and ensure equal access to services for indigenous children. Paragraph 40(5) states that governments will ensure that indigenous children have access to quality education on the same basis as other children and that this education should be provided in a manner that respects their heritage. Educational opportunities should also enable indigenous children to develop understanding of and sustain their cultural identity including language and values.

ronment of indigenous communities, this provision recognizes “the responsibilities, rights and duties” of the members of the extended family or community to provide “appropriate direction and guidance” in the exercise by the child of his or her rights, where this is “provided for by local custom”. Again, while this article refers to the rights of the individual child, it clearly acknowledges the important role played by the group into which the child was born in protecting and promoting these rights.

As noted, all provisions of the CRC apply to indigenous children and the specific significance of many of these is discussed in the sections that follow. Other international instruments and agreements relevant to the rights of indigenous children are listed in Boxes 4 and 5. One of the most significant of these, the International Labour Organization (ILO) Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, is discussed more fully in Box 6.

### UN system-wide action to safeguard indigenous peoples’ rights

In recent years the UN has given significant attention to the protection of the human rights of indigenous peoples. Its first formal

#### Box 6: The International Labour Organization Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries

ILO Convention No. 169, adopted in 1989 and ratified by 17 countries (none, however, from Africa or Asia), is to date the only legally binding instrument of international law to deal exclusively with the rights of indigenous peoples. The Convention builds upon the Indigenous and Tribal Populations Convention (No. 107), adopted in 1957, which was the first attempt to codify indigenous peoples’ rights in international law. Convention No. 107 covered a range of issues such as land rights, working conditions, health and education.

Convention No. 169 promotes respect for the cultures, ways of life, traditions and customary laws of the indigenous and tribal peoples who are covered by it. It recognizes their existence as elements of their national societies with their own identity, structures and traditions. It acknowledges that these peoples have the right to take part in the decision-making process as it affects them and that their contribution will be a valuable one in the country in which they live.<sup>11</sup> Significantly, this Convention specifically acknowledges the importance of land for indigenous peoples and recognizes their right to participate in the use, management and conservation of natural resources.

The Convention has two explicit provisions on children. Both of these deal with education and language as key elements in the development of a multicultural society. Article 28 states that indigenous children shall, wherever practicable, be taught to read and write in their own language or in the language most commonly used by the group to which they belong. It goes on to require that “adequate measures” be taken to ensure that indigenous peoples also have the opportunity to attain fluency in the national language or in one of the official languages of the country, while at the same time preserving and promoting the development and practice of their own language. Article 29 also relates to the potential of education to promote multiculturalism: “The imparting of general knowledge and skills that will help children belonging to the peoples concerned to participate fully and on an equal footing in their own community and in the national community shall be an aim of education for these peoples.”

Various other ILO instruments are relevant to indigenous and tribal peoples, including the Forced Labour Convention, 1930 (No. 29); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); and the Declaration on Fundamental Principles and Rights at Work, 1998.

#### Box 7: The draft United Nations declaration on the rights of indigenous peoples

The Working Group on Indigenous Populations completed its draft declaration in 1993 and, in 1995, the Commission on Human Rights set up its own working group to review this draft. More than 100 indigenous organizations from around the world participate in this process.

The draft declaration consists of 45 articles, related to:

- rights to self-determination, participation in the life of the State, nationality and freedom from discrimination;
- threats to the survival of indigenous peoples as distinct peoples;
- the spiritual, linguistic and cultural identity of indigenous peoples;
- education, information and labour rights;
- participatory rights, development and other economic and social rights;
- right to land and resources;
- autonomy and indigenous institutions; and
- the effective implementation of the Declaration and general concluding provisions.<sup>12</sup>

Among the provisions of the draft declaration, there are a number that deal specifically with the rights of indigenous children:

**Article 6:** Indigenous peoples have the collective right ... to full guarantees against ... any ... act of violence, including the removal of indigenous children from their families or communities under any pretext.

**Article 11:** States ... shall not ... recruit indigenous children into the armed forces under any circumstances.

**Article 14:** Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures.

**Article 15:** Indigenous children have the right to all levels and forms of education of the State. All indigenous peoples also 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 children living outside their communities have the right to be provided access to education in their own culture and language.

**Article 22:** Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions ... Particular attention shall be paid to the rights and special needs of indigenous ... children ...

The lengthy process of drafting this declaration testifies to the complexity and diversity of indigenous peoples’ situations around the world, which must be reflected in the draft’s provisions. In addition, there are practical implications of certain articles that need to be taken into account. For example, the right of indigenous children living outside their communities to be provided access to education in their own language and culture (Article 15) may present challenges for its implementation, including the level of resources required for its enforcement.

work on this issue began in 1982 with the establishment of the Working Group on Indigenous Populations in the context of the Sub-Commission on the Promotion and Protection of Human Rights. The Working Group provides an open forum for indigenous participation and has a twofold mandate:

- to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples;
- to give attention to the evolution of international standards concerning indigenous rights.

In 1985, the Working Group began preparing a draft declaration on the rights of indigenous peoples (see Box 7). Progress to date has been slow but, if and when adopted, the declaration will be the most comprehensive statement on the rights of indigenous peoples developed to date.

1993 was declared International Year of the World's Indigenous People, affirming the commitment of the international community to ensuring indigenous peoples' enjoyment of all human rights and to respecting the value and diversity of their cultures and identities. In the same year, the World Conference on Human Rights, held in Vienna, recommended that the UN General Assembly proclaim an international decade of indigenous people and, in addition, suggested the establishment of a permanent forum for indigenous people.

The International Decade of the World's Indigenous People (1995-2004) has the main objective of strengthening international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health. Among its achievements was the establishment of the Permanent Forum on Indigenous Issues in 2000. The Forum is comprised of 16 independent experts, eight of whom are nominated by governments and eight are appointed following formal consultations with governments on the basis of the views and opinions of indigenous organizations. The Forum is mandated to discuss indigenous issues relating to economic and social development, culture, the environment, education, health and human rights. It also:

- provides expert advice and recommendations on indigenous issues to the UN Economic and Social Council, as well as to UN programmes, funds and agencies;
- raises awareness and promotes the integration and coordination of activities relating to indigenous issues within the UN system; and

- prepares and disseminates information on indigenous issues.<sup>13</sup>

In May 2002, at its first session, the Permanent Forum designated indigenous children and youth as one of its major priorities for the next several years and decided that this should be the special theme for the 2003 session. Following a high-level panel and discussion on this theme, the Forum adopted a variety of recommendations addressed to the UN system, other intergovernmental organizations, governments and civil society constituting a plan of action in this area (see Box 8).

In 2001, the UN Commission on Human Rights decided to appoint, for a period of three years, a Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. The Special Rapporteur is requested to gather and exchange information and communications on indigenous issues and formulate recommendations and proposals on measures and activities to prevent and remedy violations of indigenous peoples' human rights and fundamental freedoms.<sup>14</sup> The Special Rapporteur has been requested to give particular attention to the situation of indigenous children.

## Individual and collective rights

Individual rights, as generally set forth in the CRC, are rights recognized for human beings in their individual capacity – for example, the child's inherent right to life or to freedom of expression. In contrast, many of the articles proposed in the draft declaration on the rights of indigenous peoples imply recognition of collective rights – the rights of “indigenous peoples” or “indigenous children.” Some of these rights may be exercised by individuals on the basis of their membership in a collectivity that benefits from these rights, such as the right to live in freedom, peace and security. Others are intended to protect and maintain the whole group, which implies that this group has a distinct quality *sui generis* and cannot be reduced to its constituent members.<sup>16</sup> Rights such as these may refer, for example, to the protection of a group's culture, cultural heritage, language and religion.<sup>17</sup> The nature of these collective rights corresponds closely to the indigenous world-view in that they reflect and promote the indivisibility of the community. This perspective is a particular strength and a special resource of indige-

### Box 8: Recommendations from the Second Session of the Permanent Forum on Indigenous Issues, May 2003<sup>15</sup>

The Permanent Forum made recommendations in a number of areas, including:

**indigenous children and youth:** the Forum recommended that UN bodies address issues related to the trafficking and sexual exploitation of indigenous girls and urged States to develop effective rehabilitation programmes. In view of the significant movement of indigenous youth to urban areas worldwide, it was recommended that the World Bank, ILO and UNICEF carry out an in-depth study of legal frameworks and social programmes for indigenous youth in selected countries in order to assess key problems and formulate policies and strategies. The Forum further recommended that governments and UN bodies prepare specific policies and implement programmes for indigenous children and youth to promote their human rights; strengthen, recover and conserve their languages; promote their culture and education; reaffirm their traditional knowledge; and contribute to their self-esteem. It also recommended that governments be urged to ensure greater protection and humane treatment for incarcerated indigenous children and youth, and take steps to ensure their reintegration.

**Health:** the Forum urged relevant UN bodies to incorporate indigenous healers and cultural perspectives on health and illness into their policies, and to undertake regional consultations with indigenous peoples on those issues. It also urged States to expand their national health systems to provide holistic health programmes for indigenous children. It recommended that States address malnutrition in indigenous children by adopting special measures to ensure and protect the cultivation of traditional food crops. The Forum also requested that the World Health Organization undertake a study on the prevalence and causes of suicide among indigenous youth.

**Education:** the Forum recommended the creation of academic institutions to train indigenous leaders and urged universities to develop curricula on indigenous peoples. It also recommended that States reduce illiteracy rates, truancy and drop-out rates, and promote primary education for indigenous people. In addition, the history and culture of indigenous peoples should be fostered in education systems to strengthen their identity.

**Culture:** the Forum recommended that governments introduce indigenous languages in public administration in indigenous territories and that governments and UN bodies support indigenous media and promote the engagement of indigenous youth in indigenous programmes.

nous peoples, and one that is increasingly acknowledged. The draft declaration elaborates collective rights to a degree unprecedented in international human rights law.<sup>18</sup>

As human rights, individual and collective rights are not only compatible, but may also be mutually reinforcing. The safeguard of the rights and well-being of any group lays the foundation for the realization of the rights of its individual members. In turn, the

realization of the rights of, for example, each indigenous child is central to indigenous peoples and their cultures, both in the present and for the future. On the other hand, group claims that seek to maintain traditional acts otherwise deemed prejudicial to the child's dignity, health or development – this would be the case, for instance, with female genital mutilation, non-consensual marriage or inhuman or degrading pun-

ishments for antisocial behaviour – contravene the rights of the individual and therefore cannot be legitimized as a right by the community. It is an operative principle under international law that the individual should receive the highest level of protection and, in the case of children, "the best interests of the child" (CRC Article 3) cannot be neglected or violated to safeguard the best interests of the group.

## THE WORLD'S INDIGENOUS PEOPLES

To whom are we referring when we discuss the rights of indigenous children? In part, the sheer geographical and cultural diversity of indigenous peoples makes any definition difficult. Some three quarters of the world's 6,000 languages are spoken by indigenous peoples.<sup>19</sup> Moreover, the history of many indigenous peoples has been marked by efforts to negate or erase their identities. This experience has been both traumatic and painful for indigenous communities with the result that many are justifiably sensitive to any definitions or statements in this regard. It is indicative of the sensitivity of this issue that the draft United Nations declaration on the rights of indigenous peoples does not offer, either in its preamble or in its articles, a definition of 'indigenous peoples'.

On the other hand, consistent and accurate data on indigenous children are often unavailable, contributing to the invisibility and marginalization of this group. Monitoring and promoting the rights of these children demands up-to-date and disaggregated data on their living conditions, health status, access to school, learning achievement and the degree of protection they enjoy against neglect, abuse, violence and exploitation. This, in turn, requires a set of criteria for identifying indigenous peoples. One such set was established in 1995 by the Working Group on Indigenous Populations and identifies:

- priority in time with respect to the occupation and use of a specific territory;
- the voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organization, religion and spiritual values, modes of production, laws and institutions;
- self-identification as well as recognition by other groups or by State authorities as a distinct collectivity; and
- an experience of subjugation, marginal-

ization, dispossession, exclusion or discrimination, whether or not these conditions persist.

These principles are presented here as a framework for reference rather than necessary requirements. In Africa, for instance, it cannot be established that the Maasai, Pygmies or San - indigenous peoples recognized as having distinct social, economic and cultural features - have inhabited their lands long before other populations.<sup>20</sup>

As regards indigenous children, the principle of self-identification means that an indigenous child is not only one raised by an indigenous parent, parents or community, but also a child who identifies him – or herself as indigenous. It is, moreover, important to understand that indigenous cultures may have diverse conceptions of what constitutes the child, childhood and passage to adulthood (such as the 'age set' system of the Maasai in East Africa<sup>21</sup>) and, in addition, may view the distinction between parents, family and community in a different manner. For example, the preamble to the draft declaration on the rights of indigenous peoples recognizes "the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children", an approach similar to that adopted in article 5 of the CRC. The extended family and kinship networks, which sometimes also include ancestors, are key elements in traditional indigenous societies. For the child, the extended family provides a stable environment in which she or he is cared for and educated. For the community, the family is an important setting in which identity is preserved and social life reproduced.

Although there are certain common elements in their respective experiences, indigenous peoples are distinct from ethnic minorities. Numerically speaking, in certain

countries of the world, notably Bolivia, Greenland and Guatemala, indigenous peoples represent majority populations. In addition, indigenous claims often revolve around the maintenance of a separate culture, linked to a specific territory, while ethnic minorities often emphasize political rather than cultural autonomy.<sup>22</sup>

### Numbers around the world

Figures vary according to definitions employed, but according to UN estimates, there are some 300 million indigenous people in more than 70 countries worldwide.<sup>23</sup> Approximately half of these live in Asia. In all, there may be some 70 million indigenous people in East Asia, 50 million in South Asia, and 30 million in South-East Asia.<sup>24</sup> Many Asian governments argue that because the majority of their populations have long resided in their territory, unlike the majority populations in Australasia and the Americas, it is inappropriate to employ the term 'indigenous' in these cases. At the same time, indigenous status is increasingly claimed by and recognized with regard to politically marginalized, territorially based ethnic groups who are culturally distinct from the majority populations of the states in which they live. Based upon this interpretation, indigenous peoples in Asia include all or most of the officially designated "Aboriginal tribes" (Taiwan), "Aborigines" (Malaysia), "hill tribes" (Thailand), "indigenous cultural communities" (the Philippines), "isolated and alien peoples" (Indonesia), "minority nationalities" (China) and "scheduled tribes" (India).<sup>25</sup>

After Asia, Latin America is the region of the world with the largest indigenous population.<sup>26</sup> One estimate puts this number at 32 million 13 million in Mexico and Central America, 1 million in the Amazonian region of South America and almost 18 million in

the Andean region.<sup>27</sup> Other estimates put the number at 40 or 50 million at least.<sup>28</sup>

Africa offers a particularly complex situation for it is often asserted that all or almost all ethnic, linguistic or cultural groups are indigenous. Allowing for the recognized difficulty associated with the criterion of 'priority in time' in this region, and on the basis of cultural distinctiveness, self-identification and, to an extent, the experience of marginalization, it is reasonable to recognize the following peoples among Africa's indigenous groups: the nomadic peoples of West and North Africa (some 8 million); the nomads of East Africa (6 million); the Batwa or Pygmies in central Africa (250,000); and the San and Basarwa in southern Africa (100,000).<sup>29</sup>

In North America (excluding Mexico), the indigenous population numbers some 1.5 million,<sup>30</sup> in addition to the Inuit peoples who inhabit areas of Alaska and Canada as well as Greenland.

