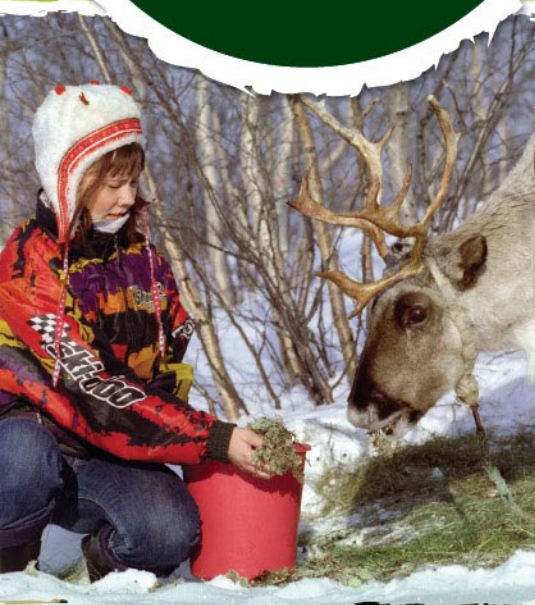


# Know Your Rights!

## United Nations Declaration on the Rights of Indigenous Peoples for indigenous adolescents



Secretariat of the Permanent  
Forum on Indigenous Issues







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The views expressed in this publication are those of the contributors and do not necessarily reflect the views or positions of UNICEF, the Secretariat of the Permanent Forum on Indigenous Issues and the Global Indigenous Youth Caucus.

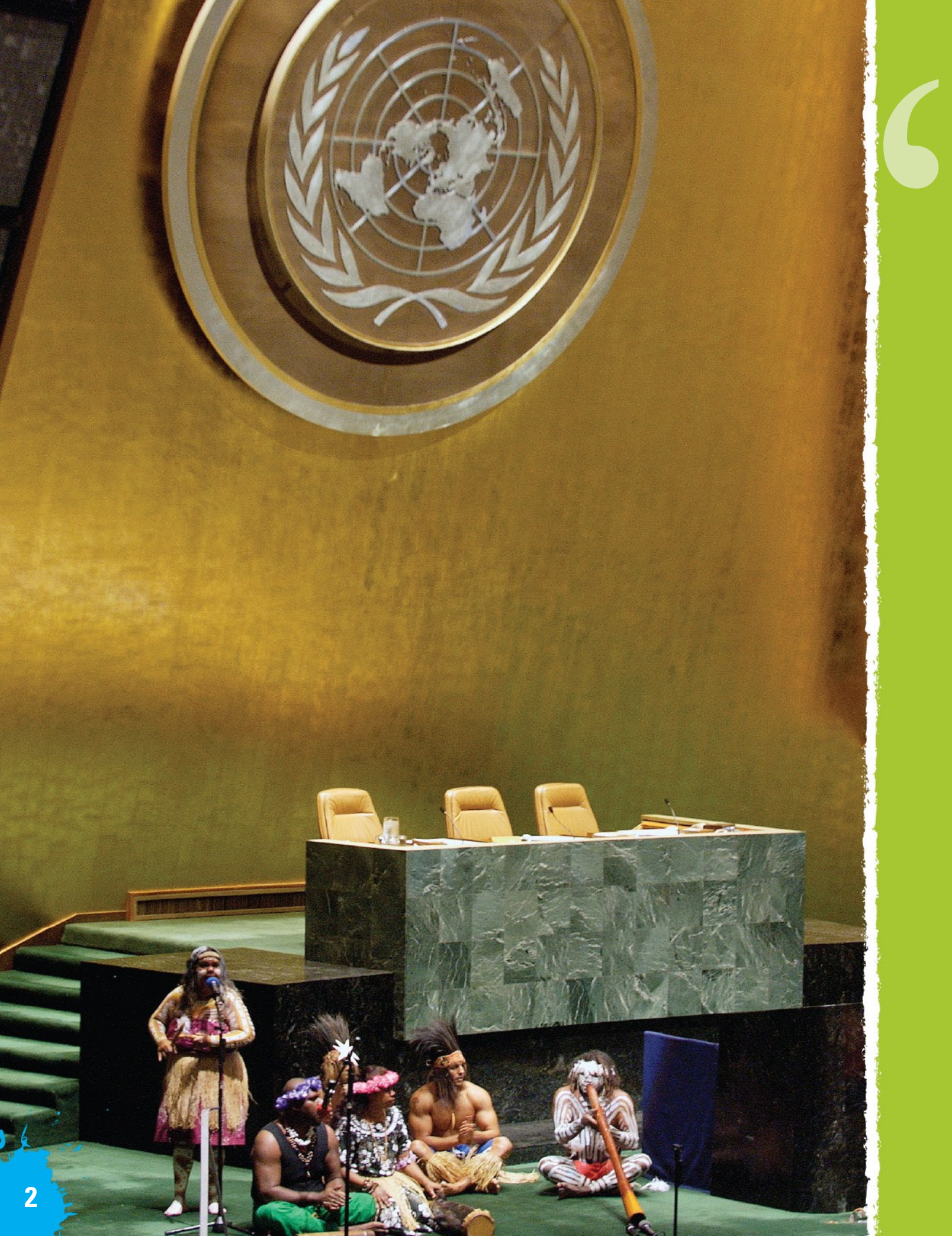
The designations employed and the presentation of the material in this publication do not imply an opinion on the legal status of any country or territory, or of its authorities or the delimitation of frontiers. This publication has not been edited to official publication standards. UNICEF, the Secretariat of the Permanent Forum on Indigenous Issues and the Global Indigenous Youth Caucus accept no responsibility for errors.



