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人权与土著问题

土著人民人权和基本自由情况特别报告员

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增 编

关于土著人民与教育问题的专家研讨会的结论和建议

* 本报告的内容提要以所有正式语文分发。报告本身载于内容提要的附件，仅以原文、法文和西班牙文分发。

内 容 提 要

人权委员会第 2004/62 号决议请土著人民和基本自由情况特别报告员继续探讨其第一份报告所载专题，尤其是影响土著人民人权和基本自由情况的专题，因为它们会有助于推进有关《联合国土著人民权利宣言草案》基本问题的辩论。根据这一决议，特别报告员谨在此向委员会提交于 2004 年 10 月 18 日至 20 日在巴黎举行的关于土著人民与教育问题的专家研讨会的结论和建议。

特别报告员认为，充分享有受教育的权利对土著人民而言是至关重要的一个问题，《联合国土著人民宣言草案》问题工作组最近的讨论即表明了这一点，因此特别报告员在其主要报告（E/CN.4/2005/88）中专门分析了这个问题。这也是特别报告员将研讨会讨论的问题的提要以及通过的结论和建议提交委员会供其参考的原因。

根据上述决议，联合国人权事务高级专员办事处与联合国教育、科学及文化组织（教科文组织）在巴黎教科文组织总部举办了专家研讨会。总共有 60 多名土著人民与教育问题方面的专家、政府代表、学术界人士和非政府组织代表出席了研讨会。

Annex

**REPORT ON THE EXPERT SEMINAR ON INDIGENOUS PEOPLES
AND EDUCATION**

(Paris, 18 to 20 October 2004)

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Introduction

1. In its resolution 2004/62, the Commission on Human Rights, while noting with appreciation the first ever experience of organizing an expert seminar to support the annual thematic research of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and the outcomes of it, took note of the intention of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize a seminar of experts on indigenous education with the participation of indigenous, governmental and non-governmental experts to assist the Special Rapporteur in examining the principal subject of his report to the Commission at its sixty-first session.
2. Pursuant to the above-mentioned resolution, the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization (UNESCO) invited Governments, United Nations bodies and specialized agencies, indigenous peoples and researchers and academics working in the field to attend the seminar.
3. The Expert Seminar on Indigenous Peoples and Education, organized jointly by OHCHR and UNESCO, was held from 18 to 20 October 2004 at the UNESCO headquarters in Paris. It was attended by over 60 experts in the field of indigenous peoples and education, government representatives, academics and representatives of non-governmental organizations. The list of participants is contained in the appendix to this report.
4. At the Seminar, the experts discussed issues related to the access of indigenous peoples to quality education (describing examples of factors that are limiting indigenous access to education as well as best practices to overcome the existing barriers), culturally appropriate quality education (describing examples of programmes with the aim of offering an education system that is culturally aware of indigenous differences), participatory approaches and higher education for indigenous peoples. The experts, who submitted a total of 16 working papers, drew up a set of conclusions and recommendations.
5. The experts attending the Seminar asked the Special Rapporteur to take account of their conclusions and recommendations in preparing his report and to transmit them to the relevant United Nations bodies for their information. Accordingly, the Special Rapporteur herewith transmits to the Commission the conclusions and recommendations adopted at the Seminar. The full report on the Seminar will be submitted to the Working Group on Indigenous Populations at its twenty-third session.

I. CONCLUSIONS

6. **The experts meeting at the Seminar on Indigenous Peoples and Education agreed on the following conclusions and recommendations.**
7. **The experts welcomed the opportunity provided by the United Nations Seminar to discuss the question of indigenous peoples and education. They identified, among others, a range of concerns relating to the access of indigenous peoples to quality education at all levels and some of the existing barriers for indigenous peoples to enjoying a culturally appropriate education. In particular, it was highlighted that cultural diversity of**

indigenous peoples is not always respected and that discrimination and xenophobia remain the main impediment to the enjoyment by indigenous peoples of the right to education in all regions of the world. Indigenous girls in particular are negatively affected by the existing barriers to fully enjoying this right.

8. The experts recognized that over the International Decade of the World's Indigenous Peoples (1995-2004) proclaimed by the General Assembly in its resolution 48/163, important progress has taken place both at the national and the international level towards the enjoyment of the right to education by indigenous peoples. Over those years, indigenous scholar education has always been included as part of the agenda of the international community and Governments in the framework of the general debate on the universal recognized right to education. The United Nations system, and specifically UNESCO, has devoted attention to indigenous education as a key for achieving a sustainable and equitable development. However, the lack of implementation remains one of the main issues of concern for the communities.

