

Contribution to the 11th session of the UN Permanent Forum on Indigenous Issues

25 January 2012

Introduction

The Comprehensive Dialogue between UNICEF and the UN Permanent Forum on Indigenous Issues (UNPFII) in May 2011 provided a unique opportunity to take stock of progress and identify gaps in programming for and with indigenous children. During the Dialogue, the disturbing evidence of persisting, and sometimes even widening, disparities that affect indigenous children in both developed and developing countries, was highlighted. Recommendations issued by the Forum on the basis of these concerns are currently being addressed and UNICEF is pleased to share this report which outlines measures taken since then.

I. General overview of UNICEF's work on indigenous issues

The rights of indigenous children and women continued to remain a priority for UNICEF in 2011 as part of its strengthened focus on Equity, where UNICEF focuses on understanding and addressing the root causes of discrimination and marginalization so that children, particularly those who suffer the worst deprivations in society, including indigenous children, have equitable access to education, health care, sanitation, clean water, protection and other services necessary for their survival, growth and development.

The organization continues to be active at the country level, supporting and advocating for various programmes specifically designed to advance the rights of indigenous peoples, ranging from bilingual and intercultural education, culturally sensitive health services, to birth registration and the fight against violence, abuse and exploitation. UNICEF's mission is guided by the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The CRC applies to all children in the world, and the principle of non-discrimination as articulated in Article 2 of the Convention is at the core of UNICEF's work. UNICEF's approach in this connection is further inspired by ILO Convention 169 (ILO 1989), the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN General Assembly resolution 47/135 of 18 December 1992) and the UN Declaration on the Rights of Indigenous Peoples (UN 2007).

UNICEF's organisational plan, the Medium-Term Strategic Plan (MTSP) *Investing in Children: the UNICEF contribution to poverty reduction and the Millennium Agenda* (2006-2013), clearly recognizes that: "In some countries, the children of indigenous populations tend to be disproportionately deprived of basic services. UNICEF's cooperation will seek to benefit these

children as a matter of priority, where needed". The MTSP intends to go beyond support to specific programmes and projects, to tackling the root causes of discrimination against, and exclusion of, indigenous children through the enhancement of relevant public policies. It identifies five focus areas that guide UNICEF's efforts in promoting the rights of children in general and indigenous children in particular: (1) Young child survival and development; (2) Basic education and gender equality; (3) HIV, AIDS and children; (4) Child protection from violence, exploitation and abuse and; (5) Policy advocacy and partnerships for children's rights.¹ UNICEF aims also for the integration of cultural perspectives in its application of the MTSP to indigenous women and children.²

II. Measures in relation to the recommendations of the Permanent Forum on Indigenous Issues

a. Response to recommendations made during the 10th session of the Permanent Forum, addressed to the United Nations Children's Fund

Strategic framework on indigenous and minority children³

Based on the advice received during its comprehensive dialogue with the Forum, UNICEF proceeded with the development of its programme strategy on indigenous and minority issues to guide country offices in programming with national partners in the area. It has to-date developed draft principles and programme guidance. The Principles and Programme Guidance will operate within the context of a broader effort to improve programming and strategies for marginalized and excluded children.

An Advisory Team consisting of a group of internal and external experts (including indigenous youth, relevant caucuses of the Permanent Forum and other organizations, institutions and networks) will be reviewing the various drafts of the Programme Guidance. After incorporating comments received from the Forum, the Programme Guidance will be piloted in the first year, with the involvement of UNICEF Headquarters, Regional Offices and two countries each per region. The pilot will be used as a strategy to facilitate integration of the Programme Guidance into the work of regional and country offices. The experience of this first year will be used to improve and finalize the Guidance and ensure that it remains a practical tool for the design with partners of programmes for indigenous and minority children.

¹ For specific details on the medium-term strategic plan see E/ICEF/2010/1 and Corr.1. For full details on how UNICEF integrates indigenous peoples' issues into its policy framework, see Patrizio Warren, "Promoting the rights of indigenous children and women: a stocktaking of UNICEF's approach and practice", working paper (UNICEF, New York, 2009).

² For a more comprehensive update on UNICEF's response to previous recommendations of the Forum see E/C.19/2011/7.

³ See E/2011/43-E/C.19/2011/14, para. 63, para. 64, para. 71.

UNICEF Country and Regional Offices will be expected to adopt or adapt the broad principles and strategies to suit their differing circumstances (e.g. economic, social, political, legal systems and emergencies).

