

20th Session of the Permanent Forum on Indigenous Issues (2021) on Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16

Side event: “Child Rights for All: ending and preventing discrimination against Indigenous children”

Monday 26 April 11 am NY time/5pm Geneva time

SUMMARY

The theme of the 20th session of the Permanent Forum on Indigenous Issues (2021) was “Peace, justice and strong institutions: the role of Indigenous peoples in implementing Sustainable Development Goal 16”. This offered a critical opportunity to highlight the situation of Indigenous children, the multiple and overlapping discriminations they face, as well as the role that they often take on as human rights defenders to claim and exercise their rights for themselves and for their communities. Hence this side event co-organised by UNICEF and OHCHR on “Child Rights for All: ending and preventing discrimination against Indigenous children”.

The moderator Elsa Stamatopoulou, Director of the Indigenous Peoples' Rights Program at the Institute for the Study of Human Rights at Columbia University, introduced the event by recalling that the wellbeing of indigenous children is the barometer of the situation of indigenous peoples. She also recalled the partnership between Columbia University and the Global Indigenous Youth Caucus that led to a publication in 2019 “[Indigenous Youth through their eyes](#)”, which she quoted: “Indigenous youth are not a relic of the past, rather we are the promise of a better future”.

Sanjay Wijesekera, Director of Programme Division, UNICEF NYHQ provided opening remarks, recalling that UNICEF is committed to promoting and protecting the rights of Indigenous children, wherever they are, as part of “our mandate, and as part of the implementation of the Convention on the Rights of the Child, of the UN Declaration on the Rights of Indigenous Peoples and of the Agenda 2030”. He noted that across the globe, UNICEF works with its partners to support inter alia educational systems and access to culturally sensitive education, fostering intercultural and multilingual approaches; health, nutrition, child protection and social protection programmes targeted at indigenous children and their communities; improved access to civil registration of Indigenous children in several countries; and the participation of Indigenous children including adolescents in decision making processes about issues that impact their lives. He also mentioned that with COVID-19, UNICEF stepped up its efforts to reach out to Indigenous children, their families and communities who have been disproportionately affected by the pandemic.

Belkacem Lounes, Member of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), and lead on the EMRIP study on Indigenous children provided an overview of how discrimination impacts Indigenous children using the preliminary results of the study, which will certainly impact advocacy for Indigenous children's rights for the years to come. He recalled in particular the gaps between all the provisions of international and regional human rights instruments that do set out rights for indigenous children, and their implementation. He noted that Indigenous children continue to face marginalization, racism, discrimination, absence of recognition, limited access to health, education, risks of exploitation, disastrous impact of industrial projects, militarization of indigenous territories etc. and that some indigenous children face additional obstacles based on multiple and overlapping forms of discrimination referring for example to Indigenous girls, Indigenous LGBTIQ+ children, and Indigenous children with disabilities. He also recalled how COVID has worsened the situation of Indigenous children. In terms of good practices, he suggested to look at both prevention and reparation measures, which are complementary.

Cindy Blackstock (Gitksan First Nation), Executive Director, First Nations Child and Family Caring Society of Canada and Professor, School of Social Work, McGill University focused her intervention on ensuring access to justice for Indigenous children. She shared her experience in advocating for the rights of First Nations children in Canada who have, and still are facing structural inequalities, in pursuing and securing equitable policies and remediation and in forging opportunities for children to participate in the process. She focused her intervention particularly on a groundbreaking human rights complaint against Canada: "[First Nations Child and Family Caring Society et al v. Canada: a human rights approach to systemic discrimination in public services](#)." A documentary on the case is available [here](#). [A children animation](#) was also developed in relation to this case to educate children on their rights and encourage them to become their own advocates.