9. The right to education is a key instrument for the respect of cultural diversity and a crucial element for achieving equitable development. In this context, indigenous peoples have contributed to the implementation of the right to education including the aspects of culture, language, healing and tradition, which constitute fundamental inputs that contribute to human dignity, cultural enrichment and intercultural dialogue.

10. Despite the efforts made over the last years, indigenous peoples still face a number of difficulties to fully enjoy the right to education. The experts noted that specific measures by States were needed to make their efforts for the full enjoyment by indigenous peoples of this fundamental right effective and concluded that:

(a) Historical and ongoing discrimination continues to negatively affect the recognition of the rights of indigenous peoples;

(b) The growing imbalance and inequality between indigenous and non-indigenous in many countries negatively affect the ongoing efforts to bridge the gap for the full enjoyment by indigenous peoples of economic, social, cultural, civil and political rights;

(c) Obstacles to the full enjoyment of the right to education are numerous and complex and include, among others, physical obstacles, such as the distance between schools and indigenous communities; different lifestyles, such as nomadism; problems related to poverty, extreme poverty and exclusion; transport and accommodation as well as difficulties encountered in student enrolment;

(d) Often, in national policies, some practices, among others, the request of birth certificates for the enrolment of children and the denial of indigenous names, long hair and traditional dress at school, create further difficulties for the complete enjoyment of the right to education;

(e) The majority of efforts made by States to improve access have only been focused on basic and primary education, often leaving the needs in secondary, technical and university education unattended;

(f) Any effort will be diminished if an impartial and effective implementation of the programmes and actions is not undertaken. Little progress has been made so far in carrying out an effective evaluation of, for example, existing bilingual and intercultural programmes in some parts of the world. This is an obstacle to addressing the root causes that impede the real success of such programmes;

(g) While access to education for all indigenous children and youth is difficult in many parts of the world, indigenous girls are particularly affected by the existing obstacles. While the majority of problems relate to the school environment, discrimination within the family and the community against indigenous girls is also of particular concern. Community or school-based violence against indigenous children - and in particular girls - is unacceptable and has a considerable effect on school drop-out rates;

(h) Ethnic and cultural discrimination at schools is an obstacle to the equal access to education and is also a reason for poor performance and high drop-out rates. In spite of programmes and campaigns carried out in numerous countries, the difficulties in perceiving the progress achieved due to the deeply rooted discrimination present in some societies are still enormous;

(i) In general, there is a lack of awareness of the values of indigenous peoples at many educational institutions, which fuels prejudices against indigenous peoples and hinders efforts made to combat discrimination. In many situations, the national curriculum either ignores indigenous peoples or reinforces negative stereotypes. Education itself can be one of the most important tools in combating prejudice and discrimination;

(j) Isolation is a main obstacle for indigenous peoples to fully enjoy their right to education. Best practices, like nomadic schools or the use of technologies such as videoconferences and the Internet, are helping to reach the most isolated and remote indigenous communities. In some countries, residential or boarding schools have worked in a very positive way, although in others, they have had negative effects on the preservation of indigenous languages and cultures;

(k) The revival, strengthening and development of indigenous languages constitute a major goal to be achieved with a view to providing culturally appropriate education for indigenous peoples. In some countries, indigenous languages are nearly facing extinction. The loss of indigenous languages as vehicles of transmitting indigenous values and cultures is an issue of great concern. These values and cultures hold benefit not only for indigenous peoples but also for the rest of the societies where they live and for humanity in general;

(l) Culturally appropriate education is essential for indigenous peoples since a good quality education that ignores diversity is not considered able to meet the needs of

indigenous peoples. Culturally appropriate education could be achieved through the participation of indigenous communities in the planning process.

