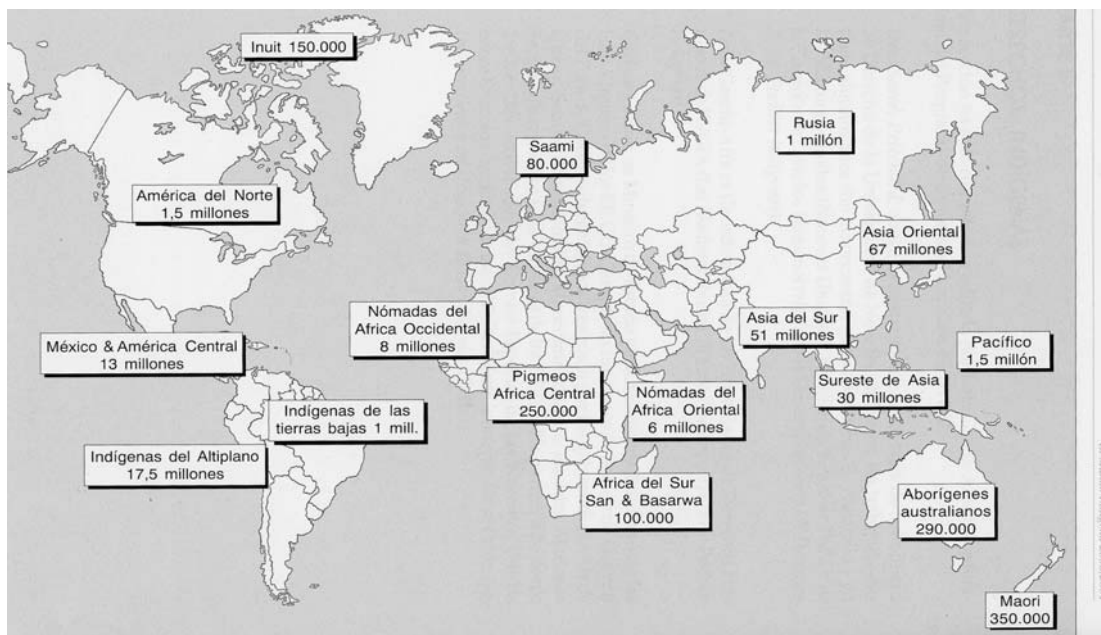


THE STATUS OF INDIGENOUS PEOPLES' RIGHTS AND EDUCATION

The context

There are about 5,000 different indigenous and tribal peoples in the world, numbering about 300 million individuals together, and living in over 70 countries. It is estimated that about 4,000 to 5,000 of the more than 6,000 languages in the world are spoken by indigenous peoples.



Box No. 1: El Mundo Indígena / Indigenous World. IWGIA Report, 2000-1

Nevertheless indigenous peoples, tribal people and minority groups all over the world continue to be taught in languages that are not their mother tongue. The issue of the mother tongue as a language of instruction is not only an issue for minorities. Very often it is an issue for majority groups, in particular in Africa). The problems they have are attributed to the children involved, when in reality they are deeply rooted in the inadequate education systems that are unable to provide bilingual education and respect for cultural diversity.

In many parts of the world, children from indigenous peoples and minority groups live in different environments and have retained their specific cultural identities, languages, customs and traditions, social organizations, economies, practices and cultural beliefs. Areas with high indigenous populations are characterized by the lack of education, poor quality, segregated, or inferior educational programs that limit the opportunities of children to obtain higher education and/or employment, along with their ability to exercise their rights. Indigenous children make up too large a proportion of the 115 million children in the world who receive no education at all – and spend their childhood working.

"..In an Amazon indigenous community the long waited teacher had arrived. This teacher, who did not speak one word of the community languages, tried to explain to parents why is important to enrol children under other names. At times he depended on phonology (Mateo is better than Matiwa and it sounds almost the same) and other times by gender (Ukamo is better than Ukama because men's names end in 'o')." (D'Emilio 2001: 19)

"Romani children, sometimes known as Gypsies, often receive substandard education when they attend schools at all. In some European countries Romani children are sent to "special schools" for children with cognitive deficits or behavioural problems. When Romani children do attend integrated schools, they often face harassment by other students and lowered expectations from teachers, factors that contribute to their high drop out rates. (Human Rights Watch Report, 2002)

The human rights of indigenous people and peoples are explicitly set out in many instruments and other widely subscribed to international human rights treaties and declarations. But in many countries, indigenous peoples continue to be oppressed, marginalized, and have little control over their resources, and their opportunities to exercise their economic, social, cultural, civil and political rights.