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“



*The 13th of September 2007 will be remembered as a day when the United Nations and its Member States, together with Indigenous Peoples, reconciled with past painful histories and **decided to march into the future on the path of human rights ...***

*This Declaration has the distinction of being **the only Declaration in the UN which was drafted with the rights-holders, themselves, the Indigenous Peoples. We see this as a strong Declaration which embodies the most important rights we and our ancestors have long fought for; ... This is a Declaration which makes the opening phrase of the UN Charter, “We the Peoples...” meaningful for the more than 370 million indigenous persons all over the world. ...***

*I call on governments, the UN system, Indigenous Peoples and civil society at large to rise to the historic task before us and **make the UN Declaration on the Rights of Indigenous Peoples a living document for the common future of humanity.***

– Statement by Victoria Tauli-Corpuz, Former Chairperson of the United Nations Permanent Forum on Indigenous Issues, to the United Nations General Assembly, on the occasion of the adoption by the United Nations General Assembly of the Declaration on the Rights of Indigenous Peoples on 13 September 2007.



# About this Publication



In this publication you will learn about an important international document called the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP or Declaration)**. The Declaration explains how the rights of indigenous peoples – including indigenous young people – are to be protected by governments around the world. It applies to indigenous peoples as individuals and as a group.

Indigenous young people were actively involved in the development of UNDRIP and they are working hard to make sure governments implement it. This text provides a summary of some of the important language, themes and articles of the document so that young people can continue to play an important role in ensuring the Declaration is fully implemented around the world.

At the end of the publication you will find a list of words ('Word Bank') and what they mean. The list will help you understand words that may be new to you.



## What is a declaration?

A declaration is an agreement among countries about a specific issue that requires urgent action. It tells us what governments must do or not do around such an issue.

## Who are indigenous peoples?

Indigenous peoples are descendants of the original people or occupants of lands before these lands were taken over or conquered by others. Many indigenous peoples have maintained their traditional cultures and identities (e.g., way of dressing, language and the cultivation of land). Therefore they have a strong and deep connection with their ancestral territories, cultures and identities.

## What is the United Nations?

The United Nations (UN) is an international organization founded in 1945 after the Second World War by 51 countries, with headquarters in New York in the United States of America. Today this number has increased to 193 countries.

The UN is a platform for countries to discuss and take decisions on a number of important issues. It plays a key role in keeping peace throughout the world and helping governments work together to improve the lives of people who live in their countries. Countries that form part of the UN are called 'Member States' and take decisions through the United Nations General Assembly, which is very similar to a world parliament. Sometimes these decisions are documented as declarations.





# Know Your Rights!

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was the result and highlight of many years of work. For the approximately 370 million indigenous peoples in some 90 countries around the world, UNDRIP is an expression of their rights and place in the global community.

The cultural and linguistic heritage of indigenous peoples contributes to the world's diversity. Their knowledge and practices have enhanced respect for the environment and the natural resources of the world's communities, food security, health and education. Indigenous peoples' knowledge of traditional medicines, for example, has contributed immensely to protecting the health of both indigenous and non-indigenous peoples.

UNDRIP is the most advanced and comprehensive Declaration on indigenous peoples' rights.

continued on page 8









By adopting the Declaration, governments have moved towards achieving consensus with indigenous peoples on the minimum standards necessary for their survival, dignity and well-being. UNDRIP addresses the most significant issues affecting indigenous peoples - their civil, political, social, economic and cultural rights. It also bears on their right to self-determination, spirituality, language, lands, territories, resources and free, prior and informed consent.

It is, therefore, important that indigenous young people, all over the world, become acquainted with its provisions. To this end, an adolescent-friendly version has been developed. It is the outcome of cooperation between the United Nations Children's Fund (UNICEF) and the Permanent Forum on Indigenous Issues and its Secretariat, in collaboration with the Global Indigenous Youth Caucus.

This version of UNDRIP will help indigenous young people learn about indigenous peoples' rights. For all of us, this is a priority.

We hope that young people will find this publication useful and interesting. Please help us to disseminate its contents and promote and protect indigenous peoples' rights.

**Grand Chief Edward John**

*Chairperson*

Permanent Forum on Indigenous Issues

**Dr. Nicholas Alipui**

*Director*

UNICEF Programmes







# About UNDRIP

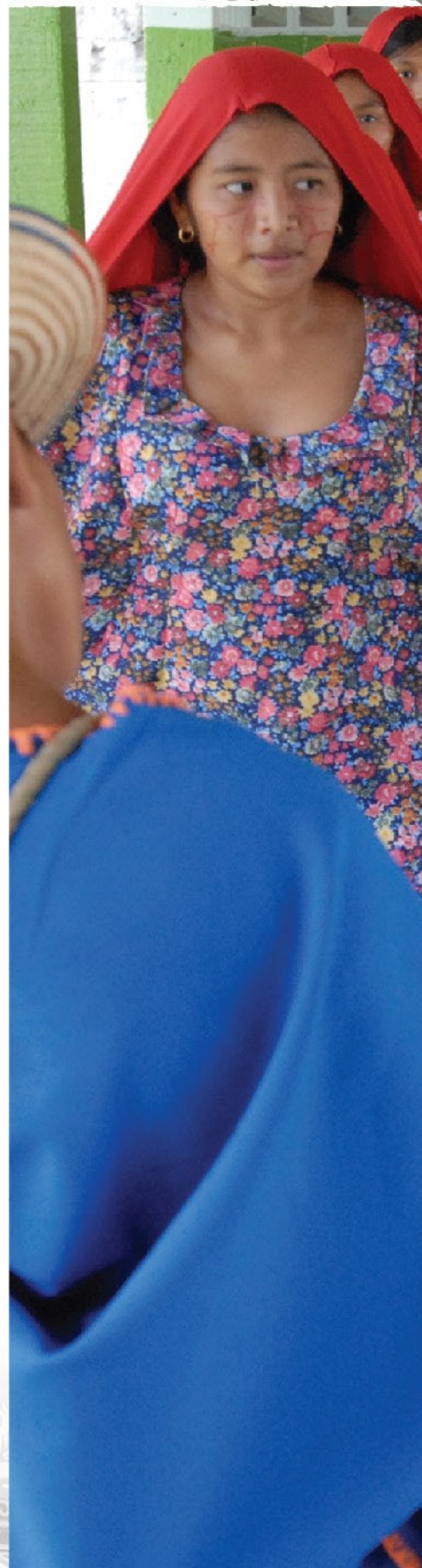
UNDRIP is a declaration containing an agreement among governments on how indigenous peoples should be treated. A group called the Working Group on Indigenous Populations began drafting it in 1985, and it took over 20 years until the Declaration was adopted – or formally accepted – by the United Nations General Assembly, on 13 September 2007. It took so long because it was difficult for some governments to agree on some parts of its content.