The Inuit are also present in Russia, where there are some 45 different ethnic groups recognized as indigenous by the federal government. Numbering perhaps 1 million,<sup>31</sup> they live in the Russian north and far east, and Siberia, an area that covers more than half of the country.<sup>32</sup> One of these groups – the Saami – are also found in

northern Scandinavia – in Finland, Norway and Sweden.

There are also estimated to be 1.5 million indigenous Pacific peoples, while in Australasia, there are perhaps 350,000 Maoris and 300,000 Australian Aborigines.<sup>33</sup>

In percentage terms, there is a large variation in the proportion of indigenous people in national populations. Table 1 illustrates this range in selected countries in Latin America.

Speaking of indigenous people as a percentage of national populations can be misleading in as much as the distribution of certain indigenous peoples does not correspond to national boundaries. As an illustra-

Table 1: Indigenous people as share of national populations, 1990 (Latin America)<sup>34</sup>

	Indigenous population	% of total population
Bolivia	4 900 000	71
Guatemala	5 300 000	66
Peru	9 300 000	47
Ecuador	4 100 000	43
Mexico	12 000 000	14
Colombia	600 000	2
Brazil	300 000	0.2

tion, the Quechua in South America are found in significant numbers in six countries and the Fulani of West Africa extend across eight countries.<sup>35</sup> Beyond statistical implications, this raises important questions as regards national jurisdiction, mobility, nationality and access to land and sacred sites. For example, while Norway, Sweden, and Finland recognize Saami distinctiveness and rights through elected bodies of Saami representatives, the Saami people in Russia do not benefit from such mechanisms. National criteria for identification are also significant – the San, officially recognized as indigenous people in South Africa, are not recognized as such in Botswana.<sup>36</sup>

As regards children, perhaps the most notable demographic observation is that indigenous peoples frequently demonstrate a significantly higher birth rate than national populations as a whole, with the result that indigenous populations are generally younger and children make up a larger proportion of this population. In Ecuador, the total fertility rate for the period 1994-1999 was 3.3 children per woman, but in the predominantly indigenous areas of the high sierra, women had, on average, 5.6 children each.<sup>37</sup> In New Zealand, over one third of the Maori and Pacific Islands populations is under 15 years of age.<sup>38</sup>

## WHEN INDIGENOUS CHILDREN'S RIGHTS ARE COMPROMISED

*My name is Edith ... The dress that I'm wearing is my community costume, the Mazahua dress. I like to dress like this but I have suffered discrimination when I'm wearing this costume. I also was discriminated against by blonde people because my skin is a bit black.*<sup>39</sup>

**Edith, Mazahua Indian, (aged 7)  
Mexico City, Mexico**

Indigenous peoples often experience discrimination and this can lead to various forms of exclusion or marginalization, including:

- cultural exclusion, whereby indigenous cultures are perceived as inferior and, in some cases, may be actively suppressed;
- economic exclusion, which prevents indigenous communities benefiting from and participating in national economic development; and
- political marginalization, which hinders indigenous people from enjoying full citizenship, participating in decision-making

processes and acquiring adequate representation at both national and local levels.

Often these manifestations of exclusion are overlapping and interrelated. Box 9 highlights some of the concerns expressed by the Committee on the Rights of the Child regarding the ways in which the rights of indigenous peoples, and of children in particular, are compromised.

### The right to life, survival and development

The right to life, survival and development as laid down in Article 6 of the CRC is multifaceted. It is also closely linked to other rights of the child – addressed in subsequent sections – including the rights to education and the highest attainable standard of health. Beyond the elements that contribute to every child's survival and development, those of indigenous children

are closely related to access to and use of their land and to the quality of the environment in which they live.

In cases where land rights are denied – through, for example, dispossession and forced removal – economic marginalization and loss of cultural reference points can have a devastating impact on indigenous communities and children are among the first to feel the effects. Agricultural programmes (including the cultivation of illegal crops), oil exploration, forestry and logging activities, mining (including diamond mining), tourism and construction programmes for roads, dams and other developments, pose serious threats to indigenous peoples' survival and development. These pressures cause displacement from traditional areas, introduce pollution into ecosystems and threaten the cultural diversity upon which indigenous communities rely. In Northern Quebec, for example, most of the marine mammals consumed by

the Inuit are have been found be contaminated by industrial toxins. For example, in Nunavik prenatal exposure to lead, PCBs and mercury is much higher than in southern Canada<sup>40</sup> (polychlorinated biphenyls, a persistent and potentially hazardous industrial chemical). In the Pacific islands, industrialized countries exploit land and waters for nuclear testing and dumping of radioactive wastes. The resulting strain on the environment threatens the existence of indigenous cultures and communities in the region.<sup>41</sup> In Kenya, it is reported that poverty and deforestation (which has also meant the disappearance of plants and trees used for traditional medicine) have contributed to a life expectancy for Ogiek people of only 46 years. Five out of ten Ogiek children die before the age of five.<sup>42</sup>

### The right to birth registration, to a name and nationality

*I feel that the name John Jairo is really mine, it belongs to me, and I have the means to prove it ...*

*the only thing that's truly mine, that I keep with me wherever I go, is my name.*<sup>51</sup>

#### John Jairo, aged 14, indigenous boy from the Colombian Amazon

Article 7 of the CRC requires that a child be registered immediately after birth. It also recognizes the child's right to a name and to acquire a nationality. As regards indigenous children, however, there are significant challenges to the realization of this right. For example, in the Amazonian subregion, the registration of Brazilian Amazon children is as low as 45 per cent in certain states, while only 21 per cent of Ecuadorian Amazonian children under five years of age have a birth certificate (national registration rates in both countries are between 70 and 89 per cent).<sup>52</sup> When a child's birth goes unregistered, that child is less likely to enjoy his or her rights and to benefit from the protection accorded by the state in which he or she was born. Furthermore, the unregistered child may go unnoticed when his or her rights are violated. Later in life, he or she

will be unable to vote or stand for election – a crucial issue for ensuring indigenous representation at all levels.<sup>53</sup>

Frequently, indigenous parents are not aware of the importance of registering their child, especially given that indigenous communities often possess their own systems of celebrating birth and acknowledging parentage. Information on the reasons for and advantages of registration – for example, to secure identity and the recognition of a person before the law, to enable access to basic social services and to prevent human rights violations – is simply not available or, when available, is not translated into the relevant language. Single mothers may fear stigmatization when registering their child; the distance to registry offices can be excessive; or the cost of registering the birth or obtaining a birth certificate can be a serious disincentive to indigenous families living in difficult economic conditions.

For every child, a name and distinct identity confirm the link to her or his family, community and culture. Often non-registration among indigenous peoples is the result of legislation that does not allow children to be registered with indigenous names. In Morocco, for example, the Amazigh people must register their child with a recognized Arabic name rather than an Amazigh name.<sup>54</sup> In Taiwan, the family organization of indigenous peoples, which was once perfectly described by a traditional system of names, has completely disappeared as a result of official policies established by the government.<sup>55</sup>

Additional challenges can arise when indigenous peoples live in a territory that crosses national boundaries. In these cases, legal recognition of identity and citizenship status can vary considerably from one state to another.<sup>56</sup>

### The right to health and health care

Indigenous children rarely enjoy the same standard of health or have the same access to health care services as their non-indigenous peers. In income-rich and income-poor countries alike, infant and child mortality rates are higher among indigenous groups than national populations. In the Mekong subregion, hill tribes have the highest infant mortality rates, in turn reflecting differences in income, nutrition and access to health care.<sup>57</sup> In Ratanakiri, the north-east province of Cambodia, on the border with Laos PDR, the infant mortality rate is reported to be 187 per 1,000,<sup>58</sup> while the national rate in 1999 was 86 per

#### Box 9: Observations on the situation of indigenous children by the Committee on the Rights of the Child

**Australia:** While noting ... a number of programmes to raise health standards for Aboriginal and Torres Strait Islander children ... the Committee is nonetheless concerned about the special problems still faced by Aboriginals and Torres Strait Islanders ... with regard to their enjoyment of the same standards of living and levels of services, particularly in education and health.<sup>43</sup>

**Bangladesh:** Discriminatory attitudes towards ... children belonging to tribal minorities are ... a matter of concern.<sup>44</sup>

**Burundi:** The Committee is deeply concerned about the poor situation of Batwa children and the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to a culture and to be protected from discrimination.<sup>45</sup>

**Chile:** While noting the decrease in the infant and child mortality rates and the reform process that has been under way since the early 1990s, the Committee is nevertheless concerned at the great disparities existing within these rates, in particular with regard to indigenous children ... . The Committee also expresses concern at the difficult access to education, high drop-out and repetition rates which affect in particular indigenous children ... .<sup>46</sup>

**Ecuador:** The Committee is concerned about the absence of an adequate, systematic, comprehensive and disaggregated data collection mechanism for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including ... children belonging to indigenous groups ... .<sup>47</sup>

**India:** There is serious concern regarding the striking disparities in terms of access to education, attendance at primary and secondary levels and drop-out rates between ... children belonging to scheduled castes and tribes.<sup>48</sup>

**Japan:** The Committee is concerned that the general principles of non-discrimination (Art. 2), the best interests of the child (Art. 3) and respect for the views of the child (Art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to ... ethnic minorities, especially Ainu ... .<sup>49</sup>

**Venezuela:** The Committee welcomes the measures taken by the State party in the area of birth registration ... but it remains concerned at the large number of children without birth certificates ... . Particular concern is expressed in this area with regard to the situation of children belonging to indigenous groups ... .<sup>50</sup>

1,000.<sup>59</sup> Malaria is the main health problem in this province, but other preventable problems such as tuberculosis, diarrhoeal diseases, anaemia, childhood malnutrition and acute respiratory infections are also major health concerns.<sup>60</sup> In New Zealand, Maori infant mortality rates are almost twice as high as those of other infants,<sup>61</sup> while in Australia the rate for indigenous infants is as much as three times higher than the overall rate. Moreover, the estimated life expectancy at birth for Aboriginal and Torres Strait Islander males and females is 19-20 years less than that for other Australians.<sup>62</sup>

Similarly, maternal mortality rates among indigenous peoples tend to be higher than that of the general population. In Viet Nam, access to maternal health care services ranges from 90 per cent in urban areas to as low as 20 per cent in remote areas of the Central Highland and Northern Uplands regions inhabited by indigenous peoples. The Northern Mountainous regions have a maternal mortality rate four times higher than that of the lowlands.<sup>63</sup>

Many factors contribute to these trends, including environmental conditions and the marginalization and poverty that indigenous peoples often experience. In Honduras, child malnutrition is widespread, but it is most extreme among indigenous groups – almost every Tolupan (the second-largest indigenous group in Honduras) child is considered to be malnourished.<sup>64</sup> In Cambodia and Viet Nam, less than half of indigenous households have access to safe water.<sup>65</sup> In some cases, isolated indigenous communities that experience rapid colonization of their territories can be particularly vulnerable to illnesses introduced by outsiders. The Yora people of south-east Peru, who live in voluntary isolation in the remote rainforest and who may number no more than 500-1,000, saw their land invaded in the 1980s for oil exploitation and logging activities. Workers brought with them colds, flu and other diseases which the isolated Indians had never encountered. In the ensuing epidemic, between 50 and 100 Yora, including young children, are known to have died.<sup>66</sup>

Health services – including vaccination against easily preventable diseases – and information on health issues are often lacking in areas inhabited by indigenous peoples. In 1998 only 24 per cent of children below the age of two in the four north-eastern provinces of Cambodia (those with the highest percentage of indigenous people) were immunized against polio,<sup>67</sup> while in

the same period 65 per cent of Cambodian one-year-olds received polio vaccinations.<sup>68</sup> In Mexico, there are an estimated 79.3 hospital beds and 96.3 doctors per 100,000 people on a national level, but in areas where indigenous people constitute 40 per cent or more of the population, the proportion drops to 8.3 hospital beds and 13.8 doctors per 100,000.<sup>69</sup>

The distribution of medical services tends to reflect, at least in part, the level of government investment. According to a recent report, the annual amount spent by the Brazilian government on indigenous health care is just over \$7 per capita, as opposed to the per capita average of \$33 for the country as a whole.<sup>70</sup> Even where indigenous communities have access to health services, essential medicines may not be available if there is inadequate economic support for indigenous health programmes.

Of course, levels of service provision can also be affected by distance and isolation. Physicians, equipment and medical services are generally concentrated in urban areas and are, therefore, difficult to reach for indigenous peoples who live in remote areas or where public transport is not accessible. Even in income-rich countries with extensive health services there are significant inequalities between indigenous populations and wider society in terms of access to services.<sup>71</sup> To take just one example, Maori and Pacific Island children are approximately 50 per cent more likely than New Zealand children classified as “European or other” to be hospitalized for asthma. One of the most widely accepted explanations for this difference is that Maori and Pacific Island children enjoy only limited uptake of effective asthma prevention and self-management strategies, including preventive medication.<sup>72</sup>

Sometimes this limited uptake reflects discriminatory practices and service structures that promote distrust among indigenous peoples and exclude children from services which are widely available to non-indigenous populations. Uptake may also be low because these services are perceived by indigenous communities to be culturally inappropriate or insensitive as regards cultural practices and traditional methods of healing (including those involving indigenous knowledge about herbs, plants and other natural remedies). Indigenous peoples have a holistic vision of health, one intimately bound to the well-being of the community and the environment in which the community lives. Good health has not only physical, but also spiritual and communal dimensions. This perspective,

and the methods and practices it entails, are very often overlooked or dismissed as superstitious when indigenous people's medical concerns are addressed by non-indigenous health workers. This situation is reinforced when medical personnel do not speak, or when important health information is not made available in, indigenous languages.

A pressing global concern for indigenous peoples is the spread of HIV/AIDS. While, in some cases, the relative isolation of indigenous peoples may offer some protection, in others, indigenous youth can be particularly vulnerable. This is not only because effective preventive programs or medical care may not be provided for them, but also because of the instability and social stress that results when the traditional values and structures of indigenous communities are eroded and adequate support mechanisms are not put in place. Frequently, information material on HIV/AIDS prevention is not made available in indigenous languages or fails to take account of indigenous traditions and cultural sensitivities. Due to this lack of information, and to the general scarcity of health infrastructure in indigenous areas, if HIV/AIDS enters indigenous communities its spread can be particularly rapid.

## ..... The right to education

Under Article 28 of the CRC, States Parties recognize the right of every child to education, including free primary education. Experience shows, however, that in most countries indigenous children have low school enrolment rates and, if they do attend school, are less likely than their non-indigenous peers to have the support to perform well (see Box 10).<sup>73</sup> Girls are particularly vulnerable to missing out on schooling because of the multiple discrimination they face. Illiteracy is a direct result of educational exclusion – in the H'mong community of Viet Nam, one of the most marginalized of the country's indigenous groups, 83 per cent of males and 97 per cent of females are illiterate.<sup>74</sup>

In addition to the general costs associated with education that keep many children from marginalized groups out of school, specific factors that impact upon indigenous children's schooling include a lack of educational facilities in areas inhabited by indigenous peoples; a lack of qualified teachers (often because indigenous education is assigned a low priority and teachers' salaries are inadequate); and, from the perspective of indigenous communities, the

low relevance of the content of school lessons (particularly when teachers are not indigenous themselves and learning materials are not available in indigenous languages).

In rural areas where indigenous children participate in traditional agricultural activities, difficulties can also arise in accommodating both the school and agricultural calendars. A study team in Cambodia observed during the period from November 1999 to January 2000 that many schools had been temporarily abandoned, largely due to agricultural demands.<sup>75</sup> In addition, indigenous children may experience direct discrimination in schools. For example, they may not be allowed to follow their cultural practices or wear traditional costumes or hairstyles and, in some cases, they may face harassment from other children and even from staff.

