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INDIGENOUS ISSUES

Human rights and indigenous issues

**Report of the Special Rapporteur on the situation of human rights and
fundamental freedoms of indigenous people, Rodolfo Stavenhagen**

Summary

Since the preparation of his third annual report to the Commission on Human Rights, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has undertaken two official country missions, to Colombia (8-17 March 2004) and Canada (21 May-4 June 2004), to observe the situation of indigenous peoples. The country mission reports are contained in documents E/CN.4/2005/88/Add.2 and 3 respectively. He has continued to maintain extensive contact with indigenous representatives throughout the world and at international meetings. He also continues to cooperate actively with United Nations bodies and agencies on issues concerning indigenous peoples.

Indigenous peoples are among the world's most socially marginalized and dispossessed groups. They are generally the victims of various types of discrimination and denial of their basic rights. They have been dispossessed of their lands and resources, languages, culture and forms of government, and are often denied access to basic social services (including education, health and food, water, sanitation and housing). As education is of critical importance for indigenous peoples' full enjoyment of their human rights, the Special Rapporteur has decided to focus his fourth annual report on this topic. The present report focuses on the obstacles, disparities and challenges facing indigenous peoples with regard to access to and quality of education and the cultural appropriateness of educational approaches. It also contains examples of good practice and initiatives aimed at solving the educational problems of indigenous peoples in various countries.

The Special Rapporteur recommends to Governments that they attach high priority to the objectives and principles of indigenous education and that they provide public and private agencies and institutions involved in promoting indigenous education with sufficient material, institutional and intellectual resources; he invites them to prepare, in close collaboration with indigenous communities, programmes for the training of an adequate number of bilingual and intercultural education teachers during the Second International Decade of the World's Indigenous People and invites the United Nations Educational, Scientific and Cultural Organization (UNESCO) and international cooperation partners in general to become involved in this effort. He further recommends that indigenous universities be expanded and strengthened and that courses on indigenous peoples (including their history, philosophy, culture, art and lifestyles) be broadened at all levels of national education, with an anti-racist and multicultural focus that reflects cultural and ethnic diversity and, in particular, gender equality.

The Special Rapporteur urges that special attention be paid to the relationship between indigenous peoples and the environment, and that participatory scientific research be promoted in this area (with special attention paid to vulnerable environments such as the Arctic, the forests of the far North, tropical forests and high mountain areas). The Special Rapporteur also recommends that, as part of the effort to strengthen the various kinds of indigenous education, emphasis be placed on strengthening physical education, special training in the criminal justice system for indigenous people, education in all areas for indigenous girls and women, distance learning, adult education and continuing education. It is recommended that universities and research institutes become more involved in the preparation of special multidisciplinary curricula for indigenous education.

Lastly, he recommends that the mass media regularly include in their programming content relating to indigenous peoples and cultures in a context of respect for the principles of tolerance, fairness and non-discrimination established in international human rights instruments, and that indigenous peoples and communities be given the right to access to the mass media, including radio, television and the Internet.

In addition to the information contained in the reports on the country missions, the first addendum (E/CN.4/2005/88/Add.1) provides information on communications and replies from Governments relating to allegations of human rights violations that were received and transmitted between 15 December 2003 and 31 December 2004 as well as information on follow-up to the missions undertaken by the Special Rapporteur and visits and activities planned for 2005. The Special Rapporteur is also transmitting to the Commission for its consideration the conclusions and recommendations of the Expert Seminar on Indigenous Peoples and Education, organized jointly by the Office of the United Nations High Commissioner for Human Rights and UNESCO (E/CN.4/2005/88/Add.4) in support of the Special Rapporteur's work in this area, which was held in Paris from 18 to 20 October 2004.

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Introduction

1. The mandate of the Special Rapporteur was established by the Commission on Human Rights in its resolution 2001/57. In its resolution 2003/56, the Commission encouraged the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people and to request, receive and exchange information on violations of the rights of indigenous people, wherever they might occur. In its resolution 2004/62, the Commission decided to extend the mandate of the Special Rapporteur for a further period of three years and requested him to submit a report on his activities to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session. The Special Rapporteur submitted his first report to the General Assembly (A/59/258) on 21 October 2004.
2. The Commission requested the Special Rapporteur to continue working on the topics included in his first report (E/CN.4/2002/97 and Add.1) and, in particular, those that might contribute to advancing the debate on fundamental issues of the draft United Nations declaration on the rights of indigenous peoples. He was also requested to pay special attention to violations of the human rights of indigenous women and children, to take into account a gender perspective and to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate.
3. In 2004 the Special Rapporteur submitted his third report to the Commission, which concentrated on the obstacles, deficiencies and challenges indigenous people face in dealing with the justice system and the relevance of indigenous customary law to national legal systems (E/CN.4/2004/80 and Add.1-3). The Special Rapporteur is now pleased to transmit to the Commission his fourth annual thematic report, pursuant to Commission resolution 2004/62, which deals with the problems faced by indigenous peoples in education systems, including problems of access and equity. The present report also considers such other key issues as the need for culturally appropriate education for indigenous peoples and the challenges that arise in the area of higher education.
4. Since the presentation of his first report, the Special Rapporteur has continued gathering information on the situation of the human rights of indigenous peoples, following developments in the United Nations system, participating in international and national conferences and research seminars, evaluations, training workshops and the like that deal directly with the issues of his mandate, and has undertaken research on some of the major issues affecting indigenous peoples that he set out in his first report (E/CN.4/2002/97, para. 113). He has also undertaken two official country missions, to Colombia (8-17 March 2004) and Canada (21 May-4 June 2004). The corresponding reports are contained in documents E/CN.4/2005/88/Add.2 and 3 respectively.
5. In response to the Commission's specific request, the Special Rapporteur continued to pay special attention to the situation of indigenous women and made a point of meeting with indigenous women during his visits to communities and peoples with a view to hearing their views, their needs and their demands. In this connection he took part in the third session of the Permanent Forum on Indigenous Issues, devoted to the theme of indigenous women, which was held in New York in May 2004, and at which he delivered an oral presentation on the subject.