At the time of the vote, Australia, Canada, New Zealand and the United States of America voted against the Declaration and 11 countries abstained (decided not to vote). Since then, Australia, Canada, New Zealand and the United States have decided to support the Declaration. It is due to indigenous peoples' advocacy for their rights in their countries that this change has come about.

UNDRIP sets out how governments should respect the human rights of indigenous peoples. It is also an important guide for the proper implementation (or fulfilment) of other human rights agreements or conventions affecting indigenous peoples, such as ILO Convention 169, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. You can learn more about these documents at the end of this publication in the 'Learn More' section.

UNDRIP consists of **46 articles** that describe specific rights and actions that governments must take to protect these rights. All the articles are very important, linked to each other and form a frame for governments to make sure that the rights of indigenous peoples are protected.

**The next section of this publication is a summary of the 46 articles of the Declaration.**









# United Nations Declaration on the Rights of Indigenous Peoples – in brief



## PART 1: IMPORTANT THEMES IN THE DECLARATION

### ARTICLES 1-6

The main themes are: (i) the right to self-determination; (ii) the right to be recognized as distinct peoples; (iii) the right to free, prior and informed consent; and (iv) the right to be free of discrimination. These themes are important to keep in mind as you read the Declaration.

### The right to self-determination

The right of indigenous peoples to self-determination is fundamental to UNDRIP. While there are different interpretations, self-determination generally means that indigenous peoples have the right to decide what is best for them and their communities. For example, they can make their own decisions on issues that concern them and carry them out in the way that will be meaningful to indigenous peoples, while being respectful of the human rights of their community members (including children) and other peoples as well.

Indigenous peoples have the right to be independent and free. They have the right to be citizens of the country they live in and at the same time to be members of their indigenous communities. As citizens, they have the right to choose to build relationships with other peoples and to take active roles in the country in which they are living.

### The right to cultural identity

Indigenous peoples are equal to all other peoples, but they also have the right to be different, for example in the way they dress, the food they eat and in the language they speak.

### The right to free, prior and informed consent

Free, prior and informed consent means that indigenous peoples have the right to be consulted and make decisions on any matter that may affect their rights freely, without pressure, having all the information and before anything happens.

### Protection from discrimination

The right to be free from discrimination means that governments must ensure that indigenous peoples and individuals are treated the same way as other people, regardless of sex, disability or religion.





## Did you know?

There is no international agreement on the definition of indigenous peoples. Indigenous peoples decide whether they consider themselves to be indigenous. This is known as **self-identification**. Indigenous peoples take pride in their identity and are determined to maintain their distinctness as indigenous peoples.



## PART 2: LIFE, LIBERTY, CULTURE AND SECURITY

### Article 7: Right to life, liberty and security

Every indigenous person is born with the right to life, to live freely (liberty) and to be safe and secure. Indigenous peoples as a group have the right to live freely, be safe and secure, and not exposed to violence. For example, the children of an indigenous group may not be taken away from their family by force.

### Article 8: Assimilation or destruction of culture

Indigenous peoples and individuals have the right not to be assimilated – meaning, they have the right not to be forced to take up someone else's culture and way of life, and for their culture not to be destroyed.

### Article 9: Belonging to an indigenous community or nation

Indigenous peoples and individuals have the right to belong to indigenous communities or nations. They may not be discriminated against because of their belonging to (being a member of) an indigenous community or nation.

### Article 10: Forceful removal and relocation

Indigenous peoples may not be removed or relocated by force from their lands. If they are relocated, then only with their free, prior and informed consent, meaning that they have the right to make decisions on relocation freely, without pressure, having all the information and before anything happens. They also have the right to compensation for their relocation, and the option to return to their land, if possible.

## PART 3: CULTURE, RELIGION AND LANGUAGE

### Article 11: Right to culture

Indigenous peoples have the right to practice and revive their culture and traditions.

Governments will work with indigenous peoples to ensure indigenous property rights to their cultures, knowledge, spiritual and religious traditions are respected, and to address cases where these have been used without free, prior and informed consent.

### Article 12: Right to spiritual and religious traditions and customs

Indigenous peoples have the right to practice their spiritual and religious traditions. Governments will, with indigenous peoples, ensure that indigenous peoples are free to practice, protect and revive and keep alive their cultures, spiritual, religious and knowledge traditions.

### Article 13: Right to know and use language, histories and oral traditions

Indigenous peoples have the right to recover, use and pass on to future generations their histories and languages, oral traditions, writing systems and literature and to use their own names for communities, places and people.

Indigenous peoples also have the right to be heard and understood in their own languages in different settings as for example in court, through an interpreter.





## Did you know?

### Indigenous Peoples:

Indigenous peoples use the term 'peoples' because it is more closely linked to the inherent recognition of their distinct identity, their possessing both individual human rights and collective rights, as well as their right to self-determination.