One of the key factors leading to the exclusion of indigenous children from school, or in hampering their scholastic

ber of indigenous languages and only at pre-school level and in the first three grades of primary schooling.<sup>80</sup> Beyond the impact on the child's education, the result of monolingual education in the language of the dominant culture is to contribute to the loss of indigenous languages.

Even when there is the political will to promote bilingual education, in practice there can still be significant barriers to implementing this approach, including a shortage of qualified teachers and limited resources for the development of this form of teaching. In Viet Nam, the 1946 Constitution supports the instruction of indigenous and ethnic-minority children in their mother tongue and this possibility is specifically addressed in the country's education law.

Unfortunately, current bilingual education efforts are hampered as a result of national education policies that mandate the use of Vietnamese as the language of instruction, while local languages are

munities at the age of 11 to stay in boarding houses in the capital, Paramaribo. Many are unable to adjust and drop out. Also many parents are unable to bear the costs involved.<sup>83</sup> The necessity to send children away from their communities to pursue their schooling is a particular disincentive to girls' education.

The quality of teaching materials and even of the physical structure of school buildings can add yet another disincentive to remain in the education system. For example, in the US, according to the 2001 Bureau of Indian Affairs budget report, many schools on Native American reservations were structurally unsound and/or of insufficient size to accommodate the student population.<sup>84</sup>

Many of the factors that discourage indigenous children in school also contribute to a lack of qualified indigenous teachers who potentially can bridge the gap between indigenous cultures and the state's education structures. Additionally, non-indigenous teachers can be reluctant to move to areas inhabited by indigenous peoples. Across the Mekong subregion, it is very difficult to recruit and retain qualified teachers in remote, highland areas where most of the indigenous hill tribes live. As in almost all such remote areas, absenteeism is a concern, turnover is high and salaries are low. In Viet Nam, 40 to 50 per cent of primary school teachers in highland areas are not fully trained. In Laos, few academically qualified teachers and certified teachers are found in remote areas, teaching indigenous children.<sup>85</sup>

#### Box 10: The right to education: San communities in Namibia<sup>76</sup>

In educational terms, Namibia has reached the target set in the First National Development Plan, with a net enrolment figure of almost 95 per cent among the country's 7-to 13-year-olds – but only 30 per cent of Namibia's indigenous San children go to school. Since there are virtually no teachers who speak a San language (the San, in fact, comprise a number of linguistically and culturally diverse communities), on entering school San children must contend with a foreign language of instruction and, as a consequence, constitute the most educationally underprivileged group in the country. Nationwide, 92 per cent of children who enroll in school reach Grade 5, but for San children the figure is 45 per cent. The drop-out rate increases in higher grades, with 56 per cent of children reaching Grade Eight nationwide, but only 10 per cent of San children getting this far. One reason for this disparity is the incompatibility of teaching methods: in hunter-gatherer societies such as that of the San, problem-solving is based more on a continual process that favours the cohesion of groups and teamwork rather than the acquisition of accumulated knowledge promoted in formal learning. This approach shares much common ground with the model of inclusive learning now promoted by UNESCO and UNICEF.<sup>77</sup>

progress, is that curricula and teaching methods are often culturally inappropriate, or the language of instruction is unknown to the indigenous child. Research indicates that it normally takes non-native speakers until the third grade before they can begin to truly understand what they are being taught on a relatively equal basis with their native-speaking peers.<sup>78</sup> The issue here is not only the practicalities of learning, but also the cultural alienation that monolingual education can provoke. In this regard the Committee on the Rights of the Child has expressed particular concern about access to education for children belonging to indigenous groups in Mexico and the low relevance of the current bilingual educational programmes available to them.<sup>79</sup> It has also noted that, in Guatemala, bilingual education is offered only in a limited num-

taught only as subjects in school curricula. The lack of a true bilingual education programme means that most children who do not speak the language of the Kinh majority experience extreme difficulty during the first years of school.<sup>81</sup>

The cumulative effect of the obstacles faced by indigenous children in their educational career tends to become more evident higher up the education system – 65.5 per cent of Native people in the United States graduate from high school, compared with 75.2 per cent for the US population as a whole, and only 9.3 per cent of Native students graduate from college as opposed to a national average of 20.3 per cent.<sup>82</sup> In Suriname, while indigenous children have access to local primary schools, in order to benefit from secondary education they must leave their families and com-

#### The rights to protection from abuse, violence and exploitation

Violence against the child, child abuse and exploitation contribute to, and are evidence of, the severe social strain under which many indigenous communities live. This strain is often a direct consequence of environmental degradation, displacement, the loss of traditional livelihoods and, in some cases, active attempts by authorities to homogenize and assimilate indigenous cultures. In such conditions, the extended networks that could normally intervene in favour of the child may no longer exist or may promote the community's rather than the child's interests.

All communities are sensitive to issues such as child abuse, domestic violence and family breakdown, but certain indigenous communities which have experienced in the past the systematic removal of their

children may be particularly so. In Australia, for example, the period from 1910 to 1970 was marked by a policy to remove Aboriginal children from their parents and place them in mission schools or with families of European heritage in an attempt to eradicate their culture and language.<sup>86</sup> Today, while this policy no longer operates, the ongoing removal of indigenous children from their families by social services testifies to the lack of support available to communities and families. In 2001-2002, across Australia, the rate of indigenous children in out-of-home care was over six times the rate for other Australian children.<sup>87</sup>

Another symptom of social and cultural stress is the prevalence of alcohol and substance abuse among certain indigenous adults – with direct and harmful implications for their children – and among indigenous young people themselves. Solvent abuse, including petrol sniffing, is reportedly common among young Innu in Canada.<sup>88</sup> In 1997, two per cent of all juveniles arrested in the US for public drunkenness and driving under the influence of alcohol were American Indian, close to double their representation in the general population.<sup>89</sup>

Similarly, suicide rates among indigenous peoples can be significantly higher than national averages. The reasons are complex and varied, but they are often associated with the trauma of social breakdown, low self-esteem and depression derived from lack of opportunity, cultural discrimination, inadequate social support, loss of land or difficulty integrating in the dominant culture. The Guarani of Brazil, who once numbered 1.5 million and originally occupied some 135,000 square miles of forests and plains in four South American countries, now number around 30,000. They also have an extremely high suicide rate. Between 1985 and 2000, over 300 Guarani – mostly children and young adults – killed themselves.<sup>90</sup> A similar pattern can be seen among Australian Aborigines, New Zealand Maoris and the Innu in Canada. The Inuit of Greenland reportedly have the highest rate of suicide in the world: it is the leading non-natural cause of death among this population.<sup>91</sup>

Protection under the law and access to effective legal remedies do not always extend to indigenous communities. It is reported that in the US, many of the 1.4 million American Indians living on or near Indian Lands lack access to basic law enforcement services. Juvenile justice systems in tribal communities are severely underfunded and lack comprehensive pro-

#### Box 11: Incarceration of indigenous women in Australia<sup>92</sup>

The Social Justice Report 2002, produced by the Aboriginal and Torres Strait Islander Social Justice Commissioner, draws attention to the high rate of incarceration of indigenous women within the Australian correctional system. The implications of this trend for children can be serious. The removal of indigenous women from the community potentially exposes children to neglect, abuse, hunger and homelessness.

The Report found that indigenous women are currently incarcerated at a higher rate than any other group in Australia, including indigenous men. For the June 2002 quarter, indigenous women were over-represented at almost 20 times the non-indigenous rate, compared to 15 times the non-indigenous rate for men. In New South Wales, for example, indigenous women represented 30 per cent of the total female population in custody in October 2002 despite constituting only 2 per cent of the female population of the state. This over-representation occurs in the context of very high levels of family violence, over-policing for selected offences, ill health, unemployment and poverty.

grammes that focus on preventing juvenile delinquency, providing intervention services and imposing appropriate sanctions. Moreover, law enforcement and justice personnel in American Indian communities are said to receive insufficient and inadequate training.<sup>93</sup>

This situation is by no means restricted to the US. Generally, indigenous peoples do not have easy access to justice and effective remedies, and in some countries they may be denied access altogether.<sup>94</sup> Moreover, indigenous people may be unaware of their entitlements and rights under national law. At the same time, discrimination may mean that indigenous young people are more likely to be stopped by the police than their non-indigenous peers and more likely to be incarcerated, often in detention facilities far from their communities. In this regard, the Committee on the Rights of the Child has expressed concern about the unjustified, disproportionately high percentage of Aboriginal children in the Australian juvenile justice system and that their applications for bail are often refused.<sup>95</sup> (See Box 11 on the incarceration rate of indigenous women in Australia.) The Committee has also noted that in Guatemala legal assistance for children is not mandatory and that the presence of an interpreter for indigenous children who have been detained is not required,<sup>96</sup> yet Article 40 of the CRC establishes the right of a child accused of having infringed the law to have the free assistance of an interpreter if the child cannot understand or speak the language used.

Harassment of and violence against indigenous peoples in remote areas traumatizes communities and even threatens their survival. In the Amazonian subregion, groups intent on exploiting natural resources harass indigenous communities, whom they regard as an obstacle to the realization of their commercial interests.

Authorities may fail to take adequate measures to prevent this treatment and may, in certain cases, support or participate in this violence. In Ecuador, the Committee on Human Rights for the Shushufindi canton reports that children are afraid to go to school due to fear of soldiers and heavily armed police who guard local oilfields and who have been reported to have opened fire on local people who have approached the installation.<sup>97</sup> Children are not the only ones to suffer the effects of violence. In Bangladesh, there are reports of human rights violations by security forces present in the Chittagong Hill Tracts, including reports of arbitrary arrests, detentions and ill treatment of the tribal peoples who live there.<sup>98</sup>

As regards trafficking, the strong community and family bonds that characterize traditional indigenous communities are important in defending children from this practice. Where, however, these bonds are eroded by lack of effective official protection and economic marginalization, indigenous women and children may be particularly at risk, especially those in remote rural areas or close to national boundaries. For this reason, the 2003 session of the Permanent Forum on Indigenous Issues adopted an explicit recommendation calling on the UN bodies to address this issue (Box 7).

The clandestine nature of child trafficking makes it hard to obtain statistical information, including the ethnic origin of trafficked children. Nonetheless, it is likely that significant numbers of children from indigenous groups are involved. One estimate suggests that in South-East Asia alone (home to some 30 million indigenous people<sup>99</sup>), between 200,000 and 225,000 women and children are trafficked annually.<sup>100</sup> Young girls from hill tribes and indigenous rural communities in Taiwan, Northern Thailand, Myanmar, China and other countries in the Mekong Delta are

### Box 12: Indigenous children's work in Guatemala

A joint report prepared by ILO, UNICEF and the World Bank offers an insight into children's work among indigenous communities in Guatemala.<sup>106</sup> This report puts the indigenous population at 43 per cent of the total population (compare to Table 1), but estimates that indigenous people account for less than a quarter of total income and consumption. According to the report, the work prevalence of indigenous children is almost twice that of non-indigenous children. Boys are particularly involved in the production of firecrackers, an extremely hazardous occupation. Other hazardous sectors are agricultural work, mining and quarrying, garbage picking and domestic service in private homes. One quarter of all female domestic servants, and almost all very young ones, are indigenous. These girls typically come from poor rural families and are sent to town by their parents as a survival strategy. Work incidence among indigenous children was found to be much higher than among non-indigenous children. Even controlling for income and access to facilities, the report found that indigenous children are nine percentage points more likely to work and eight percentage points less likely to attend school full time than non-indigenous counterparts. Poverty appears, hence, not to be the only determinant of child labour in indigenous communities. The availability and accessibility of schools is significant and cultural factors may also play an important role, including a view that work is dignifying for the child and contributes to the well-being of the family.

thought to be especially at risk.<sup>101</sup> An IPEC trafficking project in South-East Asia indicated that in Northern Thailand, in particular, girls and women from ethnic minorities have been identified as a target group for traffickers aimed at commercial sexual exploitation and domestic work.<sup>102</sup>

The marginalization and poverty faced by indigenous families and communities also puts indigenous children at particular risk of becoming involved in the worst forms of child labour (see Box 12),<sup>103</sup> including wage labour in plantations in South America, debt bondage, which affects scheduled tribes in India and, especially for girls, domestic service. In Bolivia, the old practice of *criadito* service for indigenous children, usually between 10 and 12 years of age, persists in some parts of the country. *Criaditos* are indentured by their parents to wealthy families in order to perform household work in exchange for clothing, shelter and education. These children are at particular risk since there are no controls over the treatment they receive.<sup>104</sup>

There are few disaggregated data on the situation of children in indigenous communities in general. It is even harder to come by information on the extent to which poverty and marginalization forces indigenous children into sexual exploitation. All the same, reports from around the world point to this risk. In Guatemala, a survey by children's rights organizations revealed an alarming growth in the commercial sexual exploitation of children in the provinces of Escuintla, San Maricis, Huehuetenango and Alta Verapaz. One of the most striking findings was the high involvement of indigenous children.<sup>105</sup>

### The impact of armed conflict and civil unrest on indigenous children

The vulnerability of indigenous children may be particularly apparent in times of conflict and civil unrest, during which violence may be specifically targeted against them.<sup>107</sup> Often indigenous communities become caught up in conflict because they occupy land with valuable natural resources, because their remote territories offer a base from which armed groups can operate and where the state is all but absent, or because they live on and around contested frontiers. Peoples who have suffered violence and conflict

include the Maya and Meskito of Central America, the H'mong in South-East Asia, the East Timorese, the Embera and Huaorani in South America, and the Twa in East Africa.<sup>108</sup>

According to research undertaken for Minority Rights Group, a non-governmental organization (NGO), the experience of minority and indigenous children in conflicts in Bangladesh, Somalia and Guatemala (see Box 13) has included physical injury and death; torture and rape; the witnessing of atrocities; separation from parents and community; lost access to health care, education and housing; eviction and forced displacement; the destruction of villages, crops and wells; and neglect during humanitarian relief and reconstruction programmes.<sup>109</sup> It has been reported that the Batwa in the Democratic Republic of Congo and Rwanda have been similarly excluded from emergency relief.<sup>110</sup> In addition, indigenous children may be forcibly recruited into armed groups, either to fight or to provide support, and indigenous girls are at risk of being forced to provide sex to soldiers.

Violence against indigenous peoples is also associated with resource exploitation and illegal drug cultivation and trafficking. Indigenous communities in Colombia report being victims of displacement and forced recruitment into armed groups, their children have been seriously injured or killed by mines, and their plantations have been exploited for illegal drug production. Both their health and agricultural livelihood have been compromised by aerial spraying of these illegal crops.<sup>111</sup>

### Box 13: The Impact of war on Maya children<sup>112</sup>

According to Minority Rights Group, in the course of the civil war that devastated Guatemala from 1960 to 1996, some 250,000 Maya children are thought to have been orphaned, and many witnessed the violent death of one or both parents. Maya children were regarded by the Guatemalan military as potential revolutionaries and rape was used as an instrument of terror against Maya girls. Maya boys were forced to serve as members of the state-sponsored "civil patrols" and had to patrol their own communities and participate in army offensives against their own people. Children were also recruited into the ranks of the revolutionary guerrillas and some are known to have been killed in combat. Children from indigenous communities, like other children who have been involved in conflict, may need psychosocial support and rehabilitation, but indigenous children may not receive the kind of culturally sensitive approach to recovery that they require.

It is also estimated that during the Guatemalan civil war, 1 million Maya were displaced. Of these, more than 180,000 fled north into Mexico. Others hid in the forests and mountains of northern Guatemala, while an estimated 500,000 left their villages for the relative safety of urban settlements. Urban slums – often without clean drinking water, electricity or adequate sewerage – swelled around Guatemala City. Hundreds of people live in and off the city's rubbish dumps. The loss of community networks and traditions has had a dramatic impact on the cultural identity of Maya children, many of whom now live on the streets of Guatemala's capital.