6. The situation of indigenous children is a source of serious concern and is taking on alarming proportions in some countries, as in the case of forced recruitment of indigenous children and adolescents in armed conflict zones; the widespread practice of child labour among indigenous children in response to poverty and extreme poverty; problems of access to education, especially for indigenous girls; the lack of education adapted to indigenous cultures and traditions; and the extreme vulnerability of all indigenous youth to trafficking in persons.

7. During the period under review, the Special Rapporteur received requests for observations from various human rights treaty and non-treaty bodies concerning issues of considerable interest to indigenous communities, such as the rights of indigenous children and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Special Rapporteur also participated in meetings and conferences at various academic institutions around the world relating to different aspects of his mandate.

8. On Human Rights Day (10 December) the Special Rapporteur, together with 27 independent experts of the Commission, including representatives of the Secretary-General, other special rapporteurs and independent experts, issued a statement in which they called on the international community to, inter alia, pay special attention to deficiencies in the protection of the human rights of indigenous peoples during the Second International Decade of the World's Indigenous People. In their statement the Commission's experts expressed, inter alia, their concern at the serious human rights violations being suffered by indigenous people the world over, the difficult situation of indigenous women and children in the face of such violations, and the obstacles that prevented indigenous people from enjoying their economic, social and cultural rights.

9. As the first Decade of the World's Indigenous People draws to a close it must be acknowledged that, regretfully, the States members of the Commission and indigenous peoples have not succeeded in reaching a consensus that would lead to the adoption of the Declaration on the Rights of Indigenous Peoples. Given the high expectations placed in the draft text of the declaration when it was submitted by the Sub-Commission 10 years ago, the Special Rapporteur believes that it would be unfortunate if such a consensus were not reached at the outset of the Second Decade, and takes this opportunity to appeal to States members of the Commission to redouble their efforts, in consultation with indigenous peoples, based on an expressed political will, with a view to finding a satisfactory solution to this impasse that will lead to a strengthening and a broadening of human rights.

10. The Special Rapporteur has continued to maintain contacts with numerous indigenous and human rights organizations around the world and to strengthen cooperation with United Nations bodies and agencies. He is especially grateful to the Governments, indigenous peoples' organizations, United Nations bodies, research institutions and concerned individuals who responded positively to his appeal for information.

11. During the past year the Special Rapporteur received invitations from a number of Governments to participate in a wide range of activities. Merely by way of example, the Government of Spain sent the Special Rapporteur a copy of the draft Strategy for Cooperation with Indigenous Peoples of the Spanish Cooperation Agency for study and possible comments. The draft recognizes such key aspects of the promotion and protection of the human rights of indigenous peoples as respect for their identity and implementation of their own development

projects. The Special Rapporteur thanks the Government of Spain for this important initiative, which he believes enhances the opportunities for cooperation between Governments and his mandate from the Commission.

12. In preparing this report, which focuses on the right to education, the Special Rapporteur received support from Governments, United Nations bodies and programmes and many indigenous and human rights organizations, scholars and researchers and professionals in the field of education who provided valuable information on the education of indigenous peoples. He would like to thank in particular the International Labour Organization (ILO), UNESCO and the United Nations Children's Fund (UNICEF) for their assistance.

13. To support the work of the Special Rapporteur in this area, and pursuant to Commission resolution 2004/62, the Office of the United Nations High Commissioner for Human Rights and UNESCO organized an expert seminar on this topic, the outcome of which was extremely useful in preparing this report. The conclusions and recommendations of the seminar are being transmitted to the Commission for its consideration (E/CN.4/2005/88/Add.4). In particular, the Special Rapporteur would like to thank Ms. Linda King, Acting Chief, Section of Education for Peace and Human Rights, Division for the Promotion of Quality Education, UNESCO; the Indigenous and Minorities Team of the High Commissioner's Office; and the European School of Advanced Studies in Cooperation and Development of the University of Pavia, Italy, for the support received in discharging his mandate.

I. INDIGENOUS PEOPLES AND EDUCATION: HUMAN RIGHTS CHALLENGES

14. Education is an indispensable tool that can help mankind move towards the ideals of peace, freedom and social justice and can promote a more harmonious, more authentic human development aimed at eliminating poverty, exclusion, misunderstanding, oppression and war. The right to education is critical for millions of indigenous people throughout the world, not only as a means of extricating themselves from the exclusion and discrimination that have historically been their fate, but also for the enjoyment, maintenance and respect of their cultures, languages, traditions and knowledge.

15. The systems of formal education historically provided by the State or religious or private groups have been a two-edged sword for indigenous peoples. On the one hand, they have often enabled indigenous children and youth to acquire knowledge and skills that will allow them to move ahead in life and connect with the broader world. On the other hand, formal education, especially when its programmes, curricula and teaching methods come from other societies that are removed from indigenous cultures, has also been a means of forcibly changing and, in some cases, destroying indigenous cultures.

16. The ambiguous nature of education in indigenous communities continues to generate tensions and conflict today. This situation points up the need to consider just what is meant by indigenous education and how the human right to education should be interpreted in the contemporary context of indigenous societies.

A. The right of indigenous peoples to education: international legal framework and conceptual development

17. The right to education is recognized in various international instruments, including the Universal Declaration of Human Rights and the two International Covenants on Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Discrimination in Education and the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).