For more information see "Study Guide: The Rights of Indigenous Peoples," University of Minnesota Human Rights Center, 2003, available at [www1.umn.edu/humanrts/edumat/studyguides/indigenous.html](http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html).





## PART 4: EDUCATION, MEDIA AND EMPLOYMENT

### ARTICLES 14-17

#### Article 14: Establishment of educational systems and access to culturally sensitive education

Indigenous peoples have the right to set up and manage their own schools and education systems. Indigenous individuals, particularly children, have the same right as everyone else to go to school and cannot be left out because they are indigenous. This means that governments must ensure that indigenous peoples – particularly children – living in, or outside of, their communities get the same benefit from the education system as others in ways that respect indigenous cultures, languages and rights.

#### Article 15: Accurate reflection of indigenous cultures in education

Indigenous peoples have the right to their cultures and traditions being correctly reflected in education and public information. Governments will work with indigenous peoples to educate non-indigenous peoples in ways that respect indigenous peoples' rights and promote a harmonious society.

#### Article 16: Media

Indigenous peoples have the right to create their own media (i.e., radio, TV and newspapers) in their own language and to access non-indigenous media. Government-owned media has a duty to reflect indigenous cultural diversity. Governments will also encourage privately owned media to reflect indigenous cultural diversity.

#### Article 17: Employment

Indigenous individuals and peoples have the right to be treated fairly and not be discriminated against in all matters relating to work and employment. Indigenous children should be especially protected from work that harms them, and that is bad for their health and education. Governments will work together with indigenous peoples to protect children from this kind of mistreatment.





## PART 5: PARTICIPATION AND DEVELOPMENT

### ARTICLES 18-24

#### **Article 18: Participation in decision-making**

Indigenous peoples have the right to take part in decision-making in all matters affecting them. This includes the rights of indigenous peoples to select who represents them and to have indigenous decision-making processes respected.

#### **Article 19: Free, prior and informed consent for laws and policies**

Governments must seek indigenous peoples' views and opinions and work together with them through their chosen representatives in order to gain their free, prior and informed consent before laws are passed or policies or programs are put in place that will affect indigenous peoples.

#### **Article 20: Subsistence and development**

Indigenous peoples have the right to their own political, economic and social systems, and to follow their own traditional ways of growing food and other activities that help them in their daily living. They have the right to seek justice where this right is taken away.

#### **Article 21: Economic and social well-being**

Indigenous peoples have the right to improve their economic and social well-being, and governments will take action to help indigenous peoples do so, with particular attention to the rights of indigenous elders, women, youth, children and persons with disabilities.

#### **Article 22: Indigenous elders, women, youth, children and persons with disabilities**

Governments, with proper consultation with indigenous peoples, will ensure indigenous elders, women, youth, children and persons with disabilities have their rights respected. Governments will ensure that indigenous women and children are free from all forms of violence and discrimination.

#### **Article 23: Priorities and strategies for development**

Indigenous peoples have the right to set their own priorities and directions for development of their communities. Governments will support indigenous peoples to run their own organizations and services, and in deciding for themselves issues affecting their health, housing and other matters.

#### **Article 24: Right to health**

Indigenous peoples have the right to use traditional medicines and health practices that they find suitable. They have the right to access health care and social services (i.e., get prenatal care, go to the doctor or social worker or get help with food and housing) without discrimination. Indigenous individuals have the same right to health as everyone else, and governments will take the necessary steps to realize this right.



## PART 6: LAND AND RESOURCES

### ARTICLES 25-32

#### **Article 25: Spiritual relationship with traditional land and resources**

Indigenous peoples have the right to their special and important spiritual relationship with their lands, waters and resources and to pass these rights to future generations.

#### **Article 26: Right to own, use, develop and control traditional land and resources**

Indigenous peoples have the right to own and develop their land and resources. Governments will legally recognize and protect these lands and resources, and will take action to respect indigenous peoples' laws and traditions in non-indigenous legal systems.

#### **Article 27: Indigenous laws and traditions on land and resources**

Governments will respect and recognize indigenous peoples' laws and traditions about land and resources and take action to have these respected in non-indigenous legal systems. Indigenous peoples have the right to get help from governments to protect their lands.

#### **Article 28: Rights when lands and resources are wrongly taken away**

Indigenous peoples have the right to get back or to be compensated when their lands, territories or resources have been wrongly taken away, occupied, used or damaged without their free, prior and informed consent.

#### **Article 29: Conservation and protection of the environment, lands and resources**

Indigenous peoples have the right to their environment being protected. Governments will respect and protect the right of indigenous peoples to develop and protect their lands, water bodies and other natural resources. No dangerous materials should be placed on indigenous peoples' lands without their free, prior and informed consent. Governments will protect the health of indigenous peoples who are affected by dangerous materials placed on their land.

#### **Article 30: Military activities**

Military activities will not take place on indigenous lands without indigenous peoples' free, prior and informed consent, unless it is necessary for the well-being of all of society and it takes place through consultations with indigenous peoples' representatives.

#### **Article 31: Cultural and intellectual property**

Indigenous peoples have the right to their cultural and intellectual property, and governments will recognize and protect this right. Examples of cultural and intellectual property are stories, songs, dance, designs, art, ceremonies, sacred sites and remains of ancestors. Intellectual property includes things like indigenous peoples' knowledge of their laws, spiritual, social, health, education, economic, and environmental beliefs, systems and practices.

#### **Article 32: Land and resource development**

Indigenous peoples have the right to decide how they wish to develop their lands and resources. Governments must respect and protect these rights. Indigenous peoples' free, prior and informed consent must be obtained when any decisions are made that may affect the rights to their lands, resources or waters.









## PART 7: SELF-GOVERNMENT AND INDIGENOUS LAWS

### ARTICLES 33-37

#### Article 33: Identity, membership and citizenship

Indigenous peoples have the right to decide what their identity or membership is. They also have the right to decide who their members are according to their own customs and traditions. Indigenous peoples have a right to be citizens of the country in which they live.