## ENSURING THE RIGHTS OF INDIGENOUS CHILDREN

This Digest addresses four key areas for the promotion of indigenous children's rights. Each of these should receive careful consideration in the development of effective policy for indigenous children at both national and local levels. Drawing upon strong and creative initiatives from around the world, and highlighting valuable lessons that can inform future action, the Digest focuses on the realization of the rights of indigenous children to:

- the highest standard of health and nutrition;
- quality education;
- effective protection and support; and
- a voice in decision-making processes that affect them.

Experience has demonstrated that the most successful initiatives both reflect and are consistent with the spiritual and cultural values of the indigenous groups involved. They take as a starting point an understanding of and respect for the particular worldview of indigenous communities. On this basis, successful projects have been developed in partnership with these communities. The sense of ownership that this promotes ensures the sustainability of these initiatives.

The most ambitious and far-reaching initiatives pursue an integrated approach to the realization of children's rights. One of the best examples of this is the PROANDES programme in South America (Box 14). PROANDES illustrates how, by taking child rights as a foundation, participation and democracy at all levels of society can be promoted, intercultural approaches can bear fruit, and local initiatives can be scaled up and inform national policies.

Projects also need to recognize the particular vulnerability of certain groups of children. For example, indigenous girls may be less likely to enjoy their rights, while in other cases the special requirements of adolescents may not be considered or indigenous children with disabilities may be overlooked.<sup>113</sup>

### The highest standard of health and nutrition

*I'm indigenous, I'm from Tigua ... when we get ill we cure ourselves with plants, but when it's serious, we go to the doctor.*

*We never go to the doctor; when we have to, we buy remedies from the pharmacy.*

*If we get ill we drink an infusion of cederrón. We never have dental check-ups.*

**Quechua children, aged 10 to 12, Ecuador**

The comments from these indigenous children from Ecuador illustrate a range of attitudes to health care – from a mix of traditional and formal medical care to the rejection of non-indigenous medical treatments. The highest standard of health for children and their families is best achieved through initiatives founded upon a constructive dialogue that avoids a polarization between 'traditional' and 'modern' medicine. As a useful first step, assessment studies can be carried out to observe and understand indigenous health practices and the different roles of community members (including gender roles) in processes such as pregnancy, childbirth

and childcare. Using this approach, it has been possible to introduce formal health services in ways that respect indigenous practices, beliefs and rhythms.<sup>114</sup>

In this regard, ILO Convention No. 169 is an important reference since it establishes a human rights framework for assuring adequate, culturally appropriate health care for indigenous children and their communities. The principal requirements identified in the Convention are:

- that governments ensure that an adequate health service is made available or provide indigenous peoples with the resources to allow them to design and deliver such services under their own responsibility and control;
- that health services are, to the extent possible, community-based and take into account traditional preventive care, healing practices and medicines;
- that health care systems give preference to the training and employment of com-

#### Box 14: The PROANDES Programme for indigenous children

Under UNICEF sponsorship, an integrated, culturally sensitive programme has been operating since 1989 in the most deprived and remote indigenous areas of Bolivia, Colombia, Ecuador, Peru and Venezuela. The PROANDES programme – which is estimated to have reached more than 1.5 million people in its first 10 years<sup>115</sup> – was established as a simple service delivery programme, but has since evolved to become a comprehensive child rights-based programme. Its core objective is to overcome the social exclusion that prevents children and women from realizing their human rights in the Andean Region. More specifically, the strategic objectives are to ensure that:

- all children enjoy a good start in life and all women enjoy a safe motherhood;
- all children, regardless of their ethnicity or gender, acquire the knowledge and skills necessary to develop to their full potential through basic education; and
- all children and women are protected from violence, abuse and exploitation.

The experience of PROANDES has demonstrated the importance of winning both local and national government commitment (including financial commitment) to the implementation of development plans that are child-centred. It has also highlighted the importance of ensuring that communities are informed, consulted and participate throughout the entire process. In addition, it has emphasized how good practices and lessons learned at the local level must be assessed, disseminated and incorporated in public, national and international policies. Since 1993 in Peru, local committees including mayors, health, education and justice officials, representatives of public institutions, local NGOs, agrarian workers', community and women's organizations have produced and implemented annual action plans for children. These have served as a model for the government-sponsored Integrated Committees to Fight Poverty (*Mesas de Concertación de Lucha contra la Pobreza*). In Bolivia, the decentralization process currently underway has begun to transfer important decision-making and financial responsibilities to local governments, significantly increasing the budgets of traditionally poor municipalities. Both Colombia and Ecuador have developed an integrated rights-based approach to strengthen institutional responses. In all these cases, indigenous and community participation in decision-making and local government has been a critical mechanism for achieving meaningful and sustainable results. To take just one example, PROANDES worked with local government in the state of Zulia, Venezuela to establish community-managed oral rehydration units, with the result that under-five mortality due to diarrhoea was reduced by 54 per cent.<sup>116</sup>

munity health workers and focus on primary health care; and

- that the provision of such services is coordinated with other social, economic and cultural measures in the country.

Training indigenous people – including traditional birth attendants and traditional healers – as health workers makes a significant contribution to overcoming cultural sensitivities and conveying important health messages more effectively. Countries that have promoted this approach include Argentina, Belize, Bolivia and El Salvador. In the Philippines, teenage pregnancy is common among Manobo women in the northern Mindanao region where marriages are traditionally arranged for girls as young as 12. Promoting education for girls and raising community awareness of their rights are key to ending this practice, but in situations where young girls become pregnant, knowledge of maternal and infant care is crucial. In the *barangay* of Zillova, a volunteer health worker from the Manobo people is engaged in raising young mothers' awareness of health issues and encouraging them to visit the local health centre for regular check-ups for themselves and their children.<sup>117</sup>

As for all children, ensuring the highest standard of health for indigenous children requires ensuring women's health, nutrition, education, overall development and protection, including during pregnancy. A successful initiative in this respect is discussed in Box 15.

Early childhood is, along with the prenatal stage, the most important period for ensuring a child's healthy development and initiatives such as immunization programmes for indigenous children need to be given particular emphasis. Again, indigenous health workers and local leaders play a key role, which includes raising awareness of the importance of these measures to protect the community's children from transmissible diseases. Effective early childhood development also includes family and community practices for childcare, feeding, water and sanitation, stimulation and pre-school education. This can involve a range of actors including the mother and child, the family and the community, as well as health, education and water and sanitation services, local authorities and NGOs, all of whom must be prepared to work within a culturally appropriate context. UNICEF has worked with indigenous groups in Brazil on cultural aspects of early childcare. Projects have included Tukano communities living in the Amazon basin, on the border between Brazil and Colombia, who participated in a survey to identify and systematize traditional indigenous practices of early childcare with the aim of both strengthening and dis-

#### Box 15: Intercultural initiatives for safe childbirth in Peru<sup>121</sup>

In the Peruvian Andes, health workers, with the support of local NGOs and UNICEF, initiated a strategy for pregnant mothers – “Cultural Adaptation of Pregnancy Care and Birth Delivery” – which now operates at a national level. The initiative was built from the grass roots. Health workers trained traditional midwives and other members of indigenous communities to promote the empowerment of indigenous women, raise awareness of health issues among indigenous families and promote their involvement in relevant decision-making. The process of cultural exchange set in motion by this project also enabled health workers to learn about and take into account traditional indigenous practices associated with childbirth.

With the aim of promoting attended births in health centres, the strategy includes the establishment of ‘maternal’ or ‘waiting homes’ jointly administered and owned by communities and local government. Pregnant women from distant communities, along with their husbands, children and sometimes even their livestock, can spend the last weeks of pregnancy in these facilities. During this time, expectant mothers meet with health staff to discuss child care practices and to monitor the last phases of pregnancy. Women are entitled to choose how they prefer to give birth and to have their cultural needs respected, for example, drinking special herbal teas or returning the placenta to the Earth after birth. The project has enjoyed substantial success. In the Peruvian province of Paruro, for example, the share of attended births in health centres rose from 10 per cent to 60 per cent in a single year.

seminating traditional knowledge.

Healthy nutrition is promoted by ensuring security of land tenure for indigenous peoples and supporting the production of traditional food supplies. Governments have, in some cases, adopted special measures to ensure and protect the cultivation of traditional food crops and reduce the levels of pollutants entering the food chain. Food supply has been complemented by communication initiatives to provide information and promote good feeding practices for children. Initiatives such as these have been promoted widely throughout Latin America by UNICEF and are an integral part of the PROANDES programme.<sup>119</sup>

An interesting initiative regarding indigenous health services comes from Western Australia. *Kulunga* is a collaborative maternal and child health research, information and training network project involving the Institute for Child Health Research and member services of the Western Australian Aboriginal Community Controlled Health Organization.<sup>120</sup> The network aims to ensure that community-based and culturally relevant research benefits Aboriginal people by influencing the policy and planning of government and other key agencies, and by ensuring that they are involved in all areas of research and implementation. *Kulunga* also provides open community fora for discussion of maternal and child health issues and acts as an information channel to government and other key agencies.

Access to health services has not only to do with the cultural sensitivity of these services, but also with the extent to which medical facilities and pharmaceuticals are made available in indigenous areas. Distance may be a challenge, but the state has a duty to ensure adequate provision of services. The

presence of logging and mining infrastructure in the remotest corners of the Amazon Basin demonstrates that services, including medical, can be delivered. Venezuela's Ministry of Health is developing an electronic database on the cultural contexts and health issues of the country's indigenous population, including details about community representatives and traditional medical practitioners. This information is provided to health workers who are posted to indigenous communities, including those the remote parts of the Amazon.<sup>121</sup>

#### Quality education

*My parents are from Cotopaxi. I'm an indigenous girl, but I don't speak Quechua. I'm happy at school because they're teaching me our indigenous language.*

*My parents speak Quechua at home, but I'm not able to; however I'm learning it at school.*

**Quechua children, aged 10 and 12, Ecuador**

There are two broad challenges to overcome in providing quality education for indigenous children – a lack of educational resources (including a scarcity of teachers and teaching materials, inadequate facilities and the distance between home and school) and, where these resources exist, their inadequate quality and inappropriate cultural dimension. Important elements in this respect include the expectation of parents, the content of lessons, the quality of teaching and, crucially, the language of instruction. It is key to ensure the promotion of widely available intercultural, bilingual, child-centred approaches that promote community involvement. Indigenous peoples have a cru-

cial contribution to make as regards their educational priorities and requirements. In Latin America, general experience demonstrates that involving indigenous people themselves – including indigenous children and teachers – can strengthen community solidarity and raise awareness about gender issues and challenges arising from discrimination.<sup>122</sup> In turn, the family, extended family and community can provide both important motivation and support for indigenous children in the education system.

Intercultural education refers to learning that is rooted in one's own culture but that is, at the same time, open to knowledge of other cultures. By promoting respect for and understanding of other cultures, intercultural education is a key element in eliminating discrimination and, as such, is equally relevant for indigenous and non-indigenous children. In this way, diversity becomes a pedagogical resource that contributes to better education for all children.

Bilingual education offers children the opportunity to learn in their own community's language and to realize their full intellectual potential while, at the same time, progressively mastering their country's official language – an essential requirement if they are to fully exercise their citizenship. Where this approach is promoted, it tends to result in an increase in enrolment, retention and completion rates among indigenous children.

Formal bilingual teaching can require special training and teaching skills which indigenous teachers have often not received.<sup>123</sup> An additional challenge is that many indigenous languages do not have an alphabet or written tradition,<sup>124</sup> and local variations in a language may require a process of standardization before it can be taught. In Viet Nam, UNICEF and the World Bank have sponsored the development of bilingual books in ethnic minority languages, such as Bahnar, Cham, H'mong and Khmer, and are setting up special literacy production centres that will employ local teachers, writers and illustrators who speak and write local languages.<sup>125</sup> In recent years the Government of Viet Nam has also been making efforts to train locally recruited indigenous teachers for positions in their own communities. To this end, the Ministry of Education and Training organizes accelerated teacher training courses and in-service training courses for indigenous teachers in remote and mountainous areas.<sup>126</sup> In north-east Russia, the Palana Teacher Training School, founded in 1990 in response to a shortage of education workers with a knowledge of indigenous languages, prepares teachers to teach in Russian and in indigenous mother tongues – Even, Itelmen or Koryak.

Public education, especially in rural areas

of income-poor countries, tends to focus on primary education. Pre-school education is rarely available, especially since it must be, by necessity, close to the child's home. Indigenous children, in particular, are likely to miss out on pre-school education and in this way lose a valuable opportunity to gain the best educational start and prepare the ground for bilingual primary schooling. Integrated early child care in Bolivia and Peru for Quechua and Aymara children was initiated in the 1980s through community-based *Wawa Wasi* and *Wawa Uta* ("Children's Houses" in Quechua and Aymara). The Children's Houses provide stimulation, pre-school education, nutrition and health monitoring for indigenous children from six months to five years of age. This initiative has now become a national policy in both countries. Under the PROMAYA project in Honduras, pre-school and primary education centres, ensuring equal access to education for girls and boys, have been opened in 15 Maya communities.<sup>127</sup>

Language is a crucial issue in promoting education for indigenous peoples. Other ways of ensuring the relevance of education and strengthening indigenous identity include encouraging the participation of indigenous adults in schools, a strategy which also provides support for teaching staff. In Australia, improving participation of indigenous communities and parents in school education has been a national priority since the mid-1990s.<sup>128</sup> Another approach is to ensure that classes are compatible with the community's daily or seasonal rhythms. In Cambodia, indigenous children in the highlands and northern plains miss out on education due to a lack of schools, a shortage of qualified teachers and because the children are required to help with work on farms or around the home. This is particularly an issue for adolescent girls. In response to this challenge, a number of NGOs in the northern province of Ratanakiri have started providing non-formal education integrated into development activities and focusing on issues such as health, agriculture, environment and human rights. Some of these programmes have included the use of mother-tongue literacy education to enable and promote access to education. Non-formal education classes are held in nearly half of all villages in Ratanakiri.<sup>129</sup>

Another important area is the development of literacy programmes for indigenous adults, especially women, and of 'second-chance' schooling opportunities for adolescents. Promoting literacy contributes to the protection of individuals, the empowerment of families and the economic well-being of communities. In Bolivia, bilingual primary schooling for indigenous children has gener-

ated a demand for mother-tongue adult literacy programmes. It is no coincidence that these programmes are characterized by high levels of participation by women, many of whom are mothers of children attending primary school.<sup>130</sup>

The remoteness of many indigenous communities can be overcome in various ways. Thailand has a programme of mobile teachers who travel on horseback or motorbike to isolated villages to ensure some continuity in education.<sup>131</sup> Similarly, Mexico has sophisticated networks of mobile teachers who supervise education in isolated communities. Peru has a system whereby teachers coordinate 7 to 10 non-formal pre-schools each of which is supervised by a young educated member of the community. Support is also provided by daily radio broadcasts that review learning activities. Rural education clusters, which aim to make the most of scarce local education resources, offer another means to promote education in remote and difficult-to-reach areas. They have been used with success in countries such as Bolivia, Colombia and the Philippines.