II. RECOMMENDATIONS

A. Recommendations to Governments

- 11. States should adopt special measures to address the historical bias against indigenous peoples that is an underlying cause of discrimination against them in the education systems.**
- 12. States should ensure that indigenous communities and peoples participate fully in the process determining their own education through the support of the establishment of schools directly managed by indigenous peoples or under their supervision.**
- 13. States should take positive action to ensure that the culture, traditions, history and values of indigenous peoples are reflected in national educational systems, with an aim at respecting the cultural diversity of the country, fighting against rooted discrimination and xenophobia in society, contributing to the intercultural sharing and to the enrichment of the intellectual and cultural content of education.**
- 14. States should promote research on the specific needs of indigenous children, and in particular those of indigenous girls, with a specific view to the situation in the urban areas.**
- 15. In the framework of the International Year of Sport Education in 2005, States should highlight in their programmes the importance of physical education for all children and, in particular, for indigenous children, and should take effective measures for its implementation. Physical education, physical activity and sports help people to perform better, improve their quality of life, keep students in school and provide an alternative choice to celebrate life.**
- 16. Noting the impact of external debt on the cuts in education spending in debtor countries, and in particular on indigenous education, States should take measures to combat these effects. States members of the boards of multilateral funding agencies should seek ways of including effective provisions aimed at protecting indigenous education in the struggle against poverty.**
- 17. Associations of indigenous education professionals play a crucial role in contributing to the improvement of the quality of indigenous education. In this context, indigenous education professionals should explore new ways through which these networks could share their positive experiences between themselves and other non-indigenous education associations.**
- 18. States should undertake effective and independent evaluation of their bilingual and intercultural programmes where they exist, verify their real impact and redress gaps impeding their real success.**

19. States should undertake studies on practices that disproportionately affect indigenous peoples in their full enjoyment of the right to education and take necessary measures, including affirmative action, to eliminate discrimination resulting from such practices.

20. Awareness campaigns on the importance of education should be established and launched with the active participation of indigenous communities.

21. States should take steps, including in the areas of education planning, training and recruitment policy, to increase the number of indigenous persons working within the education systems.

22. States should promote training and educational courses for officials in the education system on the cultures, customs and practices of indigenous peoples, as a way to combat discrimination and promote respect for cultural diversity.

23. Both States and indigenous peoples should incorporate human rights education in their programmes of education.

24. States should ensure that indigenous knowledge and culture is also included in higher education curricula and that indigenous elders take part in the programming and designing of not only university but also primary and secondary school programmes.

25. States should follow a plan of action and develop a strategy to effectively respond to the challenges faced by indigenous peoples in education, in the context of their plans to achieve the United Nations Millennium Goals.

26. States should support programmes and projects on education carried out by indigenous organizations and incorporate them in the national education system. The establishment of indigenous universities as well as incentives for non-native students to undertake their studies in such universities should also be supported.

B. Recommendations to United Nations bodies, specialized agencies and human rights mechanisms

27. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people is requested to include the information and analysis provided by the Seminar in his report to the Commission on Human Rights at its sixty-first session, and to annex thereto the conclusions and recommendations adopted at the Seminar.

28. The Working Group on Indigenous Populations is invited to consider preparing a study on indigenous peoples and education, which should include an analysis of obstacles in access and examples of good practice in promoting quality and culturally appropriate education.

29. The Office of the United Nations High Commissioner for Human Rights is requested to transmit the report on the Seminar to the Working Group on Indigenous Populations at its twenty-third session, to the Working Group on a draft United Nations

declaration on the rights of indigenous peoples, to the Permanent Forum on Indigenous Issues and to the relevant human rights treaty monitoring bodies and mechanisms, in particular the Committee on the Rights of the Child, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on freedom of religion or belief.

30. Within the framework of the cooperation projects carried out by the Office of the United Nations High Commissioner for Human Rights, it is suggested to pay special attention to the development of specific activities aimed at promoting the right to education and, in particular, a culturally and ethnically adequate indigenous education. It was noted that these kinds of activities were to be especially undertaken in countries where such cooperation projects already took place and indigenous peoples lived. OHCHR is also requested to promote training and support on human rights for professionals in the field of indigenous issues and education.

31. The Office of the High Commissioner is invited to raise the issues discussed at the Seminar with the relevant United Nations bodies and agencies and specialized agencies, national human rights institutions and non-governmental and indigenous organizations and to seek their support in promoting dialogue and action in this area.

32. In the context of the ongoing efforts concerning the fight against violence towards indigenous children, UNESCO should put special emphasis on their educational and community environment. This emphasis will help to combat discrimination and reduce drop-out rates.

33. In the framework of the new emphasis put on the promotion of Education for All, UNESCO should take all the necessary measures to guarantee the achievement of the objectives of the Dakar Declaration and its Action Plan, especially actions 2, 5 and 6. The above-mentioned objectives refer specifically to children's education as well as to the education of those children who are facing difficult situations or whose ethnic origin is different from the one of the majority. Special emphasis needs to be put on the problems faced by indigenous girls in their access to education as well as to the need for improvement in quality of education.

34. It is also recommended that UNESCO establish a project on indigenous languages and cultures in education systems as a method aimed at reactivating intercultural dialogue and promoting tolerance towards diversity. In this context, other relevant United Nations agencies are invited to also consider this proposal.