Over the past decade, the recognition of indigenous peoples' rights has advanced, with some concrete actions being taken. Constitutional changes passed in Bolivia, Colombia, Ecuador, Mexico and Paraguay recognize the multicultural character, native languages and promote bilingual and intercultural education. Other countries, for example, the United States, the Philippines and Malaysia, have adopted specific legislations about indigenous peoples and/or education and mother tongue. (See Annex No. 1: EI survey on the Indigenous Peoples' Rights and Education, Summary 2004)

At the same time many communities, teachers and civil organizations have developed innovative options and/or alternatives, indigenous bilingual education programs and projects that respect the mother tongue and indigenous cultures.

"When I was in school 23 years ago, there was no education equity committee, no TEPS [Teacher Education programs]. It was not always wise to admit you were Aboriginal ..." (Victor Fines in Saskatchewan School Trustees Association, SSTA Canada, 1995).

"The recognition of indigenous culture, development and ratification of the National Aboriginal Education policy bring some slight success on participation rates of indigenous students." (Australian Education Union, AEU)

"Mainstream educational opportunities are premised upon a non-indigenous pedagogy, with assimilation as the successful outcome for indigenous children. Nevertheless there have been many indigenous peoples who have achieved substantial academic success." (National Tertiary Education Union, NTEU Australia)

"... where instructional strategies have encouraged the involvement of the American Indian/Alaska Native community, the use of Native language, aligned with Native culture and customs, supported students to go on to higher education, and ultimately, contribute their skills and knowledge to their home communities." (National Education Association, NEA United States)

"Sámi pupils have the opportunity to get education in their own language." (Union of Education Norway, UEN)

"Now we have and see an emphasis on the right to education, even with certification." (Movimiento Sin Tierra, Brazil)

At the global level, the United Nations has two bodies that directly address indigenous peoples (the *Working Group on Indigenous Population* and the Commission on Human Rights Open Ended Inter-sessional Working Group to Elaborate on a Draft Declaration on the Rights of Indigenous Peoples). The Declaration has not been adopted yet by the United Nations General Assembly. The only legal binding instruments relating to indigenous peoples are the ILO Convention 169 and 187. The mechanisms for indigenous people's direct participation, however, remain unclear. (See Box No. 2)

The establishment of the Permanent Forum on Indigenous Issues (2001) within the United Nations Economic and Social Council (ECOSOC), which includes eight indigenous representatives among its 16 members, is the top body in the UN structure. All these advances could not have succeeded without the effort and perseverance of indigenous organizations and their allies from the time that North American Indians first approached the League of Nations in 1920. There remains a lot to do before the end of the United Nations Decade of Indigenous Peoples (1994-2004).

Globalization

Globalization carries with it advantages and disadvantages, in the sense that it increases communication and interest in democracy, human rights and cultural diversity. At the same time, the present development favours a system of economic globalization, which increases the gap between the economic and political elite, between and within countries. The current practice of the financial institutions is to demand that countries applying for loans need to cut back their government spending. Mostly this affects the education and health services of those countries.

Box No. 2: ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries

International Labour Convention No. 169, adopted in 1989 and ratified by 17 countries, is to date the only legally binding instrument of international law to deal exclusively with the rights of indigenous peoples. The Convention builds upon the Indigenous and Tribal Population Convention (No. 107), adopted in 1957, which was the first attempt to codify indigenous peoples' rights, working conditions, health and education.

Convention 169 promotes respect for the cultures, ways of life, traditions and customary laws of the indigenous and tribal peoples who are covered by it. It recognizes their existence as elements of their national societies with their own identity, structures and traditions. It acknowledges that these peoples have the rights to take part in the decision-making process as it affects them and that their contribution will be a valuable one in the country in which they live. Significantly, this Convention specifically acknowledges the importance of land for indigenous peoples and recognizes their rights to participate in the use, management and conservation of natural resources.