Sasha Purcell, a Torres Strait Islander Human Rights climate change lawyer and advocate focused her intervention on climate change and its impact on Indigenous children today and tomorrow. She noted how Indigenous children are the least to cause climate change but are likely the most vulnerable to its effects, which are also exacerbated by a low economic status, poor infrastructures, geographic isolation that Indigenous children in particular may be facing. "Climate change could mean a loss of traditional life for Indigenous children and their future". "We need to call on the United Nations and Governments to defer to Indigenous experts to help find the solutions". "We need to listen to children in a more organic

manner instead of a bureaucratic process”. She also recalled the importance of a human rights-based approach to create spaces for Indigenous children to engage.

Elena Burga Cabrera, UNICEF Latin America and Caribbean Regional Office (LACRO), and Myrna Kay Cunningham Kain, President of the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean (FILAC) provided an overview of [a study](#) (in Spanish, and soon available in English) that UNICEF LACRO and FILAC are about to jointly launch on the right to education in the Latin American and Caribbean region and the disproportionate impact that COVID has had on Indigenous children access and ability to exercise this right in the region. Indigenous children were already facing challenges before the pandemic, which have been exacerbated with COVID, particularly given remote learning that has become the rule in most of the region. This has created even further challenges to ensuring access for Indigenous children to culturally sensitive, bilingual and multicultural education, with the risks that many Indigenous children may completely drop out from school. They also shared creative ways and practices (mobile classrooms, open air classes, use of social media and other media , etc.) to ensure that access to education remains a reality for Indigenous children.

Discussion:

Specific comments from participants put a spotlight on discrimination faced by nomadic pastoral communities in the Sahel, by the Batwa in Uganda, by Indigenous children in Indonesia, and by the indigenous Mbororo pastoralists youths in Cameroon.

Interventions during the discussion included:

- Mariam Wallet Mohamed Aboubakrine, former member of the Permanent Forum on Indigenous Issues shared insights from the Touareg peoples perspective and recalled how important it is to ensure that education is culturally sensitive, adapted to the needs of Indigenous communities, and integrate the traditional know how of Indigenous peoples.
- To a question on ensuring access to education in the Sahel, Belkacem Lounes recalled that Indigenous children’s rights are indivisible, interrelated and interdependent and that for Indigenous children to be able to access education, there is also a need for security and safety, and to ensure that Indigenous children are not driven out of their villages and homes. He also recalled how Indigenous languages are important to ensure that know how is being transmitted through generations including on fighting climate change.
- Cindy Blackstock was asked the question “From your years of experience standing up for indigenous children’s rights, what would be some of the key lessons learned you would like to

share? “. She provided the following responses: 1) there is no self-determination without equity; 2) we should not rely on voluntary changes by States; 3) it is critical to engage children to learn about their rights but also to advocate for their rights.

- Sasha Purcell was asked to share three tips to young Indigenous human rights activists in overcoming challenges ahead: 1) place yourselves in positions that may be uncomfortable for you, to be at the table where decisions are being made, even if you may initially be excluded because you are a woman, LGBTI, and indigenous etc. 2) seek advice and guidance from your elders, who survived thousands of years because of their knowledge, and the wisdom of generations; 3) realize that you are supported by a lot of people in the indigenous community throughout the world despite our differences. We are all essentially one group advocating for our rights so remember that we are not alone and that you are supported by us.

In her closing remarks, **Allison Thomas from the Indigenous Peoples and Minorities Section in the Office of the High Commissioner for Human Rights and Focal Point for EMRIP study on Indigenous children**, recalled how participation and the empowerment of children as agents of change were at the center of the event. She called on all participants to keep up the momentum and focus on indigenous children, noting that one way to do this is to contribute to the upcoming EMRIP study on indigenous children – which will be up on [EMRIP’s website](#) for comment one month before the upcoming EMRIP session that will take place from 12-16 July – virtually. She mentioned that during the session there will be thematic discussions on the rights of Indigenous children and self-determination and that everyone is welcome to participate in those, and to comment on the study which will be amended further to comments and discussions during the EMRIP session and then published in its final version and presented to the Human Rights Council during its session in September.