18. Of particular relevance is article 30 of the Convention on the Rights of the Child, which stipulates that in those States in which persons of indigenous origin, among others, exist, a child belonging to such a community 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 or practise his or her own religion, or to use his or her own language.

19. The UNESCO Universal Declaration on Cultural Diversity establishes that the defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples.

20. The importance of the right to education for the full enjoyment of other human rights is often cited. The UNESCO-sponsored World Conference on Linguistic Rights, held in Barcelona, Spain, in 1996, adopted the Universal Declaration of Linguistic Rights, which affirms a number of personal rights, including the right to be recognized as a member of a language group, the right to the use of one's own language both in private and in public, and the right to the use of one's own name, as well as the collective right of language groups to have their own language and culture taught. These and other rights are crucial to the full enjoyment by indigenous peoples of the right to education.

21. Article 15 of the draft declaration on the rights of indigenous peoples that is being considered by the Working Group of the Commission proposes recognizing that indigenous children have the right to education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. Article 16 of the draft text provides that indigenous peoples have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information. Both articles are quite timely in terms of protection of the right to education. The Special Rapporteur considers that these are key articles and ought to be adopted without any modification; he likewise appeals for the declaration to be adopted as soon as possible.

22. In recent years many States have adopted legislation on indigenous rights that usually includes the right to education and especially the right of indigenous people to be educated in their own language within a context of recognition of and respect for their culture. However, the information and materials collected indicate that the principles and objectives set out in the aforementioned international instruments and in national legislation are far from being achieved. Indigenous peoples encounter various difficulties in effectively exercising their right to enjoy their own culture in community with other members of their group and maintaining the use of their languages. For this reason many indigenous organizations describe the problem of education as one of the fundamental issues affecting the full exercise of their human rights.

23. This situation has several aspects. First, there are the difficulties many indigenous people experience in gaining access to academic institutions. Secondly, many problems exist with regard to the institutionalization of educational services for indigenous people. Most problematic of all, however, is the fact that throughout much of history the fundamental goal of education has been to assimilate indigenous peoples in the dominant culture (“Western” or “national”, depending on the circumstances), a culture that is alien to them, with the consequent disappearance or, at best, marginalization of indigenous cultures within the education system. To a large extent, this is still the prevailing view in some countries’ education systems, despite the existence of legislation that sets specific objectives in this area. Some of these issues will be considered further on.

B. Factors impeding the access of indigenous peoples to education: discrimination and lack of equal access

24. The World Conference on Education for All, held in Jomtien, Thailand, in 1990, set as a goal universal primary education for all children, and UNESCO has made this proposal one of its principal areas of work. Many countries subscribed to this goal and launched programmes to make it a reality. Indigenous peoples have frequently been the specific target of such policies. Many Governments have pledged to bring education to indigenous peoples and communities, and to improve their performance in this area. Many States have set up special institutions to promote and implement educational policies relating to indigenous peoples, through their ministries of education or other bodies that deal with indigenous peoples.

25. Significant progress has been achieved in many countries in terms of increased school attendance by indigenous children. The Government of Canada, for example, provides funding so that 119,000 First Nations children can attend grades K-12 (computer-assisted instruction) and another 26,000 First Nations and Inuit children can pursue higher education; the Government is nevertheless aware that there are still major challenges to be met. In Mexico the Government provides assistance to 1,145,000 pupils from 47 indigenous groups in the form of 50,300 teachers in 19,000 educational centres through its bilingual and intercultural education programme; the academic performance of indigenous pupils, however, falls far below that of the non-indigenous population. In Chile the levels of education attained among the indigenous population are significantly lower than those attained by the non-indigenous population; twice as many indigenous people lack any formal education at all (6.3 per cent as compared with 3.1 per cent) or have not completed basic education (21.3 per cent as compared with 10.2 per cent).

26. The goal of having all indigenous children attend and complete primary school is still far from being universally achieved. This is due to a number of factors. First, the geographical dispersion or isolation of many small rural or nomadic indigenous communities makes it difficult to provide them with educational services, and many studies have shown that the presence of such services among this population falls below the national average. In many cases it is also hard for indigenous children to travel long distances (often on foot and under difficult environmental conditions, with no adequate transport) to attend school with regularity. The Special Rapporteur was informed that this situation existed in several of the countries he visited.

27. For the same reasons schools, when they do exist, are often in substandard physical condition, teacher absenteeism is high, the requisite school supplies are not delivered with any regularity and the use of audiovisual equipment and other modern technology is particularly difficult (when electricity has not been installed, for example). The supply of educational services for indigenous children is generally farther below the recommended minimum than is the case for other sectors of the population.

28. According to information received by the Special Rapporteur, some 81,000 homes in certain parts of India (Andra Pradesh, Bihar, Orissa, Rajasthan and Bengal) lack access to education services. In one tribal area in Tripura, for example, many schools lack basic physical facilities, as they are converted during the rainy season into shelters for livestock; the poor sanitary conditions in the schools then affect school attendance.¹

29. In Ecuador and Bolivia some indigenous students must travel long distances on foot for hours, cross rivers and use canoes to attend schools that often lack piped drinking water. According to the Department of Education in Ecuador's Cotopaxi Province, 526 rural children did not go to school in 2003 because the schools were too far away. In Colombia the level of education on indigenous reservations is reported to be minimal, owing to a lack of infrastructure and teachers.

30. In State schools in Ecuador the Government runs a school food programme for indigenous children, yet a study shows that over 1.3 million pupils do not regularly receive the breakfasts and lunches provided under the programme.

31. In the Russian Federation indigenous peoples in the north find their access to schools restricted by their remote situation, the vast distances and transport difficulties, as well as the deteriorating school infrastructure. These peoples' economic problems exist alongside a number of serious social problems such as unemployment and high rates of alcoholism, suicide and infant mortality to create an environment in which it is hard to determine what educational strategy is most appropriate to local conditions.