Study on social, cultural, legal and spiritual institutions of indigenous peoples⁴

UNICEF, together with UNFPA, UNESCO, UNDP and WHO, is undertaking a study on socio-cultural and legal institutions of indigenous peoples and their impact on the rights of children and women in Congo Brazzaville. It is hoped that this will form the first in a series of studies aimed at a deeper understanding of the social, cultural and legal settings and contexts of indigenous peoples and their implications for the implementation of the UN Declaration on the Rights of Indigenous Peoples.

The objective of the study, expected to be launched in February 2013, is to create awareness among the agencies as well as governments, civil society and indigenous peoples themselves, of the importance of taking into account the social, cultural, spiritual and legal contexts of indigenous peoples in all stages of programming. The study will also explore how elements of indigenous beliefs and cultures can be used as effective resources for advancing the rights of indigenous peoples within the framework of the CRC and CEDAW.

Global Analysis on indigenous and minority children⁵

Following UNICEF's dialogue with the Permanent Forum and the resulting recommendation that the agency prepare a report on the state of the world's children with a thematic focus on indigenous children, UNICEF has developed a frame of reference that will guide the development of a global analysis on the situation of indigenous and minority children. The report will cover both indigenous and minority children, as they face similar obstacles to the realization of their rights, while also acknowledging the differences that exist between these groups as well as the policy and programme implications of these differences. In this initiative, UNICEF will be partnering with the Permanent Forum, interested UNICEF National Committees, the UN Independent Expert on Minority Issues, and Minority Rights Group International.

As part of UNICEF's long term advocacy, research and monitoring of the situation of indigenous and minority children in their respective countries, the overall objective of the report will be to provide governments, civil society and other development partners with an overview of the human rights situation of indigenous and minority children worldwide, an analysis of the responses/approaches taken to date to address this situation, and overall recommendations for action at national and international levels. The information will be researched and presented through a life cycle, gender and disability lens. The report is expected to be launched in late 2013/2014.

⁴ See E/2011/43-E/C.19/2011/14, para. 65.

⁵ See E/2011/43-E/C.19/2011/14, para. 66.

Fellowship for young indigenous people⁶

UNICEF is currently exploring the possibility of developing a fellowship for young indigenous people, the implementation of which will be subject to the availability of financial resources. The agency is also arranging for its Division of Human Resources to brief interested members of the Indigenous Youth Caucus regarding the different employment options at UNICEF and the UN as a whole, during a separate meeting at the 11th session of the Forum.

Intercultural and bilingual education programmes⁷

UNICEF continues its support to intercultural bilingual education policies and programmes throughout the Latin American and Caribbean region in conjunction with indigenous organizations at local and national levels. UNICEF-supported interventions are based on the needs and priorities identified in consultation with local indigenous organizations and local governments, and refer to a wide range of interventions such as: textbook development in indigenous languages (e.g. in Ecuador, Paraguay, Bolivia, Peru); teacher training (e.g. Chile, Mexico, Venezuela, Bolivia, Ecuador, Belize, Argentina); and indigenous alphabets and dictionaries (e.g. Bolivia, Paraguay). An assessment of studies related to indigenous child rearing practices is being finalized and will be available soon.

In addition, UNICEF continues to promote multi-country interventions, particularly in countries in the Amazon, with the sub-regional indigenous organization COICA.

In 2011, UNICEF's Regional Office for Latin America and the Caribbean made initial preparations for a study on inter-cultural bilingual education methodologies. Terms of Reference were shared with members of the Forum from the Latin American and the Caribbean region, and were improved with their suggestions and comments. Unfortunately, no proposals were received when the Terms of Reference were disseminated, and the study will, therefore, be re-advertised in 2012.

The situation of indigenous children in developed countries⁸

UNICEF's comprehensive dialogue with the Permanent Forum highlighted the need for a strategic approach to address the disturbing gaps between the richest and poorest children – in particular indigenous children – in both industrialized and developing countries. UNICEF is in the process of strengthening its collaboration with its affiliated National Committees on issues affecting indigenous children. UNICEF is, for example, exploring the possibility of collaborating with interested UNICEF National Committees on the above-mentioned analytical report on the world's indigenous and minority children, which will address the situation of indigenous children in both developed and developing countries.

UNICEF National Committees continue to increase their efforts to promote and protect the rights of indigenous children. UNICEF Canada advocates for solutions to the root causes of inequities for Aboriginal children, focusing on the duty of governments at all levels, to ensure

⁶ See E/2011/43-E/C.19/2011/14, para. 67.