The Convention has two explicit provisions on children. Both of these deal with education and languages as key elements in the development of a multicultural society. Article 28 states that indigenous children shall, wherever practicable, be taught to read and write in their own language or in the language most commonly used by the group to which they belong. It goes on to require that "adequate measures" be taken to ensure that indigenous peoples also have the opportunity to attain fluency in the national language or in one of the official languages of the country, while at the same time preserving and promoting the development and practice of their own language. Article 29 also relates to the potential of education to promote multiculturalism: "The imparting of general knowledge and skills that will help children belonging to the Peoples concerned to participate fully and on equal footing in their own community and in the national community shall be an aim of education for these peoples"

Various other ILO instruments are relevant to indigenous and tribal peoples, including the Forced Labour Convention, 1930 (No. 29); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); and the Declaration on Fundamental Principles and Rights at Work, 1998.

(*Ensuring the Rights of Indigenous Children*, Innocenti Digest No. 11. UNICEF Innocenti Research Centre, 2003).

Many poor countries face huge debts. The internationally agreed debt-relief is hardly being put into practice, and only with much conditionality. As a result, many developing countries have more problems delivering education and health services to the poor, rural and remote marginalized areas of those countries. Globalization can offer opportunities for economic and social development, but it also brings with it serious challenges, including poverty, exclusion and inequality between and within societies. According to Katarina Tomasevski, OHCHR Special Rapporteur on the Right to Education, "none of the members countries of the Organisation for Economic Cooperation and Development charge for compulsory education, while primary education is free in only three African countries."

Indigenous peoples particularly tend to be left out of the benefits, including public services. Indigenous peoples have higher levels of non-registration of children at birth. Throughout the

compulsory and non-compulsory years of schooling indigenous peoples have been found to have: less access, lack of materials and unprepared teachers, lower literacy rates, lower self-esteem, poorer retention, poorer attainment scores, higher drop-out rates and lower graduation rates.

The above are some of the results of cutbacks in public education and that to some extent the private sector and civil society (companies, churches, NGOs, etc.) are trying to fill some of the gaps. This sometimes leads to tensions, and questions about the access to and the quality of education being provided. Also sometimes state schools and education trade unions can feel disadvantaged, when civil society is seemingly taking over some of their expected (trained) role, but also doing this in circumscribed activities, because donor and private institutions can seldom provide the full coverage of education needed.

All this affects indigenous education, in the sense that access and quality of education for indigenous children puts extra demands on teachers and schools. The finances needed for this are often not available, whilst criticisms will be made of minimal educational services being provided under very difficult circumstances.

A further affect of globalization, and the described cut backs on public spending, is a kind of "homogenization" of educational concepts, materials and technical tools. In the sense that there is talk of the global "Mc Donaldization" of the world, can also be applied to some extent to the education systems. At the global level there seems to be little interest for cultural and language diversity, including different values, concepts, beliefs and traditions. Cultural diversity is under attack in much the same way that the bio-diversity of this world is.

Nevertheless cultural diversity became one of the priorities of UNESCO with the adoption of the Universal Declaration on Cultural Diversity in 2001, it's is a legal instrument, which recognizes, for the first time, cultural diversity as a "common heritage of humanity" and considers its safeguarding to be a concrete and ethical imperative, inseparable from respect of human dignity. The next step is the preparation of a Convention (a more binding instrument) which will be discussed at the UNESCO general Conference in October 2005.

At the same time, there is growing public concern and interest in this issue. As many people feel alienated in an increasingly depersonalized global world, there is a new interest and energy focusing on minorities and cultural diversity. There is also a growing understanding that education is not just about intellectual skills, but also about emotional intelligence, which includes understanding oneself and other people in relation to their cultural and personal histories. They need the tools to adapt to the external world on equal terms.

"In a globalized world, where intercultural contact is increasingly frequent as part of a daily life, the lack of multicultural and diverse culture may lead to countless outbreaks of xenophobia, exacerbate nationalism, ethnic misunderstanding, violence and wars. Education has a very important role to play in this regard. It is obvious that it will take a great deal of imagination to meet these challenges."
(Education and Minorities, Report submitted by Jose Bengoa. Working Group on Minorities, UN 1996)

Teachers have more opportunities for in-service training but at the same time teachers' efforts are not valued or recognized enough in the daily work. The struggle against discrimination in schools has to move from the legitimacy and access to education to the field of the contents and methodologies. Many EI affiliates have incorporated these elements as part of their struggle in defence of public education. This development can articulate new strategies between teachers' unions and social movements working on concepts and methodological tools that support teachers' work.