Multigrade teaching, in which children of two or more ages or grades are taught by one teacher, had tended to be regarded as an inferior model of education until the *Escuela Nueva* schools in Colombia demonstrated how well-designed lesson plans and teaching materials and well-trained teachers, supported by communities, could ensure a positive multigrade experience. A number of countries in Latin America and beyond have been inspired by the Colombian model and have adapted it to their own circumstances.<sup>132</sup>

When indigenous peoples pursue nomadic lifestyles this presents another challenge to children's education, but one that can be met with creative solutions. Experience has shown that educating children away from their parents and their communities in boarding schools has a deleterious effect upon their lifestyle, culture and language. Nomadic schools are one of the best ways to fulfil these children's educational rights. Fixed schools can be located in villages where nomadic peoples can leave their children with family members. These nomadic schools differ from normal schools in that they offer specific elements of nomadic culture and school holidays reflect the rhythm of nomadic movements and seasonal practices. Alternatively, there are mobile schools that see the teacher moving with the group, and setting up the 'classroom' at each stop (see Box 16).<sup>133</sup>

The likelihood that initiatives for indigenous education will meet with success is greatly increased when they are backed by national government, both financially and in terms of legislation. For

### Box 16: A nomadic school for the Nenets of western Siberia<sup>134</sup>

In the Nenets Autonomous Region of Russia, in western Siberia, the Nenet people maintain a nomadic lifestyle. They follow their reindeer herds, passing the winter in the region's forests and the summer on the coast of the Barents Sea. In 1996, the Yamb To nomadic school was founded in the Bolshezemelskaia tundra to meet the educational needs of the area's nomadic children without requiring them to leave their parents communities and culture. Nenet-speaking teachers arrive at the town of Anderma, from where they travel – with the reindeer herds or by snow vehicle – to join nomadic communities, with whom they remain for the summer. Classes, which are given in both Nenets and Russian language, are held in tents, and the age of the students ranges from 8 to as old as 40 years.

example, in May 1991, the Government of the Sakha Russian Republic adopted a programme for the development of national schools to allow children to study in their native language. In the 1999/2000 academic year, mother-tongue language was taught to 48 per cent of Even children, 25 per cent of Evenki children and 81 per cent of Yugakir children. Progress has been slowed by the lack of qualified teachers who speak indigenous languages and a lack of educational literature.<sup>135</sup> In New Zealand, the 1989 Education Act has been amended to ensure funding for Maori pre-schools, primary schools, secondary schools and universities. The impetus for this came from Maori mothers insisting that the Maori reclaim the education of their children from birth through to adulthood.<sup>136</sup>

Promoting the right of indigenous children to education can be an integral part of wider-ranging educational reforms. In the 1990s, several Latin American countries modified their education laws to affirm the rights of indigenous peoples, leading to indigenous participation in educational decision-making as well as in planning, implementing and evaluating educational policy and programmes. Countries such as Ecuador have made considerable progress in bilingual education. Bolivia recently passed its Education Reform Act in support of mother-tongue education and indigenous organizations have developed an intercultural bilingual education programme (see Box 17).<sup>137</sup> In Africa, Burundi, Kenya, Rwanda, Somalia, Tanzania and Zimbabwe have introduced mother-tongue instruction in primary schools, and villages in Burkina Faso have introduced it in community-managed schools. In Papua New Guinea education policy allows communities to decide the language of instruction for Grades One and Two.<sup>138</sup>

### Effective protection and support

*According to our vision of the world, it is impossible to speak of the family without reinstating our Elders as spiritual guides for our behaviour; the woman as*

*advice-giver, fighter, reproducer of life and backbone to the preservation of our peoples' identity; the youth as our future generations and the children as the continuity of our peoples, because they are our lives.*<sup>139</sup>

Noeli Pocaterra, Wayuu Clansmother, Venezuela

One of the best ways to guarantee that an indigenous child receives adequate protection from violence, abuse and exploitation is to support and build on the strengths of his or her family, kinship network and community. An indigenous community that lives in security (including land security), free from discrimination and persecution, and with a sustainable economic base has a solid foundation for ensuring the protection and harmonious development of its children.

The strength of indigenous communities does not, of course, exempt the state from its responsibility to ensure the realization of the rights of the indigenous child and safeguard her or his best interests. One of the state's duties is to develop an effective system of birth registration. This implies that information on the importance of birth registration is made available in indigenous languages, that appropriate facilities for the registration of the

child's birth are in place, and that indigenous names are respected. Birth registration, while essential, can be regarded by indigenous communities as complementary to, not a substitute for, indigenous naming practices. In this respect, indigenous leaders have an important role to play in explaining to their communities the importance of the official recognition of every child immediately after birth.

If indigenous community structures break down, indigenous children and young people may require culturally specific support. In the United States in the early 1970s, American Indian substance abuse treatment programmes started inviting community elders to participate in the healing of their clients. The elders introduced a holistic approach that involved cultural practices such as sweatlodge (spiritual purification) ceremonies. By the 1980s, this approach came to be applied not only to treatment, but increasingly to prevent alcohol and drug addiction among American Indian youth. This experience highlights the importance of programmes that combine cultural components with other proven prevention strategies.<sup>141</sup> Also in the US, the National Indian Justice Centre has been one of the partners – along with the Office for Victims of Crime, the Office of Justice Programs and the Department of Justice – in the project to produce a discussion guide and video on child sexual abuse in Native American communities. *Bitter Earth* is designed as an educational tool for increasing awareness of this issue among both community members and non-Indian service providers, and examines the resources available within communities to deal with sexual abuse in a sensitive and appropriate manner. It highlights the impor-

### Box 17: Progress in bilingual education in Bolivia

In Bolivia significant efforts are being made to ensure indigenous children's right to education. In 1990, the Ministry of Education started the Bilingual Intercultural Education Project for 114 rural schools with Guarani, Quechua and Aymara languages. This subsequently developed into a national policy including more than 10 ethnolinguistic groups, with the active participation of indigenous organizations. From the start, the project relied on the support of the United Peasants' Union of Bolivia, the Indigenous Federation of Eastern Bolivia and the Assembly of Guarani People.

In addition to indigenous participation, key strategies of the project were:

- coordination of efforts among the State, indigenous organizations and NGOs;
- linguistic standardization to develop written forms of the languages involved;
- training of national human resources for the administration of Bilingual Intercultural Education programs;
- involvement of intermediate levels of the education system in working with indigenous organizations; and
- parents' participation.

The project involves teaching in mother tongue from the first grade and throughout primary schooling. At the same time, Spanish is introduced gradually. Research, training, innovative bilingual techniques and appropriate materials were developed for the project. As a direct result, the number of schools involved in the project increased due to demand from parents and communities, learning achievements in reading and writing in mother tongue improved significantly, children in bilingual schools had greater self-esteem, and teacher-student relations were observed to be less top-down.<sup>140</sup>

tance of child advocates in assisting children who have experienced abuse and their families through the 'system' and considers what types of traditional beliefs and healing approaches can be utilised to make culturally relevant resources available.<sup>142</sup>

As regards child labour, it is important to distinguish light work and tasks which, from a certain age and under appropriate conditions, are compatible with international standards and respectful of the child's development and capacity. In many indigenous communities, light work such as this is considered to promote the child's dignity and sense of responsibility. This category excludes exploitative activities that compromise children's rights, including the rights to education and health, to rest, leisure, play and recreation. The prevention of child labour among indigenous children – as with all children – is closely linked to the promotion of education. This, in turn, involves raising awareness among family members and the community at large of the importance and benefits of education. UNICEF and ILO are particularly active in this area. Box 18 illustrates an initiative promoted by the ILO's International Programme on the Elimination of Child Labour (IPEC) to combat child debt-bondage in Nepal.

The most effective way to prevent the sexual exploitation of indigenous children is to empower the communities in which they live. This can involve the organization of community-based protection systems and the provision of information to parents, indigenous leaders and elders and to children and adolescents themselves, in particular on the mechanisms used to draw children into sexual exploitation. Important initiatives are pro-

moted by NGOs such as Casa Alianza, which has programmes in Central America and Mexico to prevent the sexual exploitation of children and adolescents, and to provide appropriate assistance to the victims of this practice.<sup>144</sup>

Some of the most dramatic effects of cultural rootlessness can be seen in urban areas.<sup>145</sup> Indigenous people who are born in or move to urban or peri-urban areas generally inhabit some of the poorest and most degraded environments. They may be particularly vulnerable to social and economic marginalization, as well as to the effects of cultural disorientation and as a result may sometimes turn to gang culture, crime, alcohol or illegal drugs. In recognition of these difficulties the Permanent Forum on Indigenous Issues has called upon UNICEF, ILO and World Bank to carry out a comparative study of legal frameworks and social programmes for indigenous youth in selected countries with the aim of developing policies and strategies to address these issues (see Box 7).

Indigenous peoples themselves are working to overcome the challenges present in urban areas. In Australia's towns and cities, indigenous community workers now seek – with some success – to nurture pride in their cultural identity among young indigenous people and to promote self-respect and respect for their cultural values. In New York City, the American Indian Community House (AICH) aims to provide health, social service and cultural support for the estimated 27,000 Native Americans living in this area. AICH provides programmes in job training and placement, health service refer-

ral, HIV – referral and case – management services, and counselling programmes for alcoholism and substance abuse. It also has a youth council and sponsors programmes in arts and cultural enrichment.<sup>146</sup>

When indigenous children come in contact with the law, it is essential that recognized international standards, such as those set forth by the CRC,<sup>147</sup> are respected. These include the right to treatment consistent with the child's age and special needs, the promotion of the child's sense of dignity and worth, and support for his or her reintegration into society. In this process, authorities are required to ensure the free assistance of an interpreter if the child cannot understand or speak the language used by the justice institutions and proceedings. States can take positive steps to improve access to the justice system for indigenous peoples. In the US, for example, the Indian Country Law Enforcement Initiative funds programmes that increase the availability of law enforcement services and improve the administration of criminal and juvenile justice.<sup>148</sup> In other situations, indigenous communities themselves have taken the initiative to establish their own distinct institutions. This is the case with the community defence centres that operate in the Peruvian Andes (Box 19).

It is important that justice administration demonstrates cultural awareness and sensitivity. State and, where appropriate, regional authorities should take steps to ensure that all actors in the justice system, including the judiciary and law enforcement officials, are trained in and take account of local indigenous cultures and traditional justice systems. Often indigenous justice systems rely on the spoken word rather than written laws, and spaces and opportunities for such exchange – such as the healing circles and sentencing circles used by indigenous peoples of North America – may need to be both created and respected.<sup>149</sup> Where appropriate, elements of these systems can be incorporated into national legal systems. Indeed, the values and principles of indigenous customary law are increasingly coming to be recognized, and Box 20 on the UN mission in Guatemala provides an interesting example in this regard.

#### Box 18: Dismantling the Kamaiya system of bonded labour in Nepal<sup>145</sup>

Although slavery was abolished in Nepal in 1925, the Kamaiya system of bonded labour was widespread in the west of the country until 2000. Most Kamaiya are indigenous Tharu, from the Terai region of Nepal. Under the Kamaiya system a Tharu enters into a contract of employment for himself and his family which is, in effect, a form of slavery. Most children in Kamaiya families work as child domestics. The remuneration received is inadequate to meet basic needs and, as a result families are obliged to take loans which they are unable to repay. These loans accumulate and pass from one generation to another. IPEC has supported NGOs in implementing programmes to create awareness among the Kamaiyas about human rights, alleviate their conditions and ensure that children are freed from work and receive education. In July 2000, the Government of Nepal made a landmark decision to outlaw the Kamaiya system. The Government has also taken action to rehabilitate recently freed bonded labourers and has established a Freed Kamaiya Rehabilitation and Monitoring Committee to promote this work at the district level.

ILO-IPEC experience shows that the following steps are important in the campaign against child bondage:

- promoting the establishment of a coordination mechanism against child bondage with the mandate to conduct research, prepare plans of action, and monitor the enforcement of decisions taken by the authorities;
- supporting the establishment of local 'vigilance committees' made up of representatives of the principal social actors in society;
- creating rehabilitation centres for liberated children;
- developing, in geographical sectors at risk, small credit schemes; and
- launching vigorous information campaigns and raising public awareness.

#### Child participation in decision-making processes

Ensuring that indigenous children and their communities have access both to information and to the channels by which to diffuse and exchange their ideas, views and opinions should not be an afterthought. Free and open communication and, indeed, the possibility of participating in national and global debates, are important elements in

empowering indigenous children and preventing marginalization and discrimination. They promote self-esteem, awareness of human rights and democratic citizenship for all. In Latin America, the political participation of indigenous peoples has been crucial to the democratization of the region and indigenous organizations and movements remain one of the key social actors in the contemporary political scene.

Information is most effectively provided to indigenous children in their own language, and in this respect indigenous leaders represent an important channel of communication, presenting information in such a way that it assumes its full cultural relevance. The UNICEF Americas and Caribbean Office organized a consultation with indigenous leaders from the region in Panama in July 2003. The event not only generated an enhanced awareness of the rights of indigenous children and women, but also resulted in the formation of the Indigenous Children and Adolescent Support Group. Indigenous cultures are reinforced and perpetuated when indigenous children and young people can meet and enjoy their culture with community elders. In addition, indigenous children themselves have an enormous potential to disseminate information to their peers. Promoting an understanding of human rights is one of many areas in which child participation can be effective (Box 21).

Around the world, important progress is being made in raising awareness of the CRC. By 1998, for example, the government of Ecuador had already taken measures to include the teaching of the Convention in school curricula.<sup>150</sup> But much work still needs to be done. In its concluding observations from 1998, the Committee expressed its concern that in Thailand professional

#### Box 19: Community Defence Centres in Peru<sup>151</sup>

In 1998, indigenous women in the Peruvian Andes first proposed the creation of self-run community defence centres with the aim of providing legal advice, assistance and support to indigenous communities. These centres, which are based in a local house or community centre, are administered by small groups of indigenous women whose training is supported by a local NGO and the Ministry for Women. After a period, the centre and its staff receive an official accreditation that permits them to work on certain civil cases while passing others to the appropriate authorities and services. The aim is to resolve specific issues within the local community, including marital disputes, cases of child abuse, failure to register births, failure to enrol children at school and discrimination against girls within the education system. The attention these issues receive increases awareness of children's rights within the community, while promoting collective responsibility. When serious abuse or violence is identified, the defenders accompany the victims to the appropriate official services and provide personal and cultural support within the protection and legal system.

In addition to discrimination from local officials, women have had to struggle with men's opposition to their leaving the home to attend training meetings or to provide case assistance. However, the efficacy of conflict-solving within the community is winning supporters and female defence promoters have stood as candidates for local government posts. There are now some 180 community defence centres in Andean indigenous communities staffed by 800 trained women.

groups, children and the public at large were not sufficiently aware of the CRC, and recommended that the text be translated into and made available in all minority and indigenous languages.<sup>152</sup> The Committee expressed a similar concern as regards Honduras and Nicaragua in 1999 and Guatemala in 2001, and recommended placing special emphasis on the dissemination of the Convention among indigenous and ethnic groups, and on finding innovative ways of publicizing the Convention.<sup>153</sup>

The dissemination of information on child rights to children, families and communities – especially when this information is introduced sensitively and creatively – is important in order to reduce and even eliminate traditional practices that are potentially harmful to children and young people. These practices are often part of, or stem

from, the transition from childhood to adulthood. In indigenous cultures there is often no concept of adolescence, rather children become adults through community-endorsed ritual. Age-related initiation ceremonies are important moments for reinforcing collective cultural identity, but they may involve harmful practices, or they may lead to early marriage and pregnancy for girls and to boys assuming adult responsibilities before their capacities are fully developed. For girls and boys alike one of the most common consequences of initiation is that children abandon their schooling. Supporting community-based human rights workshops, promoting children's and young people's participation in child rights activities and in decisions that affect them, and working with community leaders are all ways in which to promote and build upon positive traditional practices that support the full development of the child, while encouraging communities to abandon those traditions that are potentially harmful. A similar argument holds for the participation and empowerment of women. Many indigenous societies are patriarchal and women are excluded from public matters. When, however, women are made aware of their own rights, have access to training and have the possibility of becoming involved in community affairs – for instance, taking charge of oral rehydration units, managing credit or participating in initiatives such as the community defence centres discussed in Box 19 – their status increases and the whole community benefits.