⁷ See E/2011/43-E/C.19/2011/14, para. 75.

⁸ See E/2011/43-E/C.19/2011/14, para. 69.

their rights through effective child policy, programmes and other actions. To influence good public policy for Aboriginal children, UNICEF Canada provides research to enhance understanding (e.g., in reports, publications and media stories); works in partnerships with Aboriginal organizations and others on specific projects; undertakes public action campaigns; and advocates with government. For example, as a board member of a new organization, Mamow-Sha-Way-Gi-Gay-Win (North-South Partnership for Children in Remote First Nation Communities), UNICEF Canada contributes to building capacity to foster respectful relationships between First Nations communities and the voluntary and corporate sectors. UNICEF Canada is also working closely with the First Nations Child and Family Caring Society and the Assembly of First Nations (AFN) to see how an environment can be created where First Nations children on reservations receive fair and equitable services.

UNICEF Australia is committed to working towards reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians to help build a nation where the rights of all children in Australia are respected and realized. Indigenous child rights are identified as an issue where UNICEF can add value through technical expertise. For example, UNICEF Australia co-chairs together with the National Children's and Youth Law Centre, the Australian Child Rights Task Force, which compiled the 2011 "Listen to Children" report.⁹ The 2011 report showed that Aboriginal and Torres Strait Islander children are among three groups of children who are being left behind in Australia, as they have child mortality rates that are three times those of their non-aboriginal peers and are the least consulted in policy processes. In 2011, UNICEF Australia also focused on building awareness and understanding of indigenous issues amongst all its staff, and engaged with several notable research organisations and children's advocates in the area of indigenous disadvantage.

As part of its advocacy efforts, UNICEF New Zealand is collaborating with other child-focused organizations in an initiative known as *Every Child Counts*, through which it has been engaged in generating information and creating awareness about the wide disparities between Maori and other children in New Zealand. The report *He Ara Hou – Getting it Right for New Zealand's Maori and Pasifika Children*, commissioned by *Every Child Counts*, confirms that Maori (and Pasifika) children and families do not share in the prosperity enjoyed by other groups of New Zealanders. UNICEF New Zealand supported the publication, launch, dissemination and promulgation of the report and was engaged through *Every Child Counts* in a major campaign to highlight child poverty in New Zealand. In 2011 (coinciding with the anniversary of the Convention on the Rights of the Child) UNICEF New Zealand also launched a new children's picture book *For Each and Every Child/ He Taonga Tonu te Tamariki*, to celebrate and champion the rights of all children in New Zealand. The book features Maori text alongside the English, which enables it to be introduced to, and used by, Maori language pre-schools and total immersion primary schools.

⁹ This report is compiled periodically in response to the Australian Government's report to the Committee on the Rights of the Child.

Participation of indigenous youth in high-level meeting on youth¹⁰

UNICEF worked with UN DESA/UNPFII to ensure that the voices of indigenous youth were heard at the UN high-level meeting on youth, which took place in New York on 25-26 July 2011. Support was provided to Crystal Lee, a young Navajo woman who founded *United Natives, Inc.*, an on-line mentoring programme for Native American undergraduate students. On behalf of indigenous youth and the UN Indigenous Youth Caucus, Ms. Lee made an intervention from the floor of the General Assembly in which she called for the effective participation of indigenous youth in international decision-making.

Global and country-level contributions to accelerate abandonment of female genital mutilation/cutting¹¹

The UNFPA – UNICEF Joint Programme to Accelerate Abandonment of Female Genital Mutilation/Cutting (FGM/C) has continued to be the major United Nations instrument for supporting national efforts to end the practice. Established in 2008, in the past biennium the Joint Programme intensified its activities in promoting the abandonment of FGM/C in 15 countries (Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Kenya, Mali, Mauritania, Senegal, Somalia, Sudan and Uganda). As noted in Resolution 54/7, “Ending female genital mutilation”, it promotes and supports a multi-disciplinary, comprehensive, coordinated and coherent approach at all levels which is required for achieving abandonment of FGM/C worldwide. The approach recognizes that FGM/C operates as a social norm. It therefore takes into account the degree of support for FGM/C within practicing communities and in the country as a whole, and adapts specific strategies to country-specific realities.

