

United Nations Committee on the Rights of the Child
General Comment on the Rights of Indigenous Children

The UN Committee on the Rights of the Child (UNCRC), in consultation with the Working Group on the Rights of Indigenous Children and Youth, developed General Comment 11 released in January 2009 on indigenous children and their rights under the Convention on the Rights of the Child. The General Comment is meant to guide States on implementation of the Convention with respect to indigenous children and to outline specific provisions requiring particular attention in relation to the rights of indigenous children.

General Principles:

Non-discrimination

Article 2 sets out non-discrimination as fundamental in implementing all rights enshrined in the Convention and obligates States to identify children whose rights may require special measures for realization, such as indigenous children.

Best interests of the child

As applied to indigenous children, article 3 requires States to consider the best interests of individual children in conjunction with their collective cultural rights and to promote awareness-raising.

The right to life, survival, and development

Articles 6 and 27 oblige States to provide an adequate standard of living for the survival and development of children; this is particularly pertinent for indigenous children as the Committee is concerned by the disproportionate numbers of indigenous children living in poverty.

Respect for the views of the child

Article 12 outlines children's right to be heard and have their views respected. In regards to indigenous children, States should work to encourage free expression of individual indigenous children and promote participation and consultation with groups of indigenous children.

Family Environment and Alternative Care

- In accordance with articles 3, 5, 18, 25, and 27 (3), States are expected to respect and safeguard the integrity of indigenous parents, extended families, and communities in their child-rearing responsibilities and duties.
- Policies relating to the alternative care of indigenous children should be developed in culturally sensitive ways and should always ensure that the best interests of the child are of primary consideration, as required by article 3.
- Alternative care placements should strive for continuity in the indigenous child's ethnic, religious, cultural, and linguistic upbringing, as outlined in article 20 (3).
- The cultural identity of indigenous children should be ensured when out-of-home placements are required.

Indigenous children are entitled to, and should enjoy, the same level of rights afforded non-indigenous children as outlined in the Convention. States should work to strengthen connections and cooperation with indigenous communities to empower indigenous children to express their rights.

Reference:

UN Committee on the Rights of the Child. *General Comment No.11 (2009) Indigenous children and their rights under the Convention*. Fiftieth session, Geneva, January 12-30, 2009.

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