Similarly, it is important to promote the dissemination of information on a variety of other issues, including birth registration, maternal and pre- and post-natal care, child labour and sexual exploitation. HIV/AIDS

#### Box 20: MINUGUA: The role of customary law in peacemaking<sup>154</sup>

The UN Verification Mission in Guatemala (MINUGUA) was established in January 1997 to verify the December 1996 agreement on the definitive ceasefire between the Government of Guatemala and the Guatemalan National Revolutionary Union (URNG). Verification functions included observation of a formal cessation of hostilities and the demobilization of URNG combatants. The Peace Agreements included commitments linked to the promotion of multiculturalism and its integration into the design and application of public policies in regard to social, economic, political and cultural matters. MINUGUA is still operating in Guatemala to verify the accomplishment of the Comprehensive Agreement on Human Rights (March 1994) and the wide-ranging Agreement on Identity and Rights of Indigenous Peoples (March 1995).

In its Eighth Report on Human Rights in June 1998, MINUGUA stated that, "The traditional laws of indigenous peoples are an essential element in regulating society in their communities. Derived from a specific philosophy, they possess an authority system and provide for their own procedures. Indigenous peoples have the right to exercise these procedures, within the limits established in Article 8 of International Labour Organization Convention 169, 'where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights'."

MINUGUA recommended that indigenous communities be recognized as having entitlement to manage their internal affairs in accordance with their customary law and asserted that indigenous law will continue to be an effective tool for conflict resolution.

## Box 21: Youth participation: the message of child rights in Peru

In Peru, indigenous Andean adolescents are engaged in defending and promoting their own rights. These children organize themselves as *Chaskiwawa* (Quechua for “children’s messenger”). Trained in communication techniques by local NGOs, they prepare short plays, songs and puppet shows addressing the common forms of violation of children’s rights in their communities. They convey their message with good humour, sometimes mocking the conduct of parents and authorities and, in a similar way, present their own proposals for solving common problems. Experience has taught the *Chaskiwawa* the value of coordinating with the health, education and municipal authorities to ensure that representatives of these bodies come along to the community events, fairs and festivals at which they give their performances, since this enhances the efficacy of their message and helps to ensure that their proposed solutions receive due consideration. The presence of the authorities, together with the entertainment provided, mean that the *Chaskiwawa* can draw large audiences. More than 500 rural indigenous young people are engaged in promoting and gaining social and political recognition, while at the same time having fun.

*I have something useful, entertaining and important to do. Can I still be a Chaskiwawa when I get older?*

Edelmira Condori (aged 11), Quechua Indian, Peru

is another area where the provision of accurate and accessible information is essential. In Canada, indigenous peoples themselves have taken the initiative in this sphere. The Canadian Aboriginal AIDS Network (CAAN) is a non-profit coalition of individuals and organizations which aims to provide leadership, support and advocacy

for Aboriginal people living with and affected by HIV/AIDS, regardless of where they reside – on reserves, or in rural or urban areas. One of the Network’s aims is to provide support to develop the understanding and skills of both Aboriginal communities and professional researchers working in these communities to undertake and pro-

duce HIV/AIDS community-based research that is methodologically sound, culturally appropriate, respectful and relevant.<sup>155</sup>

The media has an important role to play in providing information both for and about indigenous peoples. Radio, in particular, because of its relatively low cost and wide reach, has a large potential to serve indigenous peoples (especially given the strong oral traditions in many indigenous communities). There are, for example, several indigenous radio stations in Bolivia, Ecuador and Peru. Promoting the possibility of indigenous children and young people taking an active role in media production both serves to reinforce cultural values within communities and to disseminate indigenous perspectives, history and knowledge to wider society. Often, however, the media associate indigenous peoples with negative contexts including natural disasters, war and ‘ethnic clashes’. The potential of radio, television and print media to create awareness and understanding of indigenous peoples and their communities, cultural values and practices, and to help overcome discrimination and marginalization has scarcely been explored.

## NATIONAL AND INTERNATIONAL ACTION FOR INDIGENOUS CHILDREN

### National action

National governments have a critical role to play as catalysts for positive change when they act to uphold the rights of indigenous children. This commitment includes promoting the meaningful participation of indigenous peoples, supporting surveys that give a clear picture of the situation of indigenous communities and their children, introducing legislation to ensure respect for and protection of indigenous peoples’ rights, and developing effective mechanisms of implementation and enforcement.

#### Monitoring and data collection

Good quality, disaggregated data are essential for planning, policy design and implementation, and resource allocation. They are also indispensable for monitoring progress in the realization of indigenous children’s rights. The critical importance of data in these areas explains the emphasis that has been given to this issue by the Permanent Forum for Indigenous Issues since its inaugural session.

UNICEF supports a number of studies intended to determine the specific situation of

indigenous peoples and their relationship to the rest of the population. These include a study of Mayan traditions and perceptions about work and education in Guatemala. Community censuses have been implemented in the Peruvian Andean area with the participation of the National Statistics Institute and local communities to help identify social exclusion and to gather data on the situation of children at a subnational level. Generally, community-driven censuses on the situation of children can be a cost-effective short cut to promote the involvement of communities in monitoring children’s rights in ways that take into account indigenous laws and traditions.

When indigenous peoples live in more than one country, transnational cooperation may be required to obtain a full picture of their situation and thus make the most effective use of resources to support them. This is the case in the Arctic Region where a survey of living conditions among Inuit, Saami and the indigenous peoples of Chukotka and the Kola Peninsula in Russia is currently being coordinated by Greenland’s Statistical Office. Among its priorities, the survey

focuses on the situation and environment of indigenous children and families.

#### Legislative change and political participation

National governments that are serious about protecting and promoting the rights of indigenous children can develop an appropriate legal framework based on human rights, ensure that the communities to which these children belong receive adequate protection under the law, and make certain that these laws are effectively enforced at the national and local levels. A growing number of national governments have modified their constitutions and legislation to recognise the rights of indigenous peoples and have used international human rights instruments as the basis for national law reform.

In Latin America, indigenous peoples were not, for a long time, recognised as distinct elements of the population, but since the 1980s there has been considerable constitutional reform and the introduction of special legislation addressing their rights, notably in Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Paraguay and

### Box 22: Government commitment to indigenous children in Latin America

The Fifth Ibero-American Meeting of Ministers for Children and Adolescents, which was hosted by the Bolivian Government in Santa Cruz de la Sierra in September 2003, took as its focus the rights of indigenous children and children of African descent. The Summit saw the participation of 19 countries, as well as international development agencies, indigenous leaders, civil society organizations and, importantly, representatives of Bolivia's indigenous children. The outcome Declaration from this meeting acknowledges that indigenous children and children of African descent are characterized by high levels of poverty and frequently do not enjoy full citizenship. In particular, the Declaration emphasizes the importance of providing universal and free birth registration, and establishing culturally sensitive child rights-based policies and programmes to promote integrated child development, increase socio-educational services, ensure universal access to quality pre-schooling and improve levels of health and nutrition. It also calls for action to end all forms of violence, exclusion and discrimination, eradicate child labour and promote the meaningful participation of all children and adolescents in decisions that affect them. These goals are to be achieved through, *inter alia*, the enactment of national action plans for children; support for intercultural, bilingual education; the allocation of appropriate budgetary resources; the development of a system of technical assistance to permit knowledge-sharing among countries of the region; and the continued development of a system of common indicators and disaggregated statistical information for monitoring and evaluating the situation of children.<sup>156</sup>

Venezuela. Despite these new legal frameworks, alleged violations of the human rights of indigenous peoples are frequently reported.<sup>157</sup> In a significant recent development, the Fifth Ibero-American High-level Summit for Children and Adolescents has made a specific commitment to promoting the rights of indigenous children (Box 22).

Among the states of South-East Asia, only the Philippines, Malaysia and Cambodia, had specific laws concerning indigenous peoples as of 2002.<sup>157</sup>

In Scandinavian countries, the Saami people are legally recognized as culturally distinct, with special rights, and there are Saami parliaments in Finland, Norway and Sweden. In Sweden, a law adopted in 2000 grants the right of individuals to use the Saami language in dealings with administration and courts. Since 1979, Greenland has enjoyed autonomous status in relation to Denmark.

In the Russian Federation, the "Small Peoples of the North" ("small" in reference to their population size) are covered by a 1999 Federal Law that provides for their judicial protection, establishes safeguards for the indigenous environment, lifestyle and economy, including protection of cultures and languages, and introduces alternative forms of military service.

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has noted that the greatest single problem today for indigenous peoples is the failure of states to demarcate or map out indigenous land.<sup>158</sup> Effective and enforceable legislation to protect indigenous peoples' land is also a means to help ensure the well-being of indigenous children. For example, under Brazil's Constitution, indigenous lands were to be demarcated and ratified by 1993, but the process has faced long delays, often as a

result of powerful political and economic interests. Some progress is, however, being made, and in November 2002 Brazil's Minister of Justice signed a bill for the demarcation of 9,300 hectares of land for the Guarani-Kaiowá Indians of Cerro Marangatu. The land had been taken over by ranchers in the 1950s and for years the 400 Guarani-Kaiowá had been forced to live on only nine hectares of land.<sup>159</sup> In a landmark decision in Malaysia, a high court judge ruled in 2002 that the Orang Asli, one of the country's most marginalized groups, have a proprietary interest in customary traditions and lands occupied by them and that they have the right to use and derive profit from these lands.<sup>160</sup>

Along with land rights, another key issue for indigenous communities is real – not token – political representation and participation. Indigenous involvement is a necessary element of good government, and requires the establishment or reinforcement of mechanisms that allow indigenous peoples to have a say in relevant policy development and implementation. Children too must have a say in the decisions affecting their lives. In Venezuela in 1999, for example, indigenous children and youth had the opportunity to influence the rewriting of the country's constitution by presenting their own views and proposals to Venezuela's Constituent Assembly.<sup>161</sup>

Indigenous communities themselves have enjoyed success in lobbying for their rights and placing their concerns on the political agenda. By forming associations of indigenous peoples they have often derived greater influence at the national and international levels. As long ago as 1956, the Saami Nordic Council was established as a liaison body between Norwegian, Finnish and Swedish Saami. With the collapse of the Soviet Union, the Saami of the Kola Peninsula joined the

Council and it was renamed the Saami Council in 1991. This Council is the voice of the Saami on international matters. In 1977, Inuit leaders established the Inuit Circumpolar Conference in recognition of the need to promote cooperation between and among Arctic states and the Inuit peoples, and to promote collective approaches to common problems.<sup>162</sup> In Russia, indigenous peoples lobby for their rights on a federal and international level through the Russian Association of Indigenous Peoples of the North (RAIPON).<sup>163</sup> In a significant development, regional meetings are becoming an important catalyst for developing networks among indigenous peoples and promoting their rights. For example, at the subregional meeting on indigenous children and adolescents held in Quito, Ecuador in 2001, indigenous leaders came together to pledge to prioritize the rights of indigenous children and indigenous youth drew up a series of recommendations for consideration at the UN Special Session on Children.

### International action

International development agencies and agencies of the UN have a twofold responsibility: to ensure that indigenous children and communities are included in their general programmes and projects, and to implement initiatives specifically designed to promote the rights of indigenous children. UNICEF has a strong commitment in this area, and several of the organization's innovative projects and programmes have been outlined in this Digest.<sup>164</sup> Many of these have been developed in Latin America and the experience accrued has been drawn together in a comprehensive publication by the UNICEF Regional Office for Latin America and the Caribbean.<sup>165</sup>

In addition to UNICEF, several other international organizations are active in this field. The Food and Agriculture Organization (FAO) has, for example, a Forests, Trees and People Programme that explores ways to work with forest-dwelling indigenous communities, while the International Fund for Agricultural Development (IFAD) promotes poverty reduction and sustainable development among indigenous peoples in Asia and Latin America.

The ILO has established two complementary projects in this area. The project on Indigenous and Tribal Peoples works at the policy level to increase dialogue, cooperation and understanding among indigenous peoples and government. The INDISCO programme ("Support to Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self Help Organizations") works at the grassroots level and aims to strengthen the capacities of indigenous and tribal peoples by

working with them to design and implement their own development plans. Both projects include activities with a special focus on indigenous children.<sup>166</sup> Pilot activities are now being planned by IPEC in the Philippines, Kenya and Latin America to promote education for indigenous children as a protection strategy against child labour.

The United Nations Development Programme (UNDP) works to strengthen partnerships with civil society and indigenous peoples' organizations as a basis for promoting alternative perspectives to conventional development thinking. UNDP supports indigenous peoples through small grant programmes, and through national and regional programmes. Initiatives have focused on poverty eradication, environmental conservation, conflict prevention and resolution, and cultural revitalization. In addition, UNDP has supported projects under the Indigenous Knowledge Programme, whose main objective has been to promote indigenous knowledge through targeted capacity-building and direct support for

projects formulated and implemented by indigenous peoples' organizations.<sup>167</sup>

The protection of indigenous knowledge is also promoted by the UN World Intellectual Property Organization (WIPO), which is involved in training, awareness-raising and testing practical solutions to protect indigenous knowledge.<sup>168</sup>

The United Nations Office of the High Commissioner for Human Rights (OHCHR) has a well-established programme of activities aimed at promoting the rights of indigenous peoples. Activities related specifically to children and youth include supporting the Working Group for Indigenous Populations, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Committee on the Rights of the Child general day of discussion on indigenous children in September 2003, and the Indigenous Fellowship Programme, an international human rights training course available to young indigenous persons working in indigenous communities and organizations.

The World Bank has had operational directives addressing indigenous peoples since 1991. To overcome the perceived negative environmental impact of some of its initiatives, the Bank is strengthening the participation of indigenous peoples in its projects and has made a specific undertaking to ensure that all its projects respect both social and environmental priorities.

The World Health Organization (WHO) has produced a Traditional Medicine Strategy for 2002-2005 and has undertaken reviews of the health situation of indigenous peoples in the Philippines, Malaysia and Viet Nam. In Africa, WHO regional office is planning a series of subregional assessments on health and ethnicity.<sup>169</sup> The Pan American Health Organization has been running its Health of Indigenous Peoples Initiative since 1993. Also in the area of health, UNFPA, the United Nations Population Fund, works to develop quality and culturally sensitive reproductive health information and education services with the full participation of indigenous peoples.

## CONCLUSION

The history of indigenous peoples around the world has often been marked by oppression, marginalization and exploitation. Today, with the development and strengthening of indigenous peoples' organizations, and the establishment of structures within the UN such as the Permanent Forum on Indigenous Issues, there is a real opportunity to bring indigenous issues – and, in particular, indigenous children's rights – to the forefront of both national and international agendas.

Indigenous children are the inheritors of their communities' land and custodians of the spiritual values that derive from it. They in turn will protect these values, nurture them and pass them on to their own children. Indigenous children are also subjects of universal rights as laid down in the Convention on the Rights of the Child and other international human rights instruments. This Digest has, in particular, examined four key areas for the realization of indigenous children's rights: health and nutrition, quality education, effective protection and support, and child participation in decision-making processes. Derived directly from the Convention on the Rights of the Child, and therefore universally applicable, each of these four elements constitutes an area in which indigenous children's rights are frequently compromised and, at the same time, each represents an opportunity for important progress to be made towards their effective fulfilment.

