



GÁLDU ČÁLA

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Know your
rights!

UNDRIP for indigenous
adolescents

Gáldu Čála – Journal for the Rights of Indigenous Peoples No. 1/2014

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KNOW YOUR RIGHTS! UNDRIP FOR INDIGENOUS ADOLESCENTS – POCKET VERSION

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Views and conclusions presented in this publication do not necessarily represent the view of Gáldu – Centre of Competence for the Rights of Indigenous Peoples.

About UNDRIP

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples, 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.

PART 1: IMPORTANT THEMES IN THE DECLARATION

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.

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.

PART 4: EDUCATION, MEDIA AND EMPLOYMENT

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

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

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

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

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

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.

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.

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.

Expert Mechanism on the Rights of Indigenous Peoples

The Expert Mechanism on the Rights of Indigenous Peoples (EM-RIP) 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.

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.

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.

A convention is legally a stronger instrument than a declaration. ILO convention 169 has been ratified (approved) by Norway and Denmark among the Nordic countries, however Finland has signalled that they intend to ratify (approve) the ILO convention 169.

Gáldu – an independent, relevant and reliable source of information covering the rights of the Sami and other Indigenous peoples

GÁLDU – Resource Centre for the Rights of Indigenous Peoples is located in Guovdageaidnu/Kautokeino, Norway, and aims to increase general knowledge about and understanding of Sami and indigenous rights. Our principal activity consists of collecting, adapting and distributing relevant information and documentation regarding indigenous rights in Norway and abroad. Targeted are seekers of knowledge about indigenous rights, including schools, voluntary organisations, public institutions and authorities.



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