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HUMAN RIGHTS COUNCIL  
Expert Mechanism on the Rights of Indigenous Peoples  
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**Technical workshop on the right of indigenous peoples to education and contributions to the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education**

**Note by the Secretariat\***

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\* Late submission

## **I. INTRODUCTION**

1. The Expert Mechanism on the Rights of Indigenous Peoples was requested by the Human Rights Council, in its resolution 9/7, to prepare a study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education, to be concluded in 2009.

## **II. TECHNICAL WORKSHOP ON THE RIGHT OF INDIGENOUS PEOPLES TO EDUCATION**

2. For the study, the Council requested the Expert Mechanism to seek input from relevant stakeholders, including from indigenous peoples' organizations, Member States, relevant international and regional organizations, the Office of the United Nations High Commissioner for Human Rights (OHCHR), national human rights institutions and civil society organizations, including non-governmental organizations.

3. At its first session, the Expert Mechanism adopted a proposal relating to its forthcoming study on the right of indigenous peoples to education, including a proposal to organize a two-day technical workshop on the topic. It also invited relevant stakeholders to submit written contributions for the study on the lessons learned and challenges to achieve the implementation of the Right of Indigenous Peoples to Education, with the following elements:

- (a) A human rights-based approach to the right to education;
- (b) Good examples and lessons learned in establishing and controlling indigenous education systems and institutions;
- (c) Challenges to achieve the implementation of the rights of indigenous peoples to education;
- (d) Recommendations.

4. The Expert Mechanism received contributions from several States, national human rights institutions, indigenous organizations, non-governmental organizations, United Nations agencies and universities. On the basis of those submissions, an advanced draft of the Study was prepared by members of the Expert Mechanism.

5. In order to facilitate discussion on the advanced draft of the study on lessons learned and challenges to achieve the implementation of the rights of indigenous peoples to education, and pursuant to the proposal of the Expert Mechanism, OHCHR organized a technical workshop on the implementation of indigenous peoples' right to education at the United Nations Office in Geneva, on 6 and 7 May 2009.

6. The workshop was attended by John Henriksen, Jannie Lasimbang and Jose Molintas of the Expert Mechanism. Other participants included indigenous representatives, education experts, representatives of Member States, members of United Nations treaty bodies and staff members of United Nations agencies.

7. The purpose of the technical workshop was to receive concrete proposals to develop further the advanced draft study. The participants in the workshop made both structural and substantive suggestions that could be included in the study prior to the second session of the Expert Mechanism in August 2009.

### **III. CONTRIBUTIONS RECEIVED TO THE STUDY ON LESSONS LEARNED AND CHALLENGES TO ACHIEVE THE IMPLEMENTATION OF THE RIGHT OF INDIGENOUS PEOPLES TO EDUCATION**

#### **A. Information received from States parties**

8. The following Member States submitted contributions to the study on lessons learned and challenges to achieve implementation of the right of indigenous peoples to education: Australia, Bolivia, Canada, Colombia, Finland, Ecuador, Mexico and New Zealand. Contributions were also received by the Greenland Home Rule Government and Nunavut Tunngavik Incorporated.

9. Contributions by Member State contributions contained, inter alia, comments on the human rights-based approach to indigenous education and analyses of article 14 of the United Nations Declaration on the Rights of Indigenous Peoples and other international instruments. They also provided many good examples and lessons learned in implementing the right of indigenous peoples to education, including establishing indigenous education institutions and multilingual or multicultural education. Many States also made proposals on how to implement the right to education for indigenous peoples.

10. Some Member States submitted additional information on specific issues relating to the right of indigenous peoples to education. Canada submitted *Exploring Approaches for Improving Educational Outcomes for Urban Ethnic Minority Students in the United States: Literature Review Policy Lessons for Aboriginal Education in Canada* by Helen Raham, and *Forging Partnerships, opening Doors: Community School Case Studies from Manitoba and Saskatchewan* by Susan M Phillips. It also submitted census information.

11. The Greenland Home Rule Government submitted “Atuartitsialak: Greenland’s Cultural Compatible Reform”, “Building Educational Capacity in Greenland” and “Implementation of Instructional Conversations in a Greenlandic Settlement School” by Tasha R. Wyatt. It also submitted “Science and culture in Greenlandic educational reform” by Ronald Tharp and “Educating teachers from a Vygotskian point of view; the Greenland school reform and what it implies for classroom practices and further education (professional development) for teachers” by Karl Kristian Olsen.

12. Nunavut Tunngavik Incorporated submitted “Language of instruction policy in Nunavut: creating a framework for Inuit language revitalization” by Ian Martin and “The Nunavut project” by Thomas Berger. New Zealand submitted the document “Ka Hikitia – managing for success: the Māori Education Strategy 2008-2012, overview for the United Nations Human Rights Council”.

