

United Nation Human Rights Council
Expert Mechanism on the Rights of Indigenous Peoples 1st Session
October 1 – 3, 2008
Palais de Nations, Geneva Switzerland
Joint Oral Statement, Points for Consideration of the EMRIP Study on Education
by the International Indian Treaty Council and the
United Confederation of Taino People
October 2, 2008
Presented by Andrea Carmen, IITC

Thank you Mr. President. Taking note of the Council on Human Rights resolution L.17 calling upon the UN Expert Mechanism on the Rights of Indigenous Peoples to “prepare a study on lessons learned and challenges to achieve the implementation of the right of Indigenous Peoples to education”, we briefly offer the following recommendations for the essential elements we believe should be included in the framework of consideration for this study.

1. “Truth in Education” for Indigenous and all children in public schools is the foundation for the full recognition of past injustices and the development of new relationships based on justice and equality.

We call upon the EMRIP members to examine the ways that States have used public education to rewrite history regarding Indigenous Peoples and the pervasive impacts this has upon the realization and recognition of the rights of Indigenous Peoples by and within countries. Approved school curriculums often justify past brutalities and current inequities by portraying the actions and impacts of colonization in the guise heroism and noble causes. At the same time they minimize and distort the historical and intellectual contributions as well as the rights of the Indigenous Peoples concerned.

In the United States, for example, distortions in history are still being regularly taught in public schools to both Indigenous and non-indigenous children. This has very real impacts in the denial of Indigenous Peoples rights, and even their very existence, in the real world of policy and practice.

Examples include the designation of sites where Indigenous Peoples were massacred by soldiers and settlers as “battlegrounds”. Myths of discovery and conquest are still perpetuated, from Columbus to the California gold miners, as the heroic actions of “courageous explorers and settlers” laying claim to unused and unoccupied lands, bringing “progress” to untamed wilderness and savages alike. The genocidal brutality that accompanied the introduction of Christianity in the American continent is eliminated or glossed over. Another glaring example is the so-called fact taught in public schools and repeated by public officials in many countries, that there are no longer any Indigenous peoples left alive in a given Country and region and that these cultures can be relegated to the archives of history. This falsehood has been consistently repeated regarding islands of the Caribbean, countries such as Costa Rica and around the San Francisco Bay Area of California USA to name just a few examples.

Due to the protest and persistence of many Indigenous Peoples, in some cases the members of the supposedly “nonexistent” Peoples themselves, to correct this systemic misinformation in education systems. This has begun to be corrected in some places, although far from all. Case studies where new, more accurate curricula has been introduced could be examined and included in this study.

We also recommend that the EMRIP call for submission of examples where human rights education, including new school curricula based on Treaty rights and the UN Declaration on the

rights of Indigenous Peoples for example, has been successfully incorporated into public educational systems for both Indigenous and non-Indigenous children. We encourage the EMRIP to request examples of these best practices and improvements as well as examples where work still needs to be done in this area.

2. The historic and current role of imposed and dominant-culture educational systems on the destruction of Indigenous Peoples' languages, cultures and social structures.

We underscore the profound concerns for the role of public and state sponsored education regarding continuing threats to the survival of Indigenous languages in many regions round the world. Indigenous Peoples recognize that their languages are essential components for the transmission of Indigenous culture, traditional knowledge, spirituality, natural world relationships and understandings and are the basis of our identities as Peoples. Unfortunately in many countries, the effects of education provided by the state, religious or private entities have undermined the vitality and even the survival of Indigenous languages.

We underscore the statement by the North America Regional caucus to the UNPFII7 in April of this Year that “a major factor in the dire situation of many languages and the threats to their survival in the US and Canada is the legacy of deliberate and planned government policies in both countries, including the forced removal of generations of children from their homes, families and communities, attempts at forced assimilation carried out by government agencies, churches, schools and other entities.”

The IITC calls upon the EMRIP to fully examine the role of dominate culture-based education models as an element of termination policies which continue to have severe and ongoing impacts on Indigenous Peoples' languages, culture and social structures.

We also invite Indigenous Peoples who have, through their own efforts, created alternative or complementary educational programs, often without any state or other outside support or financing for many years, to preserve and strengthen the use of Indigenous language for new generations of children. Notable examples are the educational programs in Native languages developed by the Maori of Aotearoa, the Native Hawaiian Peoples, many Indigenous Peoples of Canada and Indigenous communities in Alaska including Chickaloon Village to name only a few examples. Indigenous Peoples who have achieved successful partnerships with states to incorporate Indigenous languages into state-funded schools and public education programs, for example programs based on use of Indigenous languages in Guatemala and other countries, should be encouraged to present successful models for inclusion in this study.

3. The essential role of the family and tribal community as well as the vital role of traditional culture in the successful education of Indigenous children.

The removal of children from their communities or “group” is a well-recognized and well-defined violation of international human rights law, and violates articles 7, 8, 10, 12 and other articles of the UN Declaration on the Rights of Indigenous Peoples. In the United States, Indigenous youth are less than 2% of the population yet they are 15- 20% of the population of incarcerated youth. Similar or higher rates occur in other countries such as Canada, Australia and New Zealand, and in some provinces and regions in these countries the rate is 80% or more. Many Juvenile Detention Centers and correctional facilities consistently deny Indigenous youth equal access to their spiritual practices that could maintain their cultural ties and identity with their communities. One of many negative impacts is disproportionately high school dropout rates, with many Indigenous children

never completing even a basic education. High rates of youth suicide also attributed to these practices.

In Canada, government and religious authorities have recently apologized for the continuing inter-generational trauma caused by the forced removal of thousands of Indigenous children in the guise of providing them with “education” in past generations.

The Canadian residential system closed in 1996, but the systematic removal of Indigenous children from their families and communities continues through the Canadian Governments’ foster care program. At the current time, the Canadian government estimates that one in every eighteen Indigenous children in Canada is in state-sponsored foster care custody, more than at any time during the residential school era. Indigenous organizations in Canada estimate that more than 27,000 children are in state foster care custody.

The impact on the all round spiritual, intellectual and cultural development of children and youth, as essential underpinning for any successful education model for Indigenous children, cannot be minimized and also warrants attention in this study.

4. Finally, we believe that the implementation of key relevant articles in the UN Declaration on the Rights of Indigenous Peoples is essential to providing an effective rights-based framework for this study. In particular, the rights of Indigenous Peoples and the corresponding obligations of states affirmed in Article 14 are of central relevance and importance. These include the rights of Indigenous Peoples to establish and control their own educational systems providing education in their cultures and languages; the rights of Indigenous Peoples especially children to equal access to education provided by the state; and the rights of children living in and outside their communities to have access to education in their own language and culture, as well as state obligations to provide measures in conjunction with Indigenous Peoples to facilitate this access. Case studies of successful models and examples, ongoing obstacles and challenges in the implementation of these rights, as well as support (or lack thereof) provided by states will be of great interest with regards to this study.

In closing we express our appreciation for your attention these concerns, and commit ourselves to assist you in this effort. The education of our children is a shared responsibility of upmost importance for the realization of the human rights and development of the most vulnerable among us, who are also the hope and future of our Nations and Peoples.

Thank you. For all our relations.