
Racism, Racial Discrimination, Xenophobia and Related Intolerance in Education

The Case of Indigenous People in Guatemala

Education in Durban

The Durban Declaration and Programme of Action, adopted by consensus at the 2001 World Conference against Racism in Durban, South Africa, made key recommendations in the sphere of education: (1) the need to guarantee access and inclusion of all children and adults to a quality education, eliminating intra-school and outside-school factors that hinder access, attendance and success in learning experiences; (2) full, precise and objective teaching and communication of the history, culture and contributions of all the different populations; (3) the guarantee of opportunities for indigenous populations to learn in their mother tongue and (4) Human Rights education.

Seven years later, these recommendations remain largely unattended. Racism, Racial Discrimination, Xenophobia and Related Intolerance are still endemic to the education system in many contexts, leading to severe inequalities in access and retention of schooling, and to the perseverance of intra-school processes that directly violate the principles of human rights and dignity.

The violation of indigenous people's right to education in Guatemala

Guatemala has the lowest youth and adult literacy rates in Latin America.¹ Youth literacy (15-24 years) is significantly higher for men than women (a gap of 6%), and far lower for indigenous and rural populations than non-indigenous and urban dwellers (a gap of 18% and 19% respectively).²

Guatemala's weak education outcomes furthermore are disproportionately present in the Mayan population of approximately 3.5 million.³ Analysis of educational achievement shows that across generations in Guatemala, indigenous women have the lowest educational achievement rate of all.⁴ These high illiteracy rates condemn indigenous people to lower levels of community and political participation and to a cycle of poverty.

The UN Committee on the Elimination of Racial Discrimination (CERD) "urges the State to adopt the proposed policy entitled "Towards harmonious intercultural coexistence", which is intended to eliminate racial discrimination".⁵ It also recommends that steps be taken "in the short and medium terms to implement measures to reduce illiteracy, especially in rural areas and among women and girls.[...] [to] consider increasing the number of bilingual schools, particularly in rural areas [...] [and to] pursue educational reform through culturally relevant curricula, bearing in mind the provisions of the Agreement on Identity and Rights of Indigenous Peoples".⁶

Guatemala is obligated, by domestic, regional and international law, to provide education that is free, non-discriminatory, and administered bilingually.⁷ However, Guatemala is actively violating indigenous people's right to non-discriminatory education: by not making it **available** on a basis of equal opportunity in sufficient quantity and with the necessary facilities; by not making it **accessible**, when failing to eliminate geographic, economic and ethnic obstacles that prevent indigenous children education attainment; by not making it **acceptable**, when not taking into account the student's diverse cultural

backgrounds; and by not making it **adaptable**, when failing to respect, protect and fulfil the rights of children and indigenous peoples, such as their linguistic rights.

International Law

The principle of equal treatment and non-discrimination is enshrined in all international Human Rights legislation. "Education must be accessible to all in law and fact, without discrimination. The prohibition against discrimination is subject to neither progressive realization nor the availability of resources", says General Comment 13 of the Committee on Economic, Social and Cultural Rights. According to international human rights law on education and non-discrimination (CERD, art. 5; ICESCR art. 13 and 14; CRC art. 28 and 29; art. 26 of the American Convention on Human Rights, art. 13 of the Protocol of San Salvador) government obligations related to the right to education can be framed according to "four As": Availability, Accessibility, Acceptability and Adaptability.

Recommendations

- The Durban declaration and plan of action must be reaffirmed and states must guarantee its immediate implementation;
- States must acknowledge the persistence of racism and multiple discrimination within the education system and must therefore put in place appropriate legislation and affirmative action policies to tackle the problem;
- National and local laws, policies and programmes must put in place a curriculum that is based on the acknowledgement and appreciation of difference and on the principles of human rights education, as well as the central role education can play in combating racism and discrimination must be recognized;
- States must immediately ratify international agreements related to the fight against racism and discrimination in education. We underline the importance of universal ratification of the International Covenant on Economic, Social and Cultural Rights (1966) as well as its Optional Protocol, approved in December 2007 by the United Nations General Assembly. We also call on states for universal ratification of the UNESCO Convention against Discrimination in Education (1960).

References