Advancing the rights of indigenous children is not only possible, it is, in many cases, already a reality and the examples contained in the Digest testify to this and offer valuable lessons. Promoting indigenous children's right to health and nutrition involves making medical facilities available in indigenous areas and providing both health care and information in a sensitive manner. Health workers and medical staff from indigenous communities play an important role in bridging the gap between traditional medicine and official health services. In the field of education, it is not enough to make schooling available to indigenous children. Learning opportunities must take into account indigenous languages and cultural contexts, and teachers must be adequately trained and receive sufficient support to perform their jobs well. Protection for indigenous children is multi-faceted: they must enjoy the same protection to which non-indigenous children are entitled and may, in addition, require culturally sensitive measures to overcome the particular challenges they may face. Community and kinship networks represent a special resource for indigenous children and, increasingly, traditional holistic healing practices are being used in indigenous communities to deal with issues such as juvenile justice, substance abuse or domestic violence. Finally, participation is a crucial element in ensuring indigenous children's rights and in

guaranteeing their full citizenship. In part this involves facilitating the participation of indigenous communities in health, education and other initiatives for children, but above all it refers to the participation of children themselves in the relevant processes and decisions that affect them, both within their communities and beyond. When information is made available to them, and appropriate communication channels exist, indigenous children – like all children – can become the advocates of their own rights.

A central message of this Digest is that successful and sustainable initiatives for indigenous children, including the types of national and international action discussed in this Digest, are most likely to be founded upon a human rights approach that is, by definition, intercultural and incorporates indigenous worldviews. In other words, the most effective initiatives help to develop community autonomy and empowerment, promote local indigenous languages and customs, respect traditional social structures and recognise the important role of indigenous leaders in defending and promoting the rights of their communities' children. In this way, an inter cultural approach enhances and reinforces human rights by taking into account how different peoples around the world strive to achieve the same goal: to live in freedom, peace and security, and to enjoy equity, mutual respect and understanding.

**This section contains information about some of the major UN agencies and international and regional NGOs working on issues related to indigenous peoples. These contacts should serve as links to other types of organizations, particularly national and local NGOs, professional and community organizations, academic and other institutes and government bodies, whose work is relevant to this issue. It is not intended to be a comprehensive listing, nor does it prioritize or rank the organizations listed.**

UNITED NATIONS,  
SPECIALIZED AGENCIES  
AND OTHER INTERNATIONAL  
ORGANIZATIONS

International Programme  
on the Elimination  
of Child Labour (IPEC)  
International Labour  
Organization (ILO)  
4, Route des Morillons  
CH-1211 Geneva 22  
Switzerland  
Tel.: +41.22.799.8181  
Fax: +41.22.799.8771  
Email: [ipec@ilo.org](mailto:ipec@ilo.org)

The ILO has a long-standing commitment to the promotion of the rights of indigenous peoples. Under the aegis of the ILO, IPEC works towards the progressive elimination of child labour in more than 60 countries. It calls for immediate action to ban the worst forms of child labour that affect many indigenous children around the world.

**Website:** [www.ilo.org](http://www.ilo.org)

UN Permanent Forum  
on Indigenous Issues  
Economic and Social Council  
(ECOSOC)  
1 UN Plaza, Room DC1-1428  
New York, NY 10017  
USA  
Tel.: +1 917-367-5100  
Email:  
[IndigenousPermanentForum@un.org](mailto:IndigenousPermanentForum@un.org)

Following the recommendation from The Commission on Human Rights on 28 July 2000, the Economic and Social Council adopted a resolution establishing the Permanent Forum on Indigenous Issues. Its mandate is to provide advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the UN through the

Council. It is also mandated to raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system, and to prepare and disseminate information on indigenous issues.

**Website:**

[www.un.org/esa/socdev/pfii/](http://www.un.org/esa/socdev/pfii/)  
[www.unhcr.ch/indigenous/forum.htm](http://www.unhcr.ch/indigenous/forum.htm)

United Nations Development  
Programme (UNDP)  
304 E. 45th Street, 12th Floor,  
New York, NY 10017  
USA

Tel.: +1 212 906-3674  
Fax: +1 212 906-5161

In 1995, UNDP issued draft guidelines for support to indigenous peoples in which four fields of action are identified: cultural revitalisation, improvement of living standards, preservation of natural resources, and economic and technical development. Many small grants to regional and national programmes have involved indigenous communities.

**Website:** [www.undp.org](http://www.undp.org)

UN Environment Programme  
(UNEP)

P.O. Box 30552  
Nairobi,  
Kenya  
Tel.: + 254 2 62 1234/3292  
Fax: + 254 2 62 3927/3692  
Email: [ipainfo@unep.org](mailto:ipainfo@unep.org)

UNEP is the UN's focal point for environmental action and coordination among governments, UN agencies and NGOs. UNEP promotes and coordinates the sharing of environmental information and implements projects that support its agenda for sustainable development. UNEP works to protect cultural diversity as a fundamental factor in sustaining biodiversity. It supports measures that protect the traditional knowledge of indigenous and local communities in the face of globalization. UNEP takes a holistic approach to the issues of poverty, loss of biological diversity, and the weakening of cultural diversity.

**Website:** [www.unep.org](http://www.unep.org)

United Nations Educational,  
Scientific and Cultural  
Organization (UNESCO)  
7, place de Fontenoy  
75352 Paris

France  
Tel.: +33 1 45 68 10 00  
Fax: +33 1 45 67 16 90

Regarding indigenous peoples, UNESCO emphasizes, in particular, the fields of bilingual education, language rights, indigenous knowledge and the use of media to protect and stimulate indigenous cultures. UNESCO has been instrumental in developing a number of legal instruments, notably the Universal Declaration on Cultural Diversity, adopted in 2001.

**Website:** [www.unesco.org](http://www.unesco.org)

World Bank

1818 H Street, N.W.  
Washington, DC 20433  
USA  
Tel.: +202 473 1000  
Fax: +202 477 6391

The World Bank provides funds to developing countries to pursue sustainable and equitable growth. The Bank's objective with respect to indigenous peoples is to ensure that the development process fosters full respect for their dignity, human rights and cultural uniqueness. More specifically, the objective is to ensure that indigenous peoples do not suffer adverse effects during the development process, particularly from Bank-financed projects, and that they receive culturally compatible social and economic benefits.

**Website:** [www.worldbank.com](http://www.worldbank.com)

World Health Organization  
(WHO)

Avenue Appia 20  
1211 Geneva 27  
Switzerland  
Tel.: + 41 22 791 21 11  
Fax: + 41 22 791 3111

WHO works to remove existing barriers to health care delivery and overcome the inequities which indigenous peoples suffer. WHO initiatives include the organization and delivery of health services in multicultural communities and the production and dissemination of scientific, technical and public information material. In the Region of the Americas it implements, through the Pan-American Health Organizations (PAHO), the Health of the Indigenous Peoples Initiative.

**Website:** [www.who.int](http://www.who.int)

UN Office of the High Commissioner for Human Rights - OHCHR  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Tel.: +41 22 917-9000

OHCHR plays a leading role in coordinating human rights issues and emphasizes the importance of human rights at the international and national levels. It established the Working Group on Indigenous Populations with a mandate to review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples and to give attention to the evolution of international standards concerning indigenous rights. OHCHR sets and implements standards designed to ensure respect for existing rights of indigenous peoples and the adoption of additional rights.

**Website:** [www.unhchr.ch](http://www.unhchr.ch)

UN Youth Unit  
United Nations Youth Unit  
Division for Social Policy and Development  
Department of Economic and Social Affairs  
United Nations Headquarters  
New York, NY 10017  
USA  
Tel.: +1 212 963 7763

The Youth Unit supports a network of more than 100 global and regional youth movements and over 3000 national youth organizations, including many indigenous youth organizations. The Youth Unit helps these organizations participate in UN activities such as the World Youth Forum. The Youth Unit also works with inter-governmental bodies such as the UN-NGO Committee on Youth in Geneva, UNESCO's Collective Consultation of Youth NGOS in Paris, the UN Economic and Social Commission Standing Committee on Youth for the Asia-Pacific Region, and Latin American and Caribbean Youth NGO meetings.

**Website:**  
[www.un.org/esa/socdev/unyin](http://www.un.org/esa/socdev/unyin)

World Intellectual Property Organization (WIPO)  
34, Chemin des Colombettes  
Geneva,  
Switzerland  
Tel.: +41 22 338 91 11

WIPO works in the area of intellectual property of indigenous peoples, including the information, practices, beliefs and philosophy that are unique to each indigenous culture. It has carried out work on the impact of corporate business interests on indigenous knowledge and heritage, and is developing guidelines for the protection of indigenous intellectual property rights.

**Website:** [www.wipo.org](http://www.wipo.org)

#### INTERNATIONAL NGOS

Save The Children  
Save the Children UK  
17 Grove Lane  
London SE5 8RD,  
UK  
Tel.: +44 020 7703 5400  
Fax: +44 020 7703 2278

Save the Children works to create lasting, positive change in the lives of children, especially in the areas of early childhood development, primary education, school health and nutrition, adolescent development and HIV/AIDS. It is a member of the International Save the Children Alliance, comprising 30 independent, national Save the Children organizations working in more than 100 countries to ensure the well-being of children.

**Website:** [www.savethechildren.org](http://www.savethechildren.org)

Bernard Van Leer Foundation (BvLF)  
Eisenhowerlaan 156  
P.O. Box 82334  
2508 EH The Hague  
Netherlands  
Tel.: +31 70 3312200  
Fax: +31 70 3502373

The Bernard Van Leer Foundation is a private foundation established in 1949. It supports early childhood (0 to 8 years of age) development activities in around 40 countries. Among others, it has supported programmes with Aboriginal children in Australia, San communities in Botswana, indigenous people in the Chocó area of Colombia, Quechua children in Peru and Maori communities in New Zealand.

**Website:** [bernardvanleer.org](http://bernardvanleer.org)

Survival International  
6 Charterhouse Buildings  
London EC1M 7ET  
UK  
Tel.: +44 20 7687 8700  
Fax: +44 20 7687 8701

Survival works for tribal peoples' rights in three complementary areas: education, advocacy and campaigns. It also offers tribal people themselves a platform to address the world. It works closely with local indigenous organizations, and focuses on tribal peoples at greatest risk, often those who have only recently come into contact with the outside world.

**Website:**  
[www.survival-international.org](http://www.survival-international.org)

Minority Rights Group International (MRG)  
Minority Rights Group International  
379 Brixton Road  
London SW9 7DE  
UK  
Tel.: +44 171 978 9498  
Fax: +44 171 738 6265

MRG works to secure rights for ethnic, religious and linguistic minorities worldwide, and to promote cooperation between communities. It publishes reports, books, education and training materials, and the *World Directory of Minorities*. MRG works with the United Nations to increase awareness of minority rights, coordinates training on minority rights internationally and collaborates with different communities to counter racism and prejudice.

**Website:** [www.minorityrights.org](http://www.minorityrights.org)

Center for World Indigenous Studies (CWIS)  
PMB 214  
1001 Cooper Point Road SW Suite 140  
Olympia, WA 98502-1107  
USA  
Tel.: +1 360 754 1990  
Fax: +1 253 276 0084

CWIS is an independent, non-profit research and education organization, dedicated to promoting a wider understanding and appreciation of indigenous knowledge and the social, economic and political realities of indigenous peoples. It works to achieve constructive and cooperative relations between 'fourth world nations' and states.

**Website:** [www.cwis.org](http://www.cwis.org)

## INDIGENOUS ORGANIZATIONS

Only regional organizations are presented in this section, however many local and national indigenous organizations have web pages. A list of indigenous peoples' organizations, maintained by the United Nations Office of the High Commissioner for Human Rights, can be found at: [www.firstpeoples.org/indigenouslist.htm](http://www.firstpeoples.org/indigenouslist.htm)

**International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests (IAIP)**  
Alliance International Technical Secretariat  
14 Rudolf Place, Miles Street  
London, SW8 1RP  
UK  
Tel.: +44 171 587 3737  
Fax: +44 171 793 8686

IAIP is a worldwide network of the organizations of indigenous and tribal peoples living in tropical forest areas. Its membership is made up of organizations from the Amazon area, Southern Cone, Central America and Caribbean, Africa, Continental Asia, Bahasa, Maritime Asia and the Pacific. Its objectives are related to four major themes: traditional forest-related knowledge; national land use and forest programmes; underlying causes of deforestation; and international mechanisms and instruments.

**Website: [www.iaip.gn.apc.org](http://www.iaip.gn.apc.org)**

**The Asian Indigenous and Tribal Peoples Network (AITPN)**  
P.O.Box 9627, Janakpuri,  
New Delhi 110058,  
India  
Tel.: +91 11 25620583 / 25503426  
Fax: +91-11-25620583

AITPN is an alliance of indigenous and tribal peoples' organizations and individual activists across the Asian region. It seeks to promote and protect the rights of indigenous and tribal peoples by providing information and input to national and international human rights institutions and to the United Nations for international standard-setting. It also provides situation assessments and conducts activities to increase and empower indigenous peoples' organizations and leaders through rights-based approaches to development.

**Website: [www.aitpn.org](http://www.aitpn.org)**

**Asia Indigenous Peoples Pact (AIPP)**  
6 Soi 14, Sookkasaem Rd.,  
Tambon Patan,  
Amphur Mua  
Taiwan  
Tel.: +66 53 225 262  
Fax: +66 53 408 351

With the objective of supporting capacity building for indigenous communities, AIPP works in three broad areas: human rights and advocacy; education and networking; research and documentation, including data collection and analysis.

**Website: [www.aipp.womenweb.org.tw](http://www.aipp.womenweb.org.tw)**

**International Indian Treaty Council/Consejo Internacional de los Tratados Indios (IITC)**  
2390 Mission St. Suite 301  
San Francisco, CA 94110  
USA  
Tel.: +415 641 4482  
Fax: +415 6411298

IITC is an organization of indigenous peoples from North, Central and South America and the Pacific whose mission is to work for the self-determination of indigenous peoples and the recognition and protection of indigenous rights, traditional cultures and sacred lands. Among its activities, IITC promotes official participation of indigenous peoples in the United Nations and its specialized agencies, as well as other international fora; seeks international recognition for treaties and agreements between indigenous peoples and states; builds solidarity among indigenous peoples of the world; and disseminates information on human rights issues.

**Website: [www.treatycouncil.org](http://www.treatycouncil.org)**

**Coordinadora de Organizaciones Indigenas de la Cuenca Amazónica (COICA)**  
Calle Luis de Beethoven No.47-65  
y Capitan Rafael Ramos  
Post Box: 17-21-753  
Quito  
Ecuador  
Tel.: +593 2 2407-759  
Fax: +593 2 2812-098 / 2816-611

COICA brings together indigenous organizations from nine different countries: CIDOB (Bolivia), COIAB (Brazil), OPIAC (Colombia), CONFENIAE (Ecuador), FOAG (French Guiana), APA (Guyana),

AIDSESEP (Peru), OIS (Suriname) and CONIVE (Venezuela). COICA's main objectives are to facilitate interaction among its members, protect their territories and cultural inheritance, and promote their right to self-determination and respect for their human rights, including the right to participate in decision-making.  
**Website: [www.coica.org](http://www.coica.org)**

**Judicial Commission for the Self-development of First Andean People (CAPAJ)**  
Av. 2 de mayo 644,  
Tacna  
Peru  
Tel.: +5154 742601  
Fax: +5154 711126  
E-mail: [capaj@heroica.upt.edu.pe](mailto:capaj@heroica.upt.edu.pe)

CAPAJ is an NGO of Aymara indigenous lawyers from Argentina, Bolivia, Chile and Peru. Its main objective is to promote respect of the fundamental rights of indigenous peoples and encourage sustainable development by participating in national and international fora dealing with legislative, judicial and development issues. It also promotes development projects while seeking to minimise the impact of globalization on indigenous peoples.  
**Website: [www.capaj.pe.nu](http://www.capaj.pe.nu)**

**Consejo Indio De Sud America (CISA)**  
Av.del Sol 1407,  
Puno  
Peru  
Tel.: +5154 711126

CISA represents South American indigenous peoples and organizations. It promotes the rights to life, justice, development, autonomy and peace. It also promotes indigenous claims and cultural manifestations, including language, religion and medicine. CISA provides a point of reference for exchange of indigenous knowledge, experiences and projects.