#### Article 34: Distinctive institutional structures and customs

Indigenous peoples have the right to their own structures, traditions and laws in ways that ensure that indigenous peoples enjoy the highest standards of human rights.

#### Article 35: Individual responsibilities

Indigenous peoples have the right to decide what responsibilities individuals in their community have towards the community as a whole.

#### Article 36: Right to maintain and develop contacts, relations and cooperation

Indigenous peoples living in different countries have the right to be in contact and carry out activities with each other. Governments, in consultation with indigenous peoples, will support indigenous peoples in exercising this right.

#### Article 37: Recognition, observance and enforcement of treaties and agreements

Governments will respect all the agreements they have made with indigenous peoples. The Declaration in no way reduces the rights of indigenous peoples in other agreements previously made by indigenous peoples with governments.







## PART 8: IMPLEMENTATION

### ARTICLES 38-42

These articles explain how governments and the United Nations should work together – in consultation with indigenous peoples – to make sure the rights of all indigenous peoples are protected. Together with indigenous peoples, governments should create laws, shape policies and provide funds to implement the Declaration.

Indigenous peoples have the right to have access to support from the international community in carrying out activities that will lead to this reality. Where their rights are violated, indigenous peoples have the right to compensation.

Indigenous peoples also have a right to access fair conflict resolution with governments or other parties when their individual and collective rights are not being honoured. These conflict resolution processes should respect indigenous rights, customs, and legal systems and promote the highest standards of human rights.

Governments and the United Nations, including the United Nations Permanent Forum on Indigenous Issues, should work with indigenous peoples to make sure the rights of all indigenous peoples as provided by the Declaration are realized and protected.

## PART 9: UNDERSTANDING THE DECLARATION

### ARTICLES 43-46

These articles explain how to understand the Declaration. Governments can do more but not less than what is written in the Declaration. The Declaration also applies to both males and females.

The Declaration contains both rights and responsibilities of indigenous peoples. Care must be taken to ensure that the rights are not used to deliberately disturb the unity, peace and security of a country.



# Indigenous Peoples and the United Nations

Indigenous peoples have been working for decades with the United Nations for the recognition of their rights. Now that you have learned about UNDRIP, it is important that you also know about the various mechanisms within the United Nations that help promote and protect the rights of indigenous peoples.

## United Nations Permanent Forum on Indigenous Issues



The United Nations Permanent Forum on Indigenous Issues (UNPFII) is the main office dealing with indigenous peoples' issues at the United Nations. The Forum was established in 2000

and held its first session in 2002. It has 16 members, half selected by indigenous organizations and half by governments. The members selected by indigenous organizations come from seven regions: Asia; Africa; Eastern, Central Europe and the Caucasus; the Arctic; Latin America and the Caribbean; North America; and the Pacific.

More than 1,000 indigenous participants take part in the Forum's yearly two-week session in May, in New York. The Forum pays particular attention to children and youth, and has had discussions and called for action on:

- culturally-appropriate education, including in indigenous languages
- proper health services
- education on HIV and AIDS
- discrimination by the law
- over-policing of indigenous youth.

The Forum has called attention to youth suicides, poverty and malnutrition, sexual exploitation, child labour, trafficking, children in armed conflicts, unemployment and education opportunities. In 2003, 'children and youth' was the special theme of its session.

## Global Indigenous Youth Caucus



Indigenous youth have participated in the Permanent Forum on Indigenous Issues ever since its first session. Formally established in 2006, and recognized by the

Forum as a working caucus (or group) in 2008, the Global Indigenous Youth Caucus consists of a number of indigenous youth from across the globe with various backgrounds. During sessions of the Forum, the Caucus meets daily to discuss issues and to draft statements and recommendations to the Forum.





## Special Rapporteur on the Rights of Indigenous Peoples

The Special Rapporteur is a senior expert on indigenous issues who promotes indigenous peoples' rights, reports on their situation worldwide, and addresses specific cases where their rights may have been violated. The Special Rapporteur can also pay visits to countries to report on progress governments are making in supporting and respecting indigenous peoples' rights.

## International Day of the World's Indigenous Peoples

Did you know that every year, on 9 August, the world celebrates the international day of the world's indigenous peoples? This day was created to raise awareness of the rights of indigenous peoples worldwide, and honours the first meeting of the United Nations Working Group on Indigenous Populations held in Geneva on 9 August 1982, that drafted UNDRIP.

## Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) is a group of five experts that meets once a year to provide the UN system with advice on the rights of indigenous peoples. The group carries out studies and research, and has focussed on a number of issues, such as education, the right to participate in decision-making and more.

## Did you know?

Any person, group or organization can send information on specific cases where the rights of indigenous peoples may have been violated to the Special Rapporteur on the Rights of Indigenous Peoples.



# International Indigenous Rights Movement

1923

Chief Deskaheh of the Cayuga Nation approaches the League of Nations (a world organization that preceded today's United Nations) to make the voice of indigenous peoples heard. This was one of the first attempts by indigenous leaders to engage the international community. Although he was not allowed to speak, his attempt encouraged indigenous peoples to follow their vision.

1989

ILO Convention 107, which was criticized as assimilationist, is updated by the Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169).

1957

Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (ILO Convention 107): the first international legal agreement on the obligations of governments to indigenous and tribal peoples is adopted.

1982

The Working Group on Indigenous Populations is formed. Its work is to develop international standards on indigenous peoples' rights. Thus begins the development of UNDRIP in 1985.

1970s  
and early  
1980s

The groundbreaking study of United Nations Special Rapporteur José Martínez Cobo provides crucial information on the state of the world's indigenous peoples.





