Thank you Mr Chairman.

This is a joint statement on behalf of the National Native Title Council, FAIRA, Australian Human Rights Commission and Indigenous Peoples Organisations Network of Australia.

We have prepared a briefing paper that addresses a range of issues relating to Indigenous peoples’ access to education in Australia. It addresses issues such as:

- Access to education in remote Aboriginal communities;
- The teaching of languages and learning within Indigenous cultural frameworks both in an urban environment and in discrete Aboriginal communities in rural and remote localities;
- The need for community education about human rights, as well as building on the strengths of Aboriginal customary law in contributing to community cohesion and development; and
- Some brief case studies of examples in Australia of access to education that is accessible, appropriate, adapted and adequate.

We will table a copy of that paper for the members of the Expert Mechanism. We hope that will provide some guidance as your study on education is developed.

We also note that the Aboriginal and Torres Strait Islander Social Justice Commissioner’s next report to the federal Australian Parliament will provide a detailed analysis of lessons learned on Indigenous education. This report will be tabled in the federal Parliament in approximately March 2009 and will be formally provided to the Expert Mechanism at that point.

Mr Chairman, in addition to the issues raised in our briefing paper the key issues that we wish to bring to your attention are as follows:

- We recommend that the study utilise a human rights framework. To this end we recommend that the provisions of the Declaration on the Rights of Indigenous peoples, especially Article 14 be used as the framework for this study. Similarly, it should take into account the recommendations in the Program of Action of the 2nd International Decade of the World’s Indigenous Peoples relating to education, the thematic report of the Special Rapporteur; and recommendations of the Permanent Forum on Indigenous Issues – such as at its latest session relating to Indigenous languages. We recommend that these recommendations and provisions be used as the framework for this study in order to elaborate on the right
to education as set out in Article 13 of the International Covenant on Economic, Social and Cultural Rights.

- We note that the World Indigenous Peoples Conference on Education will take place in Melbourne Australia from the 7 – 11 December this year. We recommend that the Expert Mechanism participate in that conference and ensure that the conference’s outcomes are taken into account in the preparation of this study by the Expert Mechanism. We have now received a message from the conference organisers that they would welcome the Expert Mechanism’s participation in the 2008 Indigenous Peoples Conference on Education and would be happy to facilitate and support this participation.

We have been asked by the organisers of the conference to point out the importance and relevance of the Coolangatta Statement on Indigenous Peoples' Rights in Education and its relationship with the Declaration on the Rights of Indigenous Peoples. This Coolangatta Statement was developed prior to the World Indigenous Peoples Conference on Education in Wollongong, Australia in 1993 and ratified in Hawaii in 1999.

The Coolangatta Statement emphasises the right to be Indigenous is the most fundamental and important of all human rights. The right to be Indigenous is a precursor to self-determination. The right to self-determination and the achievement of other inherent rights and freedoms of all Indigenous Peoples is inextricably connected to mother earth

- We note that the Millennium Development Goals include standards on literacy and numeracy and their application to Indigenous peoples should also be considered.

- We call for a major focus on human rights education at the community level. At present, the first time many of our people learn about the law and human rights is when they are in prison – and clearly this is too late.

Mr Chairman, we are also concerned about the process by which the Expert Mechanism will undertake this study. We would recommend that the Mechanism request the High Commissioner’s Office to request information from Indigenous communities, governments, the educational sector and others to provide information on the lessons learned in addressing Indigenous educational needs. We also recommend that the Expert Mechanism clearly articulate the scope of the study so that input can be focused sufficiently to aid the experts in their work.

Thank You Mr Chairman.