**B. Information received from indigenous peoples, non-governmental organizations and universities**

13. The Expert Mechanism received contributions from numerous indigenous peoples' organizations. Many of them submitted articles on topics relating to the right to education for indigenous peoples. For instance, the Sengwer Cultural Centre in Kenya submitted the article "Hunter-gatherer Ethnic Minority Indigenous Peoples of Kenya and Their Right to Education" by Charity A Odhiambo and Yator Kiptum. The Conseil en Education des Premières Nations, Secrétariat de l'Assemblée des Premières Nations du Québec et du Labrador submitted an article entitled "Réalisation du droit à l'éducation par les Premières Nations du Canada" and the article "First paper on First Nations education funding". The Sami Parliament of Norway submitted the "Supplementary report regarding the International Labour Organization Convention 169: Sami Rights and the Norwegian Government proposition on the Mineral Act" as well as a specific contribution to the study of the Expert Mechanism.

14. The International Organization of Indigenous Resource Development submitted several articles: the Essential Requirements for an Effective Education Strategy; the Maskwachees Declaration; the British Columbia Aboriginal Youth Sport and Recreation Declaration; the First Nations Languages Private Members Bill; and the Mandate for the Truth and Reconciliation Commission. It also submitted two articles by the Assembly of First Nations, entitled "Education: the key to the future; pre-budget submission to the House of Commons Standing Committee on Finance" and "First Nations Declaration: our language, our cultures, our nationhood". In addition, it submitted the "Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples: information received from indigenous peoples organizations" and pertinent articles.

15. Both the First Nations Education Steering Committee of Canada and the Asociación Akuaipa Waimakat of Colombia made contributions on the right to education of indigenous peoples' in line with the format proposed by the Expert Mechanism (see para. 3 above). The format was also followed by the PACOS Trust from Sabah (Malaysia), the Working Group of Indigenous Minorities in South Africa (Namibia), the Indigenous Knowledge and People Network (Thailand) and the Sunuwar Welfare Society (Nepal). Furthermore, the Citizen's Constitutional Reform (Fiji) and Solidarity with indigenous peoples of America, a Switzerland-based organization, also submitted contributions.

16. In addition, Rights and Democracy, together with the Consejo de organizaciones aborígenes de Jujuy and the Clínica de defense de los derechos humanos de la Universidad de Québec en Montreal submitted an article entitled "Los pueblos indígenas de jujuy, Argentina: lecciones aprendidas y retos para lograr su derecho a la education". The contribution by Zabarang Kalyan Samiti (Bangladesh) focused on mother-tongue multilingual education and primary education development programmes. Sheena Graham of Amnesty International Australia sent a contribution on the challenges in the implementation of the right of indigenous peoples to education. CARE Cambodia submitted its 2008 Highland Communities Program Annual Report. The Mbororo Social and Cultural Development Association (Cameroon) contributed to the study with a document detailing challenges faced by the Mbororo peoples of Cameroon, Chad and the Niger. The Gáldu - Resource Centre for the Rights of Indigenous Peoples (Norway) also made a contribution.

17. Indigenous universities also made contributions to the study by raising issues pertaining to higher education. The Fondo Indígena y la Universidad Indígena Intercultural submitted an article on its experience in Latin America, and the Sámi University College contributed with information in line with the format proposed by the Expert Mechanism. The World Indigenous Higher Education Consortium, based in Norway, submitted several contributions, including the Constitution of the World Indigenous Nations Higher Education Consortium, examples of Indigenous Higher Education Networks, and the WINHEC Accreditation Handbook. The American Indian Higher Education consortium submitted a document entitled “AIHEC: TCUs preparing tomorrow’s leaders today and everyday”.

18. In addition to the indigenous universities, the Technical University of Berlin (Structural Analysis of Cultural Systems) made a submission, following the format requested by the Expert Mechanism.

#### **C. Information received from national human rights institutions**

19. Several national human rights institutions contributed to the study. They included the Office of the Ombudsman (Namibia), the Australian Human Rights Commission, the New Zealand Human Rights Commission, the Procurador de Nicaragua and the Defensoría del Pueblo de Paraguay.

#### **D. Information received from intergovernmental organizations and United Nations agencies**

20. In addition to indigenous organizations and states, several United Nations agencies contributed to the study. The International Labour Organization contributed in the format proposed by the Expert Mechanism. UNICEF-Argentina also contributed an article entitled “Centros de Promoción Educativa en Comunidades indígenas del Pueblo Toba-Qom, una herramienta para la implementación del derecho a la educación de los pueblos indígenas”. Additionally, the secretariat of the Permanent Forum on Indigenous Issues submitted a contribution following the structure proposed by the Expert Mechanism.

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