**1993**

Is declared by the United Nations as the “International Year of the World’s Indigenous People”.

Indigenous peoples demand the formation of a United Nations permanent forum that addresses indigenous peoples’ concerns. The Working Group on Indigenous Populations completed a Draft Declaration on the Rights of Indigenous Peoples.

**1994**

The United Nations launches the First International Decade of the World’s Indigenous People (1995–2004).

**2002**

The inaugural session of UNPFII takes place in May 2002. For the first time indigenous peoples, as indigenous-nominated or government-nominated experts, speak for themselves as full-fledged members of a United Nations body.



**2004**

The Second International Decade of the World’s Indigenous People (2005–2015) is announced by the United Nations.

**13 September  
2007**

UNDRIP is adopted by the United Nations General Assembly. The adoption of the Declaration shows that the international community has committed itself to the protection of indigenous peoples’ rights as individuals and as a group.





# Learning More

As mentioned earlier in this publication, UNDRIP is also an important guide for the proper implementation (or fulfilment) of other human rights agreements or conventions affecting indigenous peoples, such as the Convention on the Rights of the Child (CRC), ILO Convention 169 and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

## Convention on the Rights of the Child

The rights of all children in the world, girls and boys, are set out in the Convention on the Rights of the Child (CRC). The Convention was adopted on 20 November 1989 and is the most widely accepted UN human rights convention. According to the Convention, governments are to ensure that all children are given equal opportunities with other children to survive, develop and be protected and that the best interests and opinions of the children are taken into account in decision-making affecting them.

The Convention is the first international human rights treaty – or agreement – to clearly address the rights of indigenous children. As with all children, indigenous children have the general right to education, health, to be registered at birth and to be protected from violence, abuse and exploitation.

Due to indigenous peoples' unique cultures and histories, indigenous children have the right to learn, use and practice their own language, customs and religions together with other members of their community. The Convention also says that governments should ensure that indigenous children have access to information that is relevant and important to their well-being. The media – such as TV, radio stations and newspapers – should be encouraged to provide this information in indigenous languages. The Convention further states that education should help all children learn to respect the cultural identities of others. This means that indigenous and non-indigenous children should have opportunities to learn, appreciate and respect each other's culture.











## The Committee on the Rights of the Child

To make the Convention on the Rights of the Child an effective document, the United Nations General Assembly appoints a group of men and women who are experts in the rights of the child to check whether or not governments are keeping their promises to children.

The experts are together known as the **Committee on the Rights of the Child** and governments are required to submit regular reports to this Committee on what they are doing for children. Each country has a face-to-face meeting with the Committee where it presents a report on its efforts and answers questions. The Committee afterwards provides written advice ('Concluding Observations') to the government on what it can do to improve the situation of children in its country.

The Committee also prepares advice on specific issues. This written advice is known as 'General Comments' and at present cover over 10 different issues, including the rights of indigenous children under the Convention. This General Comment is the 11th General Comment of the Committee and is therefore sometimes referred to as 'General Comment 11'.

It is important for you to know about this General Comment because the Committee used both CRC and UNDRIP to outline important advice to governments on how to protect the rights of indigenous children.



## ILO Convention 169

**ILO Convention 169** is a legally binding international instrument dealing specifically with the rights of indigenous and tribal peoples. To date, it has been ratified by 20 countries. The Convention specifies that governments have the responsibility for coordinating and organizing action to protect the rights of indigenous and tribal peoples and ensure that the right mechanisms and resources are available. The content of ILO Convention 169 corresponds to that of the UNDRIP.

## Convention on the Elimination of All Forms of Discrimination against Women

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** is an international document that lists the rights of all girls and women. CEDAW says all discrimination against girls and women must end.

It is important to remember that all people, everywhere in the world, women, men, boys and girls all have the same and equal rights. However in some parts of the world, girls and women are treated differently or unfairly even though they have the same rights as boys and men. As a result of this discrimination, girls and women may not get a proper education and health care. Women may not be able to get jobs, vote or run for elections. Girls and women may also face various kinds of violence.

Indigenous girls tend to have lower school enrolment rates than non-indigenous children and also indigenous boys. They often miss out on an education as they have to help their mothers with household chores, take care of their siblings or work outside the home – in many cases as domestic workers. Some are married off as children or get pregnant, forcing them to drop out of school. For others, school may be a long distance away, and parents do not feel safe having their daughters travel long distances or stay in boarding schools. In some communities, indigenous girls are also at high risk of becoming victims of sexual exploitation and trafficking.



# Test Your Knowledge

**1** Indigenous peoples' rights are special rights.

**T** True    **F** False

**2** What does UNDRIP stand for?

- A** UN Convention on the Rights of Indigenous Peoples
- B** UN Declaration on the Responsibilities of Indigenous Peoples
- C** UN Declaration on the Rights of Indigenous Peoples

**3** UNDRIP says:

- A** Indigenous peoples have the right to live in distinct structures.
- B** Indigenous peoples' environment and cultural and intellectual property must be protected.
- C** Indigenous peoples have the right to decide who their members are according to their own customs and traditions.
- D** All of the above.

**4** What is the internationally agreed definition of indigenous peoples?

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**5** What is the role of the Special Rapporteur on the Rights of Indigenous Peoples?

- A** To promote indigenous peoples' rights.
- B** To report on indigenous peoples' situation worldwide.
- C** To address specific cases where indigenous peoples' rights may have been violated.
- D** To pay visits to countries to report on progress governments are making in supporting and respecting indigenous peoples' rights.
- E** All of the above.

**6** What is free, prior and informed consent?

Indigenous peoples have the right to make \_\_\_\_\_  
on any matter that may affect their \_\_\_\_\_ freely,  
without \_\_\_\_\_, having all the information  
and before anything \_\_\_\_\_.