C. Recommendations to indigenous peoples

35. Indigenous peoples are invited to provide the Special Rapporteur with any additional elements they may find of relevance in addressing indigenous people's educational needs, with particular reference to the situation of indigenous women and children.

36. Indigenous peoples are encouraged to continue their work in making the right to education a fully enforceable right for their communities. They are invited to make use of the existing human rights norms and principles to strengthen the contribution of their cultures and traditions to the future of the entire human society.

37. Human rights education can constitute an empowering tool for those that are marginalized, and in particular for indigenous peoples. In this respect, the Seminar welcomed the World Programme on Human Rights Education and in this context called on Governments to adopt an effective plan of action.

Appendix

LIST OF PARTICIPANTS

Experts

Ms. Edilen Becerra Pajeu, Pedagogical Coordinator of the OPIT (Truka Teacher Organization) and COPIE (Commission of Indigenous Professors of Pernambuco), Brazil

Mr. Philip Cook, Executive Director, International Institute for Child Rights and Development (IRCD)

Mr. Willem Damarah, Nama Teacher and Chairperson of the National Khoe and San Language Body

Mr. John Davis, High School Teacher, Mackay North State High School, member of Aboriginal Students Support and Parent Awareness Group, Mackay North State High School

Mr. Sukendu Debbarma, Senior Lecturer, Department of History, Tripura University, India

Mr. Daniel Domingo López, Sub-Director-General of PRODESSA (Proyecto de Desarrollo Santiago), Guatemala

Mrs. Carolina Huenchullan, Coordinadora Nacional de Educación Intercultural Bilingüe, Ministry of Education, Chile

Mr. Jan Henry Keskitalo, Senior Lecturer, Saami University College, Norway

Mr. Prasit Leepreecha, Senior Researcher, Social Research Institute, Chiang Mai University, Thailand

Ms. Sandra Lee Morrison, Senior Lecturer, School of Maori and Pacific Development, New Zealand

Mr. Darrel McLeod, Executive Director of Education and International Policy and Relations at the Assembly of First Nations in Canada, Canada

Mr. Héctor Muñoz, Professor, Universidad Autónoma Metropolitana, Mexico

Mrs. Priscilla Nangurai, Chairperson for Humanitarian Efforts for Learning of the Girl Child in Africa, Helga, Kenya

Mrs. Carmen Negrín, UNESCO/NGO Liaison Committee, France

Ms. Henriette Rasmussen, Minister of Culture, Education, Science and Ecclesiastical Affairs, Ministry of Education, Government of Greenland, Greenland/Denmark

Mr. Rodion Sulyandziga, Director, Russian Indigenous Training Centre (RITC),
Russian Federation

Mrs. Yolanda Terán Maigua, Coordinadora Nacional de Educación del CONMIE (Consejo
Nacional de Mujeres Indígenas del Ecuador), Ecuador

Mr. Rodolfo Stavenhagen, United Nations Special Rapporteur on the situation of human rights
and fundamental freedoms of indigenous people

Mr. Ayitégan Kouevi, member of the Permanent Forum on Indigenous Issues, Secretariat of the
Permanent Forum on Indigenous Issues

Mr. Wilton Littlechild, barrister and solicitor, member of the Permanent Forum on Indigenous
Issues, Canada

Government delegations

Mr. Hamid Alawadhi, Ambassador, Permanent Delegate, Permanent Delegation of Yemen to
UNESCO

Mrs. Leticia Baquerizo, Permanent Delegation of Ecuador to UNESCO

Ms. Julia Feeney, First Secretary, Permanent Mission of Australia to the United Nations Office
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Mr. Line Paré, Director-General, Education Branch, Indian and Northern Affairs Canada

Mr. Keith Smith, Adviser, International Relations, Indian and Northern Affairs Canada

Mr. Yao Amoussou, Permanent Mission of Benin

Observers

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Ms. Maria Glauser, Universidad Católica, Asunción, Paraguay

Ms. Françoise Jasniewicz-Jaffiol, Association of World Citizens, France

Ms. Shamiran Mako, Human Rights Without Frontiers, Belgium

Ms. Kristine Nystad, Saami University College, Norway

Mr. German Rodolfo Leiva, Consejo Nacional de Educación Maya, Guatemala

Mr. Jacob Moeller Lyberrth, Special Adviser, Minister of Culture, Education, Science and Ecclesiastic Affairs, Greenland

Mr. Bill White, University of Victoria, Canada

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Ms. Noro Andriamiseza, Programme Specialist, Section of Education for Peace and Human Rights, Division for the Promotion of Quality Education

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