

United Nations Permanent Forum on Indigenous Issues

Eleventh Session – New York

7 - 18 May 2012

Agenda Item 4a: Implementation of the Declaration on the Rights on Indigenous Peoples: Children and youth

Joint Intervention Delivered by Steven Brown on behalf of the Indigenous People's Organisation's (IPO) Network of Australia – Youth Caucus

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First Nations Child and Family Caring Society of Canada
Te Kahui Mana Ririki, New Zealand
Centre for Organisation Research and Education (CORE), India
Action for Children and Youth Aotearoa (ACYA), New Zealand
Turkindi - Indigenous Information Network of South Australia
Aboriginal Legal Service of WA (Inc.)
National Native Title Council (NNTC)
Marninwarntikura Women's Resource Centre Aboriginal Corporation
Gugu Badhun Limited
Aboriginal Legal Rights Movement (ALRM)
Victorian Aboriginal Legal Service (VALS)
Queensland Culture Heritage and Native Title Management Services
National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
Koorit Marr Kaart – Aboriginal and Torres Strait Islander Social Workers of Western Australia
New South Wales Aboriginal Land Council (NSWALC)
National Aboriginal Community Controlled Health Organisation (NACCHO)
Kamakakūokalani, Center for Hawaiian Studies, UH Mānoa
The National Indigenous Higher Education Network (NIHEN), Australia

Thank you Mr/Madame Chairperson, Members of the Permanent Forum, representatives of Indigenous Peoples, sisters and brothers.

Violations of the rights of Indigenous children and youth are at crisis point. They consistently number among the most marginalised groups in society, experiencing multiple forms of discrimination - as children, as members of an Indigenous group and frequently as impoverished people - deepening their invisibility and compounding the violations of their human rights across the spectrum of civil, political, economic, social and cultural and linguistic rights. While there recently has been growing awareness of, and progress towards, recognising and affirming the human rights of Indigenous peoples and the rights of children, human rights violations impacting Indigenous children and youth have remained largely invisible and unaddressed.

The extent of poverty experienced by Indigenous peoples across the world remains immense. This experience is transferred to Indigenous children and youth, who become locked into a cycle of impoverishment and exclusion. The devastating

consequences are illustrated through high child mortality and health concerns, alarming levels of child removal from their homes, most commonly for neglect, gross over-representation in juvenile detention and high rates of homelessness, substance abuse and suicide. The UN Declaration on the Rights of Indigenous Peoples (Declaration) provides a powerful framework through which to reflect on current policies and institutions, and to develop and implement community owned strategies to enable Indigenous children and youth to realise their rights.

We appreciate the Permanent Forum's long-standing commitment to incorporate the issues of children and youth as a focal point. There is concern however that this has diminished in recent years, with no recommendations at all on children or youth in 2010, despite a focus on Indigenous development with culture and identity. This reflects the broader, persistent gap in international human rights monitoring mechanisms concerning the rights and needs of Indigenous children and youth. We urge for more concerted systematic efforts to fulfil mandates that require special attention to this group, including the Special Rapporteur on the Rights of Indigenous Peoples, UNICEF and the Expert Mechanism on the Rights of Indigenous Peoples. We note also that the UN Committee on the Rights of the Child does not have identified Indigenous membership and experiences significant resource challenges in fulfilling its monitoring role.

This gap is reiterated at the domestic level around the world, with very few mechanisms or bodies that raise the voice of, advocate for or represent Indigenous children and youth. Too often, Indigenous organisations also face strong resistance from States when they attempt to redress rights violations of Indigenous children.

Effective strategies to overcome poverty of Indigenous children and youth must respect self-determination of Indigenous peoples, support meaningful Indigenous community participation, be adequately resourced and informed by the best evidence. These strategies must ensure the protection and preservation of the identity of Indigenous children and provide children with a clear pathway out of poverty that respects their dignity, rights, culture and languages. We must all recognise that improving the rights of Indigenous children is also 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.

Recommendations

1. All States are encouraged to develop a plan for full incorporation of the UN Declaration on the Rights of Indigenous Peoples into national law and policy, with particular attention to the fulfilment of the rights of Indigenous children and women in accordance with articles 22 and 38 of the Declaration. As recommended in 2009 (para 88), this plan should reflect explicit incorporation of General Comment No 11 of the Committee on the Rights of the Child (2009), concerning Indigenous children.
2. All States are urged to take all legislative, administrative and financial measures to ensure that Indigenous peoples have access to Indigenous community controlled services, including health, early childhood, and children and family support

services, in compliance with articles 3,4, 8, 9, 14, 18, 21, 23 and 24 of the Declaration.

3. In order to complement and strengthen existing domestic mechanisms to protect Indigenous children's rights, all States take urgent action to ratify the Third Optional Protocol to the UN Convention on the Rights of the Child, to provide a complaints mechanism for violations of the rights of children.
4. In recognition of the Forum's commitment to ensure Indigenous children and youth remain a focal point, the Forum build on important recent work on children and youth in state custody to authorise an international expert meeting on strategies, solutions and good practices to overcome the devastating extent of Indigenous children and youth in different forms of state care, removed from their culture. And that the Forum set aside a ½ day session in the 12th session of the Forum to make real advances on this critical issue.
5. In recognition of the persistent gap 10 years after the Forum asked for Special Rapporteurs and representatives of the United Nations system to have specific mandates and focus on the rights and issues of children, the Forum urge:
 - The Chairperson of the Committee on the Rights of the Child to attend the 12th session of the Forum to engage in dialogue on promoting and protecting the rights of Indigenous children;
 - The Permanent Forum commission a thematic study or the Special Rapporteur on the Rights of Indigenous Peoples conduct a thematic study on poverty impacting Indigenous children and youth, with particular focus on articles 18, 19, 21, 22 & 23 of the Declaration, and the Convention on the Rights of the Child, paying specific attention to the role of gender and children experiencing a disability;
 - UNICEF institute processes to ensure Indigenous representation leads Indigenous programs to ensure deep understanding and ownership of the issues and development of effective programs.