32. The documents that the Special Rapporteur consulted also show that public spending on education for indigenous children is generally lower than for other sectors of the population, that teachers of indigenous children tend to receive lower pay and incentives than do other teachers and that their level of preparation is also below average.

33. In addition, indigenous children also often do not attend school with the same regularity as other children, even if they have, at least in principle, an opportunity to do so. Sometimes this is because children are needed by their parents in the field or in the home, especially at certain times of the year such as harvest time or grazing periods, so that their school attendance is

¹ Information concerning many of the cases mentioned in this report comes from the documentation submitted to the Expert Seminar on Indigenous Education, the report of which is contained in document E/CN.4/2005/88/Add.4. See also Linda King and Sabine Schielmann, "*El reto de la educación indígena: experiencias y perspectivas*" ["The challenge of indigenous education: experience and perspectives"], UNESCO, 2004, *Cultural Survival Quarterly*, 2004.

interrupted fairly often. There are also many instances in which girls do not attend as a result of gender prejudice within the family. Poverty and poor nutrition among indigenous children are other factors that often limit school attendance. Comparative data show that indigenous girls attend school less often than boys do. All of this leads one to conclude that there are still serious obstacles impeding indigenous children's access to schools. The Special Rapporteur recommends that States members of the Commission redouble their efforts in the short term to improve indigenous children's access to education.

34. There is also evidence of various types of discrimination against indigenous children in schools, particularly when they live alongside non-indigenous populations, and especially in urban centres where recent indigenous immigrants live in precarious conditions. Because they are not fully competent in the language of instruction, indigenous children are ignored in classes and their performance tends to be lower. Later on they are often classified as "problem children", which makes the situation worse. If teachers are ignorant of the indigenous culture they cannot communicate well with indigenous pupils, who are stigmatized from the outset.

35. In Thailand, for example, it is reported that education is offered only to students who hold Thai nationality, thereby excluding many members of minorities and indigenous peoples who are immigrants, and that indigenous languages are not used in schools. Such a situation impedes indigenous peoples' access to education, with consequences for social and economic life. Likewise in Japan the education system does not recognize or promote the history, language or culture of the Ainu, the original inhabitants of Hokkaido, even though the law acknowledges the importance of Ainu culture to the country's heritage.

36. In Latin America 25 million indigenous women constitute the population group having the fewest opportunities to obtain work, land, education, health care and justice. From a very young age girls spend at least five hours a day doing domestic chores, and most of them do not set foot in a school until the age of 10. In Guatemala indigenous girls reportedly end up with 0.8 years of education, as compared with 1.8 years for indigenous boys and higher levels for non-indigenous children.

37. Also in Guatemala there are reports that indigenous girls and young women are sometimes subjected to discrimination because they wear traditional dress to school, despite Ministry of Education Agreement No. 483, which prohibits such discrimination. In a 2003 report to the Inter-American Commission on Human Rights, Guatemala's Human Rights Procurator said that a mechanism to monitor the implementation of the Agreement did not exist.

38. In Kenya's Masai community indigenous girls occupy a transitional position between their parents' family and that of their husbands. Here the need to educate girls is not considered to be very important, since many families feel that there is no point in making an economic investment in a woman's education if the fruits of the investment are to be enjoyed by her husband's family. Most families prefer for women to remain at home to carry out domestic chores and take care of children and siblings. Because of these duties girls cannot attend schools that in most cases are located hours away from their communities.

39. The exclusion and discrimination suffered by indigenous girls has serious consequences for society. The lack of access can contribute to high rates of infant and maternal mortality, fertility and malnutrition, indicators that are closely associated with women's level of education. This is compounded in some African countries by the practice of female genital mutilation, which also penalizes girls of school age and seriously undermines the realization of the most fundamental principles and values associated with the right to life and human dignity.

40. In addition to disadvantages and discrimination related to access, the quality of education is another fundamental aspect that determines and affects the exercise of indigenous peoples' right to education and is of concern to indigenous communities. All too often education systems are designed to develop conformity with national ideals, without taking into consideration the cultural and linguistic differences of indigenous peoples.

C. High-quality and culturally appropriate indigenous education

41. Discrimination in education is primarily reflected in the tendency to use school as a preferred means of assimilating indigenous peoples in the cultural model of the majority or dominant society. School curricula are generally designed for urban children and thus have little relevance to indigenous environments. Indeed, for years the very goal of indigenous education in many countries was to "civilize" indigenous children by teaching them the language, culture and knowledge of the dominant group, which after the colonial era was that of the hegemonic nationality. State-sponsored education or education provided by various missionary groups operated to that end. Whole generations of indigenous children passed through such schools in which they were subjected to linguistic, religious and cultural discrimination.

42. It is clear that such education has been largely successful, since over the years the dominant or hegemonic society succeeded in assimilating large segments of the indigenous population through public or missionary schools. At the same time, such education has served to accelerate the transformation and ultimate disappearance of indigenous cultures, and over time a great many indigenous languages have continued to vanish. In this connection, the Committee on the Elimination of Racial Discrimination, in its general recommendation No. 23, on the rights of indigenous peoples, called upon States to ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination.

43. A particularly notorious phenomenon in this regard has been the existence of boarding schools for indigenous students. In many cases these institutions played an important role in ensuring access to and continued attendance at school while also providing, where necessary, food and health-care services, especially when the population was scattered and communication was difficult. On the other hand, in many places such institutions were relentless in their efforts to separate whole generations of indigenous students from their cultural roots and, very often, their families, doing irreparable harm to the survival of indigenous cultures and societies. A particularly striking case is the Residential Schools of Canada, which for many years were designed to thwart the continuation of the cultures of the First Nations. In many cases these schools were also the scene of physical, sexual and psychological abuse of indigenous students. The Federal Government of Canada has set up a programme to award compensation with a view to making reparation for the injustice done (see E/CN.4/2005/88/Add.3).

44. In Kenya, boarding schools for Masai girls, who cannot easily attend schools because they are located far away and because of a lack of resources and efficient transport, have facilitated these girls' access to the education system. These schools have become a means of educating girls not only in ordinary school subjects but also in preventing AIDS, which is having a major impact on the country, in defending their human rights against discrimination, and in developing a new appreciation of their own culture.

45. In this connection UNESCO stresses the need for a linguistically and culturally relevant curriculum in which history, values, languages, oral traditions and spirituality are recognized, respected and promoted. Indigenous peoples are now calling for a school curriculum that reflects cultural differences, includes indigenous languages and contemplates the use of alternative teaching methods.

46. Unfortunately, in most of the world's countries indigenous cultures have been reflected in educational texts and materials in an inappropriate and disrespectful way, which has further contributed to discrimination and prejudice against indigenous people in society in general. One of the main problems here has been the lack of participation by indigenous people in the planning, programming and implementation of the existing curriculum, which is generally established by central authorities who do not necessarily attach priority to indigenous issues. It is important that curriculum content and methodology be legitimized and accepted by members of the community.

47. Today States are increasingly adopting educational policies that are in harmony with the rights and cultural needs of indigenous peoples. Many countries have special indigenous education programmes that aim to respect indigenous cultures and their languages, traditions, knowledge and lifestyles.

48. First, teaching must be done in children's mother tongue. The promotion and dissemination of indigenous languages are key aspects to be considered in providing culturally appropriate education. Language becomes an essential tool for transmitting indigenous culture, values and world view. Secondly, it has been recognized that education must be placed in the context of local indigenous communities' own culture. However, such programmes also promote the opening up of communities to the national society, which means that instruction in the regional or national language must begin at an early age, through a system of bilingual education with an intercultural focus.

49. Given the diversity of living conditions of indigenous peoples throughout the world, indigenous education cannot conform to a single model; teaching methods must be adapted to actual situations. While there are many successful examples of intercultural bilingual education, not all countries with indigenous populations have adopted this educational model. Moreover, even when it exists on paper, its implementation, according to several studies, leaves much to be desired, and the results achieved are not always entirely satisfactory.

50. In Guatemala, the 1995 Agreement on Identity and Rights of Indigenous People sets out a full set of measures for the recovery, protection, promotion and development of indigenous languages; it also provides for the launching of a major reform of the education system with a view to consolidating bilingual and intercultural education and ensuring the access of indigenous peoples to education. Yet despite the efforts made, there is still no general system of

intercultural bilingual education as reflected in curricula adapted to indigenous peoples' own language, needs, values and systems that are actually used in schools in small towns and villages. The prevailing model is one of education taught in Spanish.

51. It is important to note that the inclusion of indigenous languages in school curricula has not been enough to close the gap that exists between the academic performance of indigenous students and that of the non-indigenous population. Significant problems still exist in the standardization of spelling of indigenous languages, the teaching of indigenous languages as a mother tongue and the methodology for teaching second languages.

52. One serious problem is the lack of well trained indigenous teachers who are bilingual. Few countries have given the training of bilingual indigenous teachers the priority it merits. Instructors who are trained in traditional teacher-training institutions know little or nothing about indigenous cultures and generally do not speak any indigenous language. Even young indigenous teachers who are trained in such traditional institutions quickly learn to devalue their own culture and adopt the official assimilationist pedagogical model. Any effort to strengthen bilingual intercultural education must start with the training of the teachers who are to provide it. This often means overcoming institutional resistance, promoting a change in attitude among ministry officials and education departments and even among teachers' associations and unions within the formal education system.

53. Another problem is the lack of teaching materials suitable for intercultural education and pedagogy. Bilingual intercultural education can only be successful when schools have textbooks, supplementary teaching and audiovisual materials, etc., that are prepared in indigenous languages and are adapted to indigenous cultures. The preparation of such materials cannot be improvised, but must be carried out by multidisciplinary teams over a period of years. Poor countries have not been able to allow themselves the luxury of carrying such projects to completion, even though several have tried. It is chiefly in the wealthiest countries that major progress has been made in this area. Pedagogical problems abound, and none of them have been solved. Indigenous communities increasingly assume responsibility for developing their own teaching methods and running their own schools. The right to education cannot be fully exercised until these obstacles are overcome.

54. Bilingual intercultural indigenous education is becoming widespread in the early grades of primary education; it then tends to spread throughout the whole basic education system, and there is even talk in some countries of setting up institutions of higher learning designed to meet the needs and address the cultural and linguistic situations of indigenous peoples.

55. During the colonial period, education in Greenland was very limited. With self-government, instituted in 1979, indigenous people began to demand more effective and appropriate education that would combine local culture with integration in the global society. In 2002 Parliament established the Atuarfitsialak programme, a sweeping educational reform that addressed these needs and is now being fully implemented.

56. The Alaska Native Knowledge Network is developing a school curriculum based on aboriginal knowledge. The Kativik school district in Nunavut is developing an innovative bilingual education programme in Inuttitut, English and/or French that integrates local knowledge with courses to prepare students for modern life.

57. In the 1960s in Mexico the Office of the Secretary of Education launched an indigenous education programme in State primary schools that was ultimately staffed by thousands of bilingual teachers. Curriculum content and teaching methods adapted to indigenous cultures were designed, and readers were produced in most indigenous languages, but the training of bilingual teachers was inadequate. The programme in fact never received the support and resources from the authorities needed to make it a real educational option for indigenous children. Despite the efforts made, 25 per cent of the indigenous population over the age of 15 is illiterate, and of this group a higher proportion are women. Thirty-nine per cent of the indigenous population between the ages of 5 and 24 does not attend school. Three indigenous universities and a National Institute of Indigenous Languages have been established.
58. For many years indigenous tribes in Tripura, India, have worked to have Kokborok used in their primary schools, where only English and Bengali had been taught. However, the school dropout rate is high at the secondary level, where Kokborok has yet to be used as a language of instruction. Moreover, while Kokborok speakers want to use Latin script to facilitate the transition to higher education, the Bengali script predominates in the region, which has led to protests and social unrest.
59. In Ladakh in northern India the Students' Educational and Cultural Movement of Ladakh (SECMOL) has succeeded in radically changing the traditional assimilationist education system and has enjoyed noteworthy success, with support from the authorities, in reverting to the use of their indigenous language (which is spoken by a quarter of a million persons) in schools and creating a local community-based education system that meets the needs of the people.
60. New Zealand began using Maori in pre-school education in 1982, an initiative that was subsequently extended to primary, secondary and higher education; however, it was not until 1987 that Maori was declared an official language of the country. Despite these efforts, statistics pertaining to Maori students continue to show a wide disparity between these students and the rest of the population.
61. The 1997 education reform in Norway included a directive on the curriculum in Sami schools in 6 municipalities that applied to 1,500 students receiving instruction in that language. The programme objective is to teach traditional Sami cultural values and knowledge.
62. Major efforts to promote indigenous languages in the education system have been made in South Africa and Namibia. The Department of Education in Northern Cape Province is preparing teaching materials for primary schools in indigenous San and Nama communities. There is an awareness of the need to promote multilingualism and adult literacy as part of the official policy of recognizing South Africa's indigenous peoples. Dictionaries have been prepared in some local languages and the Department of Education has produced supporting materials for use in schools. As use of the San language is also being promoted in Botswana, a network for the sharing of educational materials and strategies has been developed in the region.
63. The Ifugao of the Cordillera in northern Philippines are endeavouring to reform the formal education provided by the State since the era of United States colonialism to incorporate indigenous systems of learning in school programmes, thereby increasing the empowerment of the indigenous people and ensuring authentic cultural development.

64. In all the countries visited by the Special Rapporteur during his mandate indigenous communities and organizations complained that the authorities were not doing enough for them in the area of education. Education for indigenous peoples would seem to be the “ugly duckling” of national education programmes and in general to be assigned low priority and inadequate budgets at the national level. Such complaints were heard by the Special Rapporteur during his missions to the Philippines, Guatemala, Mexico, Chile, Colombia and Canada. He has also received information and documentation from many other countries in which similar situations exist.

65. Education is not imparted only in classrooms. Audiovisual media are increasingly important, and with the arrival of telecommunications in indigenous communities (especially television and the Internet) vast opportunities for distance learning have been opened that are still being explored in many areas, especially at the secondary and higher levels. This development is exemplified by the services provided by the University of Athabasca to various indigenous education centres in western Canada. However, the problems mentioned earlier that hold back the expansion of bilingual intercultural education become even more acute where telecommunications are involved: a lack of trained teachers, inadequate teaching materials, teaching methods that are still in the developmental stage and so forth. Considerable progress has been made in some countries in the use of community radio stations for educational and cultural purposes, while in other countries such efforts run counter to legislation that gives priority to corporate commercial interests and sets up obstacles to educational broadcasts. With the support of the National Commission for the Development of Indigenous Peoples, legislation in Mexico has been amended to increase opportunities for action by an extensive network of community radio stations operating in indigenous areas, but these stations run up against the commercial interests of private broadcasters.

66. Given the havoc once wreaked by the imposition of rigid models of educational, linguistic and cultural assimilation in indigenous communities, some peoples are trying to recover traditional communal types of non-formal education. To this end they draw on the wisdom and knowledge of older persons, which is once again appreciated after having been devalued by formal educators. Many interesting and successful examples of this can be seen, for example among the Maori of Aotearoa New Zealand, some of the First Nations in Canada, the Sami in the Nordic countries, the Mapuche in Chile, the Quechua in Ecuador, the Masai in Kenya, the Ratanakiri in Cambodia, among the Sungai in Malaysia, the Chakma in India and many others. Sometimes these efforts form part of more structured education projects, while in others they take place outside the context of formal education. In all cases, however, they help to save the knowledge of the aboriginal culture, enhance cultural pride and identity among young people, strengthen ties to the land and the environment and offer indigenous youth an alternative view of the future.

67. Multilingualism and multiculturalism are not the closed preserve of indigenous communities. In fact they can only be successful if the prevailing attitudes of the national society can be changed. As the UNESCO Universal Declaration on Cultural Diversity says, contemporary societies must recognize that they are multicultural in more than one sense, since in addition to indigenous peoples there are also national and ethnic minorities, immigrants from different cultures and other groups demanding the right to exercise their cultural identity. For the most part, indigenous peoples are virtually invisible in the formal education systems of the urban and rural non-indigenous population. What is more, they are often treated with contempt

and subjected to discrimination in history, geography, literature, art and social studies textbooks and by their own teachers. Real intercultural education must also be taught in education systems nationwide, for only then will the human rights of indigenous peoples be fully recognized.

D. Active participation, higher education and establishment of educational systems for and by indigenous peoples

68. To make respect for cultural diversity a reality, as UNESCO has suggested, and to reform education systems with a view to redirecting education towards total respect for all human rights, especially cultural and linguistic rights, indigenous peoples must be able to recognize themselves in this effort. This requires that they participate freely in all phases of the planning, design, implementation and evaluation of such reforms. To date one of the weaknesses of education systems that fail to meet the needs of indigenous peoples has been the lack of involvement of indigenous peoples in the designing of education programmes and policies from the outset. Such participation must involve parents, legitimate representatives of indigenous communities and indigenous schoolteachers, administrators and staff and members of the educational bureaucracy. Education plans and programmes must not be designed in far-off offices by experts who lack direct contact with indigenous communities.

69. For example, in Canada the First Nations and the Inuit have the option of establishing their own education programmes and exercise control over primary and secondary schools, thanks to growing support from the Government and local and community initiatives. Nunavut Arctic College provides Inuit students with education in certain fields of study and aspires to become a genuine Inuit university. The Canadian Government has announced the establishment of an Aboriginal Languages and Cultures Centre to promote indigenous languages and has supported the establishment of the First Nations University of Canada.

70. The specific problems facing indigenous peoples make it necessary to implement special education programmes. For example, given the over-representation of indigenous youth in the juvenile justice system (see E/CN.4/2004/80), it would be beneficial to organize special education programmes for the rehabilitation of indigenous offenders who are in prison or have been released. There is also a need for special programmes for indigenous young people and women who, for various reasons, become involved in trafficking in women, the sex industry, drug addiction and alcoholism. In rehabilitation and prevention programmes of this type, which are already being implemented in various countries, the role of traditional indigenous culture and the involvement of respected elders can be vital.

71. The importance of promoting physical education and sport among indigenous youth has been noted on many occasions. In addition to contributing to the optimum physical and psychological development of students, physical education has important social and cultural functions, which are of particular relevance to indigenous young people who find themselves in a situation of social transition and who often show signs of emotional instability deriving from the cultural ambiguity in which they live. Thus the promotion of physical education and sports must be seen as a key component of indigenous education.

72. While the main problems related to intercultural and bilingual indigenous education now centre around the primary and secondary levels, significant progress has been made in recent years at the level of higher education. For reasons set out above, indigenous students' access to

universities has traditionally been difficult owing to such factors as geographical remoteness, cost, cultural prejudice and the low number of indigenous students completing pre-university studies. When at last they do obtain a university diploma, most indigenous students tend to remain in urban areas, look for jobs in the modern economy and adapt to the lifestyle of a culture other than their own, which results in a loss for their communities and peoples of origin.

73. Roughly 20 years ago some universities, especially in wealthy countries, set up centres or departments specializing in subjects related to indigenous peoples. In North America “native studies centres” abounded. Affirmative action (scholarships, grants, quotas, etc.) made it possible to increase the number of indigenous students in some universities. Special courses on indigenous topics made their appearance next. An interesting experience is taking place at the University of California at Los Angeles, which has set up the Tribal Learning Community and Educational Exchange (TLCEE) to help generate a curriculum based both on Western scholarship and tribal knowledge.

74. Most recently there has been a demand from indigenous peoples for the establishment of indigenous universities in indigenous areas, with programmes designed specifically for indigenous peoples. A growing number of such centres of higher education now exist in various parts of the world, including New Zealand, Canada, the United States of America, the Nordic countries, Ecuador, Nicaragua and Mexico. Each of them constitutes a response to a specific situation, and their structure, course content, administration, teaching staff, teaching methods, etc. are different. Yet despite these differences, they are inspired by common ideals, which are to provide high-quality education that meets the current needs of indigenous peoples, forge a close link between the university and indigenous communities and train an indigenous professional and technical elite that can work for the development of their peoples and help them relate to the modern, globalized world. If these ideals can be fully realized in these universities, then the right to education will be fully exercised. It should be noted that these efforts are taking place in the context of the United Nations Decade for Human Rights Education, in which the human rights education of indigenous peoples has played a particularly important role.

75. The Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense (URACCAN), established in the early 1990s, is the first indigenous university in Central America. Its focus is multiethnic and its goal is to promote and strengthen continuing education for the people of the Atlantic coast. The university has played a central role in the development of the Intercultural Bilingual Education Programme (PEBI) for the indigenous people of the area.

E. The work of the United Nations and other institutions in the area of indigenous education

76. Several United Nations agencies provide support for the education of indigenous peoples. UNICEF reports that it is involved in a number of intercultural education projects in various parts of the world. In Bolivia, for example, it is providing support for four indigenous education councils that advise the Government in this area, and in Brazil it has collaborated with an indigenous council of the Guarani people. It has also helped with a study on the education needs of nomadic communities in the United Republic of Tanzania. As has been noted above, various obstacles can impede children’s access to schooling. In Venezuela UNICEF is promoting the civil registration of all children, which facilitates their admission to school, while in Mexico it is

providing support for the construction of adequate school infrastructure in certain indigenous areas. It is also providing support for bilingual and intercultural programmes in countries including Bolivia, Brazil, Guyana and Namibia.

77. Pursuant to ILO Convention No. 169, which contains articles dealing with indigenous educational and cultural issues, ILO is carrying out various activities relating in particular to the elimination of child labour. These include a training programme for indigenous teachers in the border region between Bolivia and Chile, and another programme in Yunnan, China, dealing with trafficking in children from ethnic minorities. In a number of other countries (such as India, the Sudan, the Great Lakes region of Africa and the Andean countries) ILO has conducted studies on forms of child labour among indigenous children and their implications for the education, health and well-being of indigenous peoples. In Mexico, for example, it was found that the income derived from migrant labour performed by indigenous children could account for up to one third of a family's income and thereby constitutes a barrier to education.

78. UNESCO provides support for a number of initiatives such as the Mayan bilingual and intercultural education project for primary schools in Guatemala. The key components of this project are: teaching of two languages (mother tongue and dominant language); teaching of two systems of mathematics (the Mayan vigesimal (base 20) system and the Western decimal (base 10) system); teaching and testing of complementary value systems (Mayan values and universal values); the teaching of Mayan art and art from other cultures; and, lastly, the identification, analysis and interpretation of the world on the basis of indigenous Mayan culture and the accumulated knowledge of mankind in general.

79. The World Bank is continuing work on an operative directive for the financing of projects that affect indigenous peoples. It has also continued to provide resources for various national projects in support of basic education, especially in rural areas, whose beneficiaries can be indigenous peoples (as, for example, in India and Bangladesh).

80. The Permanent Forum on Indigenous Issues has considered the issue of indigenous education at its three sessions. At its third session, in 2004, the Permanent Forum recognized that education is an effective means of protecting the cultural traditions of indigenous peoples and that the mother tongue is the foundation for all learning. It recommended that Member States should adopt and implement national indigenous education policies with the participation of indigenous parents and community members and the students themselves; that they should increase the number of indigenous people employed in education systems at all levels; that indigenous knowledge in all its diversity should be incorporated in primary and secondary school curricula; and that indigenous people should be trained to manage their own education systems and participate in decision-making. The Special Rapporteur agrees with and endorses the conclusions and recommendations of the Permanent Forum.

81. Many non-governmental organizations have provided information on projects in support of bilingual intercultural education, teacher training, the preparation of textbooks for indigenous education, the promotion of pre-school education, strengthening of the activities of local organizations to promote indigenous education, contributions to much needed school

infrastructure in indigenous regions, the use of audiovisual and electronic equipment and distance learning. Pilot projects and successful experiences have been reported from such diverse places as Thailand, Peru, the United States of America, the Russian Federation, Malaysia, India, Guatemala, Mexico, Cambodia, Brazil and Aotearoa New Zealand.

82. The World Indigenous Peoples Conference on Education, an international network of indigenous educators, has already met six times and is planning to hold its next session in Aotearoa in November 2005.

II. CONCLUSIONS

83. **The foregoing observations and analysis have set out some of the main problems faced by indigenous peoples in their efforts to fully exercise their right to education, with emphasis on areas where rapid and effective intervention is needed to ensure the enjoyment of this right.**

84. **Although the right to education is universally recognized, indigenous peoples still do not exercise it fully. The degree of illiteracy, poor academic achievement and poor school attendance, especially at the middle-school and higher levels, tends to be higher among indigenous peoples than in the rest of the population. While some countries are making a major effort to improve education levels among indigenous peoples, many obstacles continue to impede indigenous peoples' access to education.**

85. **The demographic dispersion of indigenous peoples and the lack of adequate transport often makes it hard for children to attend the few schools that do exist in indigenous areas. Economic, social and cultural factors can make it hard for children to take part in educational activities. Schools in indigenous areas generally lack adequate facilities and resources, and budgets and teaching resources are insufficient. Various types of discrimination against indigenous education persist in the education administration systems of many countries.**

86. **The main obstacle to full enjoyment of the right to education has been assimilationist models of education and education systems' ignorance of or failure to appreciate indigenous languages and cultures. In recent years this situation has begun to change, and there are now several countries that officially recognize indigenous cultures and agree on the need for bilingual and intercultural education. Indigenous peoples are demanding recognition of their right to education that is taught in their own language and is adapted to their own culture.**

87. **Intercultural bilingual education faces many hurdles, from the small number of inadequately trained bilingual teachers to problems in developing appropriate teaching materials and methods, and the need to involve indigenous communities in the designing and running of their own education centres at all levels. Progress is being made in this area in many countries, from pre-school to higher education, albeit with mixed results. There is a tendency to focus on continuing education as an alternative in the area of indigenous education.**

88. **Indigenous education, adapted to indigenous peoples' cultures and values, is the best way of ensuring the right to education; it does not mean shutting out the outside world or ignoring the challenges posed by national societies or the global economy, but is in fact viewed by indigenous communities themselves as a necessary tool for the full personal, social and cultural development of aboriginal peoples.**

III. RECOMMENDATIONS

89. **The Special Rapporteur recommends to Governments that they attach high priority to the objectives and principles of indigenous education and provide public and private agencies and institutions involved in promoting indigenous education with sufficient material, institutional and intellectual resources.**

90. **The Special Rapporteur invites Governments to prepare, in close collaboration with indigenous communities, programmes for the training of an adequate number of bilingual and intercultural education teachers during the Second International Decade of the World's Indigenous People. This will entail promoting the recruitment of indigenous candidates and providing them with the necessary services, incentive programmes and fellowships, and increasing the number of necessary educational and research facilities. The Special Rapporteur invites UNESCO and international cooperation partners to join in this effort.**

91. **The Special Rapporteur recommends to universities and research centres that they increase their involvement in the preparation of special multidisciplinary curricula for indigenous education. He further recommends that indigenous universities be expanded and strengthened.**

92. **The Special Rapporteur recommends that courses on indigenous peoples (including their history, philosophy, culture, art and lifestyles) be broadened at all levels of national education, with an anti-racist, multicultural focus that reflects respect for cultural and ethnic diversity and, in particular, gender equality. He further recommends that special attention be paid to the relationship between indigenous peoples and the environment and that participatory scientific research be promoted in this area (with special attention paid to vulnerable environments such as the Arctic, the forests of the far North, tropical forests and high mountain areas).**

93. **The Special Rapporteur also recommends that the mass media regularly include content related to indigenous peoples and cultures in their programming, in a context of respect for the principles of tolerance, fairness and non-discrimination established in international human rights instruments, and that indigenous peoples and communities be given the right to have access to the mass media, including radio, television and the Internet for their own use.**

94. **The Special Rapporteur recommends that, as part of the effort to consolidate the various kinds of indigenous education, emphasis be placed on strengthening physical education, special training in the criminal justice system for indigenous people, education in all areas for indigenous girls and women, distance learning, adult education and continuing education.**