Experience gained among the 15 countries was disseminated by the agencies to inform the global movement to end the practice, including to countries not covered by the programme and to countries with communities of immigration. This was done, *inter alia*, by providing support to Member States in the organization of special events during the 2010 and 2011 United Nations General Assembly and Commission on the Status of Women sessions. This included providing technical support to the Committee on the Rights of the Child and the Committee on the Elimination of All Forms of Discrimination against Women, in the drafting of a new joint General Comment/Recommendation on harmful practices. It also included participation in national and international conferences such as those organized by the Inter-African Committee on Harmful Traditional Practices, on the occasion of the *Day of No Tolerance for Female Genital Mutilation*. This has contributed to the increased concurrence among governments and civil society that FGM/C is a deeply entrenched social practice and that ending the practice requires a holistic and respectful approach that stimulates and promotes societal support for its abandonment, and includes the provision of appropriate services for those affected by the practice. This approach also fosters dialogue about shared values and practices that support the rights of girls, and builds on these to create consensus about ending FGM/C.

¹⁰ See E/2011/43-E/C.19/2011/14, para. 70.

¹¹ See E/2011/43-E/C.19/2011/14, para. 76.

The Joint Programme has been extended by one year to December 2013 to allow countries additional time to implement activities. This also enables the agencies to invest greater resources on the monitoring, assessment and evaluation of the results of the programme's activities. The global evaluation of the programme will be conducted with UNFPA in 2013.

Report on the situation of indigenous children in Latin America and the Caribbean¹²

UNICEF has published and circulated a Terms of Reference for the development of a report on the situation of indigenous children in Latin America and the Caribbean. It is hoped that the research will begin in February 2012 and that UNICEF will be able to share initial findings at the 11th session of the Forum in May 2012.

b. Addressing issues of special interest to the Permanent Forum

Violence against indigenous women and girls

To address the problem of limited data and information on the subject, UNICEF is undertaking, in collaboration with UN Women, ILO, UNFPA, WHO and the Special Representative of the Secretary-General on Violence against Children, a joint study on violence against indigenous girls, adolescents and youth. The initial findings of the study served as a substantive technical contribution to the International Expert Group Meeting on combating violence against indigenous women and girls (18-20 January 2012 in New York), and will also inform the 11th session of the Permanent Forum. The study focuses on education, reproductive health, and community and domestic settings, within the global and regional contexts of Asia, Africa and Latin America, and includes in-depth country case studies on the Philippines, Kenya and Guatemala. The study examines, among other things, the impact of intersecting situations such as location, disability and the various age-groups that comprise the life cycle of female children, adolescents and youth. Its objectives are to: a) examine and analyze the context, nature, causes and consequences of violence; b) identify the state of, and gaps in, knowledge and analysis of the problem; c) describe and analyze the availability and effectiveness of preventive and protective services provided by States and non-State actors; and d) make recommendations in relation to further research and data collection, as well as policy and programmatic interventions pertinent to the global, regional and national levels.

Inter-Agency Support Group on Indigenous Issues

UNICEF continued to contribute to the work of the Inter-Agency Support Group on Indigenous Issues, participating in the annual meeting of the Group in November 2011, where it provided insights into the interface between legal reforms and the rights of indigenous children.

Under the coordination of the UN Resident Coordinator, the UNICEF country office in Congo Brazzaville, in collaboration with other members of the UN Country Team and the Secretariat of the UN Permanent Forum on Indigenous Issues, organized a workshop on indigenous peoples' issues. This was part of the roll-out of the UNDG Guidelines on indigenous peoples and in response to recommendations made by the Special Rapporteur on the Rights of

¹² See E/2011/43-E/C.19/2011/14, para. 77.

Indigenous Peoples. The workshop was attended by parliamentarians, government officials, indigenous representatives, and staff from FAO, ILO, UNICEF, UNHCR, IOM, OHCHR, UNAIDS, UNESCO, UNDP, UNFPA, WFP and WHO.

UN Indigenous Peoples' Partnership

In May 2011 UNICEF joined ILO, OHCHR, UNDP and UNFPA to launch the UN Indigenous Peoples' Partnership (UNIPP), which focuses on developing national capacities to promote indigenous peoples' rights through consultation and participation mechanisms at country and regional levels. The partnership serves as a catalyst for implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and its guiding principles require that special consideration be given to indigenous children and youth. UNICEF hosted the second meeting of the UNIPP Policy Board in New York on 27-28 October, during which six country projects (in Bolivia, Nicaragua, Cameroon, Central African Republic, Republic of Congo, Nepal) and one regional programme (South East Asia) were reviewed and approved.