**Website: [www.puebloindio.org/CISA](http://www.puebloindio.org/CISA)**

**Inuit Circumpolar Conference (ICC)**  
ICC Greenland  
Dronning Ingridsvej 1  
P.O.Box 204  
DK-3900 Nuuk  
Greenland  
Tel.: +299 323632  
Fax: +299 323001  
Email: [iccgreenland@inuit.org](mailto:iccgreenland@inuit.org)

ICC is an international organization

representing approximately 150,000 Inuit living in the Arctic regions of Alaska, Canada, Greenland and Chukotka, Russia. The principal goals of the Conference are to: strengthen unity among the Inuit; promote their rights and interests at the international level; safeguard and further develop Inuit culture and society for both present and future generations; seek full and active participation in the political, economic and social development in their homelands; develop and encourage long-term policies that safeguard the Arctic environment; and work for international recognition of the human rights of all indigenous peoples.

**Website:** [www.inuit.org](http://www.inuit.org)

**Canada:** [www.inuitcircumpolar.com](http://www.inuitcircumpolar.com)

**Greenland:** [www.inuit.org](http://www.inuit.org)

**Alaska:** [www.iccalaska.com](http://www.iccalaska.com)

#### Sámediggi – the Saami Parliaments

The Saami people founded and maintain their own parliaments in Finland (1973), Norway (1989) and Sweden (1992) as autonomous, supreme decision-making bodies. The task of the parliaments is to maintain and develop the language and culture of the Saami people and to regulate matters that concern them as indigenous people. Their most important task is to guarantee the cultural autonomy which the constitution of these three countries guarantee the Saami.

**Finland:** [www.samediggi.fi](http://www.samediggi.fi)

**Sweden:** [www.sametinget.se](http://www.sametinget.se)

**Norway:** [www.samediggi.no](http://www.samediggi.no)

Sámi Nisson Forum (SNF)  
(Finland, Sweden, Norway)  
Samernas Utbildningscentrum  
Borgargatan 2,  
962 32 Jokkmokk  
Sweden  
Tel.: +46 971 440 00

Fax: +46 971 440 01  
Email: [webmaster@same.net](mailto:webmaster@same.net)

The Sámi Nisson Forum is a network for local and regional development on women's issues. The network provides members with an opportunity to connect and work together on issues of common interest. SNF arranges annual seminars which include cultural events. In Norway SNF is affiliated with the Forum for Women and Development (FOKUS). A cooperative project involving SNF and named 'The Rainbow – Friendship across Borders' brings together primary school children from Karasjok, Norway and Lovozero, Russia.

**Website:** [www.same.net](http://www.same.net)

#### ADDITIONAL WEB RESOURCES

##### [www.crin.org](http://www.crin.org)

The Child Rights Information Network (CRIN) is a global network that disseminates information about the Convention on the Rights of the Child and child rights amongst non-governmental organizations, United Nations agencies, intergovernmental organizations, educational institutions and other child rights experts. The network is supported by, and receives funding from, UNICEF, Rädda Barnen, Save the Children UK and the International Save the Children Alliance. Extensive information, resources and publications are available on this website.

##### [www.eldis.org](http://www.eldis.org)

Eldis provides extensive links to on-line information on development in areas such as the environment, agriculture, disasters, human rights, civil rights and population. It also provides access to statistical information, major international organizations, research

organizations, bibliographical information and databases.

##### [www.hri.ca](http://www.hri.ca)

Human Rights Internet (HRI) is dedicated to the empowerment of human rights activists and organizations, and to the education of governmental and intergovernmental agencies, officials and other actors on human rights issues and the role of civil society. HRI has a child rights programme highlighting such areas as legal rights and protection.

##### [www.nativeweb.org](http://www.nativeweb.org)

Native Web, Resources for Indigenous Cultures around the World, is an international, non-profit, educational organization dedicated to the dissemination of information for and about indigenous peoples, and organizations around the world. Its aim is to foster communication between indigenous and non-indigenous peoples and to provide resources, support and services to facilitate indigenous peoples' use of communications technology.

##### [www.oneworld.net](http://www.oneworld.net)

OneWorld promotes human rights and sustainable development. The website provides information and articles on a vast range of human rights issues and coverage is global.

##### [www.umn.edu/humanrts/index.html](http://www.umn.edu/humanrts/index.html)

The University of Minnesota Human Rights Library, developed by the University's Human Rights Centre, offers more than 7,200 human rights documents and materials on-line. These include treaties and other international instruments, regional materials, bibliographies and research guides, refugee and asylum sources, and links to over 3,000 other sites. The site also provides a search engine that can locate documents on multiple human rights sites.

## Notes

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- 5 Office of the High Commissioner for Human Rights (2001), *Leaflet No. 10: Indigenous Peoples and the Environment*, United Nations, Geneva. See also [www.unhcr.ch/html/racism/indileaflet10.doc](http://www.unhcr.ch/html/racism/indileaflet10.doc) accessed 13.10.2003.
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- 7 "Levantamiento indígena, institucionalidad y estado" editorial, *Boletín ICCI-Rimai*, Year 3, No. 23, February 2001; see also "Acuerdo entre el Gobierno Nacional y las organizaciones indígenas, campesinas y sociales del Ecuador" (9 February 2001), text available at: [www.icci.nativeweb.org/levantamiento2001/acuerdo.html](http://www.icci.nativeweb.org/levantamiento2001/acuerdo.html)
- 8 All from Copey, S.E; Kindersley, B., Kindersley, A. and Belafonte, H. (1995), *Children Just Like Me*, DK Publishing and UNICEF, London, except \* taken from Subregional Meeting on Indigenous Children and Adolescents, Quito, Ecuador, July 2001.
- 9 Alternative spelling is *Kichwa*. This illustrates the challenge involved in standardizing indigenous languages for teaching purposes.
- 10 Alternative spellings include *pachakutik* and *pachakutiq*.
- 11 Tomei, Manuela and Swepston, Lee (1996), *Indigenous and Tribal Peoples: A Guide to ILO Convention No. 169*, ILO, Geneva.
- 12 The right of indigenous peoples to protect, develop and enjoy their cultural heritage is recognized in a number of international instruments, including the Universal Declaration on Human Rights, the International Covenants on Economic, Cultural and Social Rights, and on Civil and Political Rights, the ILO Convention No. 169, and the draft declaration on the rights of indigenous peoples. So far, however, the nature of indigenous peoples' intellectual property, which is an inherent part of their spiritual, cultural, social and economic life, and the notion of collective ownership of such property has not been adequately addressed in existing international intellectual property law. See Office of the High Commissioner for Human Rights (2001), *Leaflet No. 12. WIPO and Indigenous Peoples*, United Nations, Geneva. See also <http://193.194.138.190/html/racism/indileaflet12.doc>.
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- 14 Stavenhagen, Rodolfo (2002), "Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people", submitted to the Commission on Human Rights, fifty-eighth session, 6 March 2002, E/CN.4/2002/97.
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- 16 Office of the High Commissioner for Human Rights (2001), *Leaflet No. 10: Indigenous Peoples and the Environment*, United Nations, Geneva.
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- 18 Certain collective rights can be difficult to interpret, since they raise questions over who belongs to a group and how different, and even conflicting, interests should be resolved within that group. Moreover, reaching a consensus on the identification of distinct groups with explicit rights can be a challenge to national governments concerned about the political implications of articles that deal with aspects of self-determination or with claims associated with natural resources. Since its formation, the Working Group on the Draft Declaration has adopted only two articles: article 5, which states that every indigenous individual has the right to a nationality, and article 43, which asserts that all the rights and freedoms recognized in the Draft Declaration are equally guaranteed to male and female indigenous individuals. Significantly, these articles are less controversial as they relate to the rights of indigenous individuals.
- 19 Office of the High Commissioner for Human Rights (2001), *Leaflet No. 10: Indigenous Peoples and the Environment*, United Nations, Geneva. See also: [www.unhcr.ch/html/racism/indileaflet10.doc](http://www.unhcr.ch/html/racism/indileaflet10.doc)
- 20 Tomei, Manuela and Swepston, Lee (1996), *Indigenous and Tribal Peoples: A Guide to ILO Convention No. 169*, ILO, Geneva.
- 21 Age-sets are a fundamental element of Maasai social structure. These sets apply primarily to men: groups of boys of broadly similar age (often 14 or 15, but sometimes as old as 18) are initiated into adult life at the same period. These groups then remain together, passing through a hierarchy of grades, until they become elders of their community.
- 22 For a full discussion of the relationship and differences between minorities and indigenous peoples, see Eide, Asbjørn and Daes, Erica-Irene (2000), "Working paper on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples", presented to the Sub-Commission on the Promotion and Protection of Human Rights, Fifty-second session, E/CN.4/2000/10, 19 July 2000.

- 23 Office of the High Commissioner for Human Rights (2001), *Leaflet No 1. Indigenous Peoples and the United Nations System: An overview*, United Nations, Geneva. See also <http://193.194.138.190/html/racism/indileaflet1.doc>. Burger put the number at 250 million in 1990, but stated that the figure could be doubled if the indigenous peoples of Africa were included. Burger (1990) op. cit.
- 24 International Work Group for Indigenous Affairs (2001), *The Indigenous World 2000-2001*, IWGIA, Copenhagen.
- 25 Minority Rights Group (ed.), *The Forests and Indigenous Peoples of Asia*, summary available at: [www.minorityrights.org/Profiles/profile.asp?ID=5](http://www.minorityrights.org/Profiles/profile.asp?ID=5) accessed 18.8.2003.
- 26 For a comprehensive investigation of the situation of indigenous peoples in Latin America, see López, Luis Enrique (2003), *Indígenas, reivindicaciones y derechos de la niñez y adolescencia en América Latina*, UNICEF TACRO, Panama.
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- 31 Ibid.
- 32 Diver, Sibyl (2001), "Standing Up to the Wolf Pack: Russian Indigenous People Fight for their Survival", presented at World Information Transfer 10th International Conference on Health and Environment, New York, April 2001.
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- 35 Burger (1990), op. cit.
- 36 International Work Group for Indigenous Affairs (2001), *The Indigenous World 2000-2001*, IWGIA, Copenhagen.
- 37 UNFPA, "Background on Ecuador", [www.unfpa.org/focus/ecuador/background.htm](http://www.unfpa.org/focus/ecuador/background.htm) accessed 18.8.2003.
- 38 Action for Children in Aotearoa (1996), "Action for Children in Aotearoa 1996 - The NGO Report to the UN Committee on the CRC", Action for Children in Aotearoa, Wellington. This figure also reflects the lower life expectancy of Maori and Pacific Island peoples.
- 39 BBC World Service, "A World for Children", [www.bbc.co.uk/worldservice/people/features/childrensrights/worldnewsround/identity\\_mexico.shtml](http://www.bbc.co.uk/worldservice/people/features/childrensrights/worldnewsround/identity_mexico.shtml) accessed 12.8.2003
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- 43 UN Committee on the Rights of the Child (1997), "Concluding Observations of the Committee on the Rights of the Child: Australia. 10/10/97", CRC/C/15/Add.79
- 44 UN Committee on the Rights of the Child (1997), "Concluding Observations of the Committee on the Rights of the Child: Bangladesh. 18/06/97", CRC/C/15/Add.74
- 45 UN Committee on the Rights of the Child (2000), "Concluding Observations of the Committee on the Rights of the Child: Burundi. 16/10/2000", CRC/C/15/Add.133
- 46 UN Committee on the Rights of the Child (2002), "Concluding Observations of the Committee on the Rights of the Child: Chile. 3/04/2002", CRC/C/15/Add.173
- 47 UN Committee on the Rights of the Child (1998), "Concluding Observations of the Committee on the Rights of the Child: Ecuador. 26/10/98", CRC/C/15/Add.93
- 48 UN Committee on the Rights of the Child (2000), "Concluding Observations of the Committee on the Rights of the Child: India. 23/02/2000", CRC/C/15/Add.115
- 49 UN Committee on the Rights of the Child (2000), "Concluding Observations of the Committee on the Rights of the Child: Japan. 05/06/2000", CRC/C/15/Add.90
- 50 UN Committee on the Rights of the Child (1999), "Concluding Observations of the Committee on the Rights of the Child: Venezuela. 02/11/99", CRC/C/15/Add.109
- 51 Lupi, Herrera (c.1992), "Historia de Vida - Registro Civil de Nacimiento", UNICEF Colombia, Bogota.
- 52 UNICEF (2002), "Amazon Subregional Programme", Executive Board, Country programme recommendations, E/ICEF/2002/P/L.28.
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- 54 International Work Group for Indigenous Affairs (2001), *The Indigenous World 2000-2001*, IWGIA, Copenhagen. In some regions of Morocco, Amazigh names are accepted locally (information from Julian Burger, UN OHCHR).
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- 56 Stavenhagen (2002), op. cit.
- 57 Asian Development Bank (2001), *Health and Education Needs of Ethnic Minorities in the Greater Mekong Subregion*, Asian Development Bank, Manila.
- 58 International Work Group for Indigenous Affairs (2002), *The Indigenous World 2001-2002*, IWGIA, Copenhagen.
- 59 UNICEF (2000), *The State of the World's Children 2001*, UNICEF, New York.
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- 61 Ministry of Health, New Zealand (2002), *Health and Independence Report 2002. Director General's Report on the State of Public Health*, Ministry of Health, Wellington.
- 62 Australian Institute of Health and Welfare (AIHW) (2002), *Australia's Health 2002*, AIHW, Canberra.
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- 72 Ministry of Health, New Zealand (2002), op. cit.
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The UNICEF Innocenti Research Centre in Florence, Italy, was established in 1988 to strengthen the research capability of the United Nations Children Fund (UNICEF) and to support its advocacy for children worldwide. The Centre (formally known as the International Child Development Centre) helps to identify and research current and future areas of UNICEF's work. Its prime objectives are to improve international understanding of issues relating to children's rights and to help facilitate the full implementation of the United Nations Convention on the Rights of the Child in both industrialized and developing countries. The Innocenti Digests are produced by the Centre to provide reliable and accessible information on specific rights issues.

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*Front cover picture:* Hilltribe girls in northern Laos near Muang Xing close to both the Myanmar and China borders. Credit: Chris Stowers panos pictures.

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## ENSURING THE RIGHTS OF INDIGENOUS CHILDREN

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Around the world, in rural and urban areas alike, indigenous children frequently constitute one of the most disadvantaged groups, and their rights – including those to survival and development, to the highest standard of health, to education that respects their cultural identity, and to protection from abuse, violence and exploitation – are often compromised. At the same time, however, indigenous children possess very special resources: They are the custodians of a multitude of cultures, languages, beliefs and knowledge systems, each of which is a precious element of our collective heritage. As this Digest discusses, the most effective initiatives to promote the rights of indigenous children build upon these very elements. Such initiatives recognize the inherent strength of indigenous communities, families and children, respect their dignity and give them full voice in all matters that affect them.

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