

On the Rights of Indigenous Children

FACT SHEET

International Covenant
on Civil and Political
Rights [link](#)

UN Convention of the
Rights of the Child
(UNCRC) [link](#)

UNCRC in Child Friendly
Language [link](#)

Declaration on the
Rights of Indigenous
Peoples [link](#)

General Comment No.
11 (2009) - Indigenous
children and their rights
under the Convention
[link](#)

Everychild.ca - Child
Friendly Resources [link](#)



The *International Covenant on Civil and Political Rights* (article 27) establishes the right of every person, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language. The right is both individual and collective and is an important recognition of the collective traditions and values in indigenous cultures.

The *Convention of the Rights of the Child* (article 30) is quite clear: in those States in which ethnic, religious, or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language.

In 2007, the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples*. The Declaration provides important guidance on the rights of indigenous peoples, including specific reference to the rights of indigenous children in a number of areas.

Since then, the United Nations Committee on the Right of the Child has had the opportunity to reflect on the rights of indigenous children and has published its *General Comment No. 11 (2009) - Indigenous children and their rights under the Convention*. The Committee reminded State parties to the Convention on the Rights of the Child that they should provide meaningful opportunities for indigenous and non-indigenous children to understand and respect different cultures, religions, and languages.

States should always ensure that the principle of the best interests of the child is the paramount consideration in any alternative care placement of indigenous children. They must pay due regard to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. The application of the principle of the best interests of the child to indigenous children requires particular attention. In May 2013, the Committee on the Rights of the Child, in its *General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration* provided more detailed guidance on the application of this crucial human rights concept.

When indigenous children are overrepresented among children separated from their family environment, as they are in British Columbia, specially targeted measures should be adopted in consultation with indigenous communities in order to reduce the number of indigenous children in alternative care and prevent the loss of their cultural identity. Specifically, if an indigenous child is placed in care outside his or her community, the State must take special measures to ensure that the child can maintain his or her cultural identity.

This information has been provided by Yvon Dandurand, faculty member in the School of Criminology and Criminal justice at UFV. Yvon has many years of experience working with the United Nations as part of his commitment to improving the rights of children in Canada and Internationally.

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Resources

BC Representative for Children and Youth of BC: The mandate is to improve services and outcomes for children in B.C. through advocacy, accountability and review. For reports, events, and services, visit <http://www.rcybc.ca/content/home.asp>

Indigenous Perspectives Society: a Centre of Excellence that strengthens the lives and contributes to self-determination of Aboriginal people through a foundation of culturally relevant training. For training and other resources, visit <http://ipsociety.ca/>

BC Aboriginal Childcare Society: offers community outreach, education, research and advocacy, to ensure every Aboriginal child in B.C. has access to spiritually enriching, culturally relevant, high quality early childhood development services. <http://www.acc-society.bc.ca/>

Federation of Aboriginal Foster Parents: Resources for foster parents (characteristics of a good caregiver, becoming a foster parent, etc.), OASIS (program that provides safety in exploring cultural identity, and for kids (online books, magazines, games, puzzles, and educational resources). <http://www.fafp.ca/>

Fosterhub.ca: The idea for Fosterhub.ca originated from foster parent support workers who identified a need for a central information hub that foster parents and other professionals could access 24 hours a day, 7 days per week. <http://www.fosterhub.ca/who-we-are/>

Foster Parents of BC: Find links to Aboriginal resources, adoption, child care and family resources, foster care and fun educational sites, social issues and services. <http://bcfosterparents.ca/web-links/>

British Columbia Association of Aboriginal Friendship Centres: Provincial Aboriginal Youth Council, Services for expecting couples, Child and Family Services, Environmental Stewardship, Sports and Recreation, Aboriginal ECD Reinvestment Initiative, Family Literacy, Gaming, Youth Helping Youth (Guatemala Project), Health. <http://www.bcaafc.com/>

National Association for Friendship Centres: Aboriginal Youth Council, Aboriginal Friendship Centres Programs, Young Canada Works, Cultural Connections for Aboriginal Youth, Urban Aboriginal Knowledge Network, Policy and Research <http://nafcc.ca/>