Education for All

The importance of Education For All has been recognized internationally and underwritten by governments the world over in several United Nations Conferences (Social Summit, Women's Conferences), and particularly in the United Nations Millennium Goals set for 2005 and 2015 and in the Dakar World Education For All Forum (See Box No. 3: The Dakar goals).

The Status of Indigenous Peoples' Rights and Education

At this moment an estimated 115 million children globally who receive no education at all. 860 millions adults in the world can not read, two thirds of whom are women. Another 250 million receive a few years of education. The finances needed to solve this problem are no more than 10 billion dollars per year (the equivalent of 3% of the agricultural subsidies of the west, or at present of 2 days of military spending in Iraq, according to "Education Now" Report).

Box No. 3: The Dakar goals

1. Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
2. Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
3. Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes;

There is no international political disagreement about the importance of education for all. Clearly indigenous children are a sizable and unrecognized part of these statistics.

"...despite the appalling statistic concerning indigenous children and education, statistics that tell us that, indigenous children's educational outcomes are well below that of the rest of the populations in countries in which they live in UNESCO "Achieving universal primary education" paper there is no mention of indigenous peoples as a vulnerable group. (Ole-Hendrik Magga, Chairperson of the United Nations Permanent Forum, public meeting at UNESCO on Nov. 17th. 2003).

In this sense the plight of indigenous children has not achieved public or political interest, either at the global level, or even often within their own countries. Education International has a big responsibility to surface still "invisible" problem – which is really about the suffering of generations of children who do not receive their right to education which allows them to experience their cultural heritage with pride, whilst at the same time allowing them access to become national and global citizens, with a future perspective.

In the campaign "Education for all" the focus is not just access to education, but also quality of education. There is a lot of knowledge and practice regarding the quality of education for indigenous children/communities. Unfortunately these are mostly "pockets of knowledge" which are not shared enough. Very important work is being developed on such aspects as gender and cultural heritage, cultural diversity in national and global contexts, bilingual and multicultural education as a means to respect diversity.

Education for Diversity

Education for diversity is in part to ensure the future and perspective for children from indigenous and minority groups, and to ensure that young people and adults have access to all levels of education (including adult education) on a basis comparable to what is available to all citizens. In this sense education for indigenous children, and the quality of education which fits them, is a basic human right.

There is a broader argument to be put forward here. Education, schools and teachers can both eliminate prejudice and discrimination between groups of children (be they boys and girls, or children from different personal and cultural backgrounds) – and can also reinforce such differences. There is an increasing international movement acting under different titles such as "child-friendly villages" or "human right cities" or "education for democracy" which recognizes the importance of how to approach children in the first years of their lives. Violence, sexual violence, and gender-based discrimination, ethnic divides: all these teach children to hate – both themselves and diversity (the perceived "other" or "lesser" person).

It is a huge responsibility for schools and teachers to provide a learning environment in which children can grow in their self-awareness in relation to their social environment in a positive sense – in which they can learn to respect themselves and those around them. In fact, to respect democracy and human rights is more important than ever in a global world, where learning to deal in a positive sense with difference and diversity is one of the key competencies needed by everyone. There are schools and teachers who managed to create a safe and respectful environment for everyone. Here children from indigenous or minority backgrounds are actually an asset in creating this culture of justice and respect. In such schools it turns out that every child and every background is unique, and gender, sexual orientation, religious -or cultural background or whatever becomes a topic of interest and not of disdain.

A specific aspect here is that of linguistic diversity. Without a doubt language can be an obstacle to communication, but insisting on the dominant language in speaking, writing, internet etc. is part of the global homogenization which cuts out values and concepts, points of views and ways of expressing these. In fact it has been shown that children who grow up in a bilingual context are often socially, emotionally and conceptually more creative and adaptable – and there is an argument to be made for bilingual education in increasing children’s social- and emotional intelligence.

Linguistic diversity is not understood as an obstacle to communication, but as a reflection of many and varied points of view and as a way to express themselves.

The role of Teachers’ Unions

The building process of an inclusive school is a challenge for all. Teachers’ unions are part of the social movement for a fair and justice society for all, without prejudices and discrimination. This affects teachers from different backgrounds themselves and of course also the children and their parents. The problem is too often that teachers are not valued sufficiently nor given the means (in salaries, training, curriculum or tools) to play their role sufficiently. This is particularly true of teachers working with indigenous children, who are often seen and treated as third-class teachers, or as semi-skilled translators/assistants helping out with “backward” (sic) indigenous children.

EI affiliates have the potential to fight for a value-based education system in which diversity and inclusion, not just in theory but also in practice, are essential. The understanding that such teachers and schools actually lay the very basis for a world of justice, democracy and peace should lead to a much greater public recognition of this work. It is also important for the Teachers unions to recognize the work of civil society organizations who can be important allies in pushing for this vision or an inclusive educational system – and who can provide innovative experiences which may help more traditional schools. There are very good examples of cooperation between schools and NGOs who organize themselves to play complementary roles.

There are many examples of individual teachers who have the courage to work in inclusive and innovative ways – and who work for the rights of indigenous and minority group children. However, they often feel isolated, insufficiently supported by their colleagues, the school system, and even the unions – and many of such idealists can become disappointed cynics because they were not given the support when they needed it.

This means that teachers’ unions can play a big role in encouraging changes in policies and practice in the educational systems to work towards inclusive schools, dealing with diversity in a positive way. If trade unions take on such challenges, it may also lead to new discussions about the practices and styles of leadership with educational institutes – and with the unions themselves. Larsen suggested some on “Education and Tribal Children: Assessing child labour and education challenges” that can be adopted.

Good practices

- Recognition of indigenous peoples’ fundamental rights

The Status of Indigenous Peoples' Rights and Education

- Effective participation of indigenous parents and community members in decisions regarding the planning, delivery and evaluation of educational services
- Provide education and training services to develop the skills of indigenous peoples to participate in educational decision making
- Encourage and increase the number of indigenous people employed as educational administrators, teachers, advisers and other education workers.
- Enable all students at all level of education for diversity, promoting understanding and respect for all people cultures and identities.
- Promotion of all useful instruments concerning indigenous peoples and cultural diversity.

Bad practices

- Ignoring indigenous language needs in both indigenous and national languages (insensitive curricula, teachers training and resource prioritization)
- Child separation and boarding school approaches to "convert" the indigenous child
- Creating second-rate "ghettoized" indigenous and minority educational services
- Designing intercultural education based on "good ideas", scientific principles or national concerns rather than on community needs
- Limiting intercultural education to technical language concerns
- Ignoring indigenous educational resources

Innovative practices

- Linking of EFA, against child labour, and other EI campaigns to broader structural challenges facing indigenous peoples
- Conduction of pilot projects with indigenous children and their organizations
- Facilitation of the interaction between indigenous organizations and the teachers' union and its branches to assess curricula gaps and improve teachers-training modules on indigenous peoples' concerns in selected countries.
- Facilitation of training (including "train the trainers" programs) and sensitisation programmes with teachers-training modules.
- Exploration of opportunities for integrating indigenous concerns into regional, national and international education policy work.

Conclusions

The current report is based on the responses to the EI questionnaire on indigenous people's rights to education (23 affiliates in 2001 and 12 affiliates in 2003) and other sources. It raised an important challenge to teachers unions, educational bodies and other civil society organizations: to promote a global effort to combat all forms of discriminations at the cultural, structural and institutional levels.

The challenge needs to develop more comprehensive and intensive sets of programs at the international and regional level. All EI members should jointly develop and promote a common plan of action to eliminate all forms of discrimination, including intersectional discrimination, with our own discriminatory practices being the first priority.

All EI campaigns, anti-discrimination actions and activities call for more comprehensive and integrated sets of programs at the international, regional and local level. EI also calls for the creation and strengthening of alliances among various sectors (EI affiliates, educational institutions and social participation, which includes indigenous parents, students and their organizations). Dialogue and respect should replace discrimination, violence and all forms of exclusion.