**7** On what date was UNDRIP adopted by the United Nations General Assembly?

- A** 13 September 2007
- B** 13 September 2011
- C** 13 September 1989

For answers, see inside back cover.



# Word Bank

**Adopt:** To formally accept (for example, a declaration or a convention).

**Articles:** A paragraph or a section in a legal document that is numbered; these numbers make it easy to find information, and to write and talk about it.

**Concluding Observations:** Written advice provided by UN committees overseeing human rights conventions. For example, the Committee on the Rights of the Child makes Concluding Observations to a government upon having reviewed the government's regular report to the Committee.

**Convention:** A convention (or treaty) is an agreement between countries to behave in a certain way and can be about several issues, as for example human rights. Governments have to do two things with conventions: firstly, they have to sign on to it to show that they really agree to what the convention is saying. Secondly, the parliament of that country needs to approve it. The second step is called ratification.

**Convention on the Rights of the Child (CRC):**

An international agreement to ensure that all children enjoy their rights and have special care and protection they need as children (aged 0–18 years). The Member States of the United Nations (or countries that form part of the UN) adopted the Convention on the Rights of the Child in 1989. Almost every country has agreed to these rights.

**Culture:** Involves the language, customs, ideas and art of a particular group of people. It also includes religion, dress, means of livelihood and lifestyle. Indigenous peoples have a right to their distinct culture and traditions.



**(Indigenous) Customs:** A practice followed by people belonging to a particular indigenous group. Customs include spiritual ceremonies, drawings, stories, books, songs, dances, art, dress and designs.

**Declaration:** An agreement among countries about a specific issue that requires urgent action. It tells us what governments must do or not do around such an issue.

**Disabilities:** Persons with disabilities may have difficulty seeing, hearing, walking, or learning and understanding things. These difficulties, when combined with obstacles imposed by society (including negative attitudes and inaccessible environment), prevent persons with disabilities from participating equally in society.



**Discrimination:** Unfair treatment of a person or group for any reason, such as ethnicity, sex, culture, religion/spirituality, or disability.

**Economic:** Everything to do with earning a living, the money system and financial matters.

**Exploitation:** Taking advantage of someone, treating them unfairly.

**Free, prior and informed consent:** Indigenous peoples have the right to be consulted and make decisions on any matter that may affect their rights freely, without pressure, having all the information and before anything happens.

**General Assembly:** The main decision-making body of the United Nations to date composed of 193 countries.

**General Comments:** Documents developed by UN committees overseeing human rights conventions to guide the interpretation of the convention on particular issues. For example, the Committee on the Rights of the Child adopted General Comment 11 on indigenous children and their rights under the Convention on the Rights of the Child.

**Identity:** All of those factors by which a person is known to be himself or herself. Belonging to a certain culture, a religion, or a country is part of your identity. Whether you are a boy or a girl can also be part of your identity. There are many factors that make an identity and each of us unique.

**Indigenous Peoples:** Indigenous peoples are descendants of the original people or occupants of lands before these lands were taken over or conquered by others. Many indigenous peoples have maintained their traditional cultures and identities (e.g., way of dressing, language and the cultivation of land) and therefore have a strong and deep connection with their ancestral territories, cultures and identities. The 370 million indigenous peoples around the world contribute to enriching the world's cultural and linguistic diversity.

**Law:** A set of rules to protect society and dealing with people who hurt others.



**Media:** Those people or groups who provide information to the public through television, radio, newspapers, magazines or the internet. The media reports on what happens in their communities and in the rest of the world.

**Member States:** Countries that form part of the United Nations.



# Word Bank

**Minorities:** An ethnic, religious or linguistic (speaking a certain language) group, fewer in number than the rest of the population, whose members share a common identity. Under international law, most indigenous peoples can also claim minority rights.



**(Child and Youth) Participation:** Participation involves children and young people being able to think for themselves, express their own views and interact in positive ways with other people. Article 12 of the Convention on the Rights of the Child mentions that all children have the right to participate in matters that affect them based on their age and capacity.

**Rapporteur:** An international expert appointed by the United Nations to research a particular human rights issue or situation.

**Ratify:** When a country's parliament has seen a convention or treaty and thinks it is alright for the government to accept it.

**Self-Determination:** Self-determination generally means that indigenous peoples have the right to decide what is best for them and their communities.

**Self-Identification:** The process of indigenous peoples deciding whether they consider themselves to be indigenous.

**Signing (an international agreement):** This is where a country approves the content of a treaty or convention.

**State:** A State has a defined territory over which it exercises ultimate authority. The government executes the state's programmes, policies and laws and acts on behalf of its citizens. States have the capacity to enter into relations with other States – this is particularly important with regards to trade and international relations.

**States Parties:** States that have signed and ratified a treaty, meaning that they promise to uphold it and be held accountable for doing so.

**Traditions:** Handing down of a culture from one generation to another over many years. Indigenous peoples have the right to pass on their traditions to their children.



**Trafficking:** Trafficking in people means recruiting (misinforming or tricking a person by promising a well-paid job) or transporting (moving a person from one place to another) or transferring (changing hands – handing over a person to another trafficker) or harbouring (keeping a person under watch for a certain period of time) or receiving of people from one place to another for the purpose of exploitation. In other words, trafficking occurs when someone is taken from the place where she or he lives (or is from) to another place for the purpose of being exploited.

**Treaty:** An agreement between countries to behave a certain way (can also be called convention or covenant, or be referred to as an international agreement or legal instrument).

**UNICEF:** United Nations Children's Fund. It is the agency of the United Nations that works for children's rights, survival, development and protection.

**Violence:** Violence takes place when someone uses their strength or their position of power to hurt someone else on purpose, not by accident. Violence includes threats of violence, and acts which could possibly cause harm, as well as those that actually do. The harm involved can be to a person's mind and their general health and well-being, as well as to their body. Violence also includes deliberate harm people do to themselves, including, in extreme cases, committing suicide.