→ **What EI can do?**

- *Information and sharing systems:* support and promote the *Global Voices on Education Network* (GIVE) portal as an information source that needs to be update periodically on a more indigenous participatory basis.
- *Develop and promote* an action plan on diversity issues which include promoting the UNESCO Universal Declaration on Cultural Diversity of November 2001, the United Nations Draft Declaration of Indigenous Peoples, and the Indigenous Peoples statement on Education, in all regions;
- *Promote networking among its affiliates,* advising and supporting them to integrate indigenous peoples concerns into all the actions, together with other organizations and public education bodies, sharing initiatives and advances on indigenous education.
- *Participate in UNESCO* to the process of elaboration of a Convention on Cultural Diversity
- *Promote and participate* in "World Day for Cultural Diversity for Dialogue and Development" proclaimed on May 21 by the United Nations General Assembly (A/RES/57/249).
- *Promoting* through education and awareness of the positive value of cultural diversity and improving to this end both curriculum design and teacher education.

→ **What EI regional offices can do?**

- *Organize regional/sub-regional round-tables* opening a space to exchange experiences, share information and promote indigenous and non-indigenous teachers development through training.
- *Establish focal points and /or consultants* to advise regional officers on the work in this field, regional representatives are encouraged to appoint a specific union and/or representative for this purpose.
- *Policy and practices* support the need to improve the areas of implementation, monitoring, evaluation and results.

→ **What EI affiliates can do?**

- *Information and exchange* of experiences and issues identified by indigenous teachers and exchange knowledge about innovative experiences in those countries where it's needed most.
- *Develop programs and partnership* together with other unions and indigenous organizations as I partners to promote and support programs and activities that can positively affect indigenous peoples' rights to public services, including education.
- *Linking and learning:* promote in your country, neighbourhoods, school networks, teachers' networks working on indigenous education and pedagogical tools.
- *Promoting linguistic diversity* in education systems and cyberspace.

→ **What can teachers do?**

- *Look for information,* contact your union or indigenous organizations and raise the issues of your needs.
- *Organize* activities together with other colleagues and indigenous teachers who share similar concerns and have experiences.
- *Share* and write about your experiences, difficulties and results.

Resources

Education Denied: costs and remedies

By Katarina Tomasevski

Zed Books, University Press Ltd. 2003.

Ensuring the Rights of Indigenous Children

Innocenti Digest No. 11, October 2003

UNICEF Innocenti Research Centre

www.unicef-icd.org

Education and Tribal Children: Assessing child labour and education challenges

By Peter Bille Larsen

International Programme on the Elimination of Child Labour (IPEC), Geneva, June 2003

www.ilo.org/childlabour

International Labour Organization

<http://www.ilo.org/public/english/region/ampro/mdtsanjose/indigenous/>

Permanent Forum on Indigenous Issues /Foro Permanente de Cuestiones Indígenas

<http://www.un.org/esa/socdev/pfii/index.html>

Working Group on the Draft United Nations Declaration on the Rights of Indigenous Peoples

<http://www.unhchr.ch/indigenous/groups-02.htm>

Global Voice on Indigenous Education Network (GIVE)

<http://www.give-edu.net>

1er. Encuentro Nacional de Educación e Identidades: Los Pueblos Originarios y la Escuela

Confederación de Trabajadores de la Educación de la República Argentina (CTERA)

<http://www.ctera.org.ar/iipmv/encuentro.htm>

The Australian Educational Union (AEU) National Aboriginal and Torres Strait Islander Education Committee (ATSIEC)

<http://www.aeufederal.org.au/Atsi/index2.html>

Maori Education Trust (Te Kaupapa Mātauranga Māori Mo Te Iwi Māori) – New Zealand/Te Roa

<http://www.maorieducation.org.nz/kuputohu.html>

National Indian Education Association – United States of America

<http://www.niea.org/>

Informe El Mundo Indígena 200-2001

Grupo Internacional de Trabajo sobre Asuntos Indígenas (IWGIA, Copenhagen 2001)

www.iwgia.org

Banco de Datos de Legislación Indígena en América Latina

<http://www.iadb.org/sds/ind/ley/index.cfm>

Latin American Network Information Center – LANIC

<http://lanic.utexas.edu/la/region/indigenous/>

UNESCO Universal Declaration on Cultural Diversity

<http://unesdoc.unesco.org/images/0012/001271/127160m.pdf>

UNESCO Cultural and Linguistic Diversity in Education:

http://portal.unesco.org/education/en/ev.php-URL_ID=12871&URL_DO=DO_TOPIC&URL_SECTION=201.htm