- **UNDRIP** is available in Arabic, English, French, Mandarin, Russian, Spanish, and several indigenous languages at: [social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx](http://social.un.org/index/IndigenousPeoples/DeclarationontheRightsofIndigenousPeoples.aspx)
- **United Nations Permanent Forum on Indigenous Issues:** [www.un.org/esa/socdev/unpfii](http://www.un.org/esa/socdev/unpfii)
- **Special Rapporteur on the Rights of Indigenous Peoples:** [www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SRIPeoplesIndex.aspx](http://www.ohchr.org/EN/Issues/IPeoples/SRIIndigenousPeoples/Pages/SRIPeoplesIndex.aspx)
- **Expert Mechanism on the Rights of Indigenous Peoples:** [www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx](http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx)
- **International Day of the World's Indigenous Peoples:** [www.un.org/en/events/indigenousday/](http://www.un.org/en/events/indigenousday/)
- **Convention on the Rights of the Child:** [www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm) and child-friendly versions at: [www.unicef.org/rightsite/484\\_540.htm](http://www.unicef.org/rightsite/484_540.htm)
- **General Comment 11** of the Committee on the Rights of the Child on indigenous children and their rights under the Convention on the Rights of the Child: [www2.ohchr.org/english/bodies/crc/docs/CRC.GC.C.11.pdf](http://www2.ohchr.org/english/bodies/crc/docs/CRC.GC.C.11.pdf)
- **ILO Convention 169:** [www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm](http://www.ilo.org/indigenous/Conventions/no169/lang--en/index.htm)
- **CEDAW In Brief for Adolescents:** [www.unicef.org/gender/files/CEDAW\\_In\\_Brief\\_For\\_Adolescent\\_Web\\_Version.pdf](http://www.unicef.org/gender/files/CEDAW_In_Brief_For_Adolescent_Web_Version.pdf)
- **All Different, All Unique: Young People and the UNESCO Universal Declaration on Cultural Diversity:** [unesdoc.unesco.org/images/0013/001345/134556e.pdf](http://unesdoc.unesco.org/images/0013/001345/134556e.pdf)

- Children's version of the **UN Study on Violence against Children:** [srsq.violenceagainstchildren.org/children-corner](http://srsq.violenceagainstchildren.org/children-corner) or [www.unicef.org/violencestudy/pdf/Study%20on%20Violence\\_Child-friendly.pdf](http://www.unicef.org/violencestudy/pdf/Study%20on%20Violence_Child-friendly.pdf); accompanying educational booklet: [www.unicef.org/violencestudy/pdf/Our%20Right%20to%20be%20Protected%20from%20Violence.pdf](http://www.unicef.org/violencestudy/pdf/Our%20Right%20to%20be%20Protected%20from%20Violence.pdf)
- **It's About Ability – An Explanation of the Convention on the Rights of Persons with Disabilities:** [www.unicef.org/publications/index\\_43893.html](http://www.unicef.org/publications/index_43893.html)
- **United Nations Programme on Youth:** [social.un.org/index/Youth.aspx](http://social.un.org/index/Youth.aspx)

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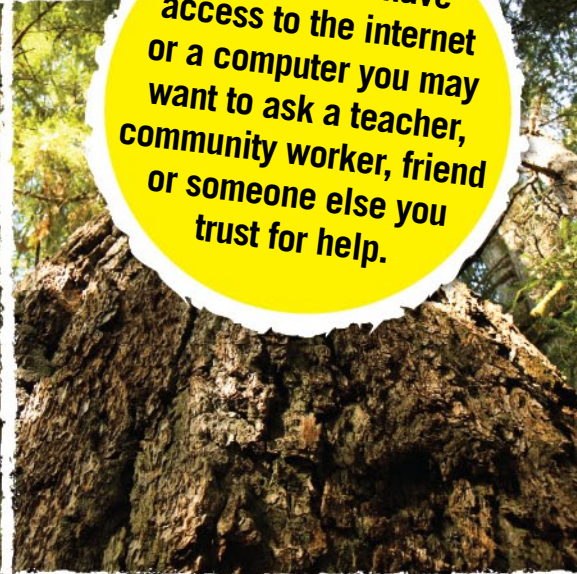
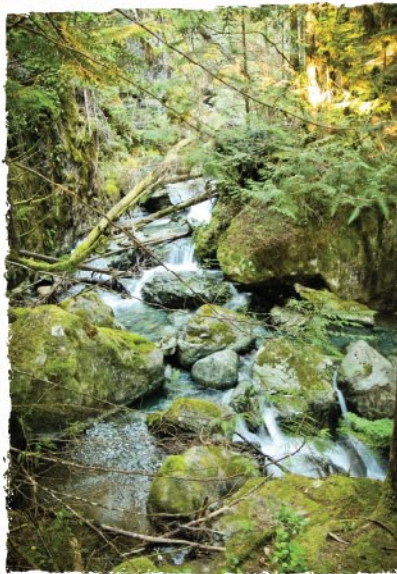
with other young people to discuss and take action on human rights issues through UNICEF's Voices of Youth: [voicesofyouth.org](http://voicesofyouth.org)

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## Answers:

1) False.

Indigenous peoples' rights are not a matter of 'special rights'. Indigenous peoples' rights are human rights that are universal and based on equality and non-discrimination. Because indigenous peoples tend to be among the poorest, it is often necessary to develop specific measures to improve their situation. This is not the same as 'special rights', but is a way of providing opportunities to succeed and eliminate existing discrimination and inequality.

2) c

3) d

4) There is no international agreement on the definition of indigenous peoples. Indigenous peoples decide whether they consider themselves to be indigenous. This is known as self-identification.

5) e

6) decisions, rights, pressure, happens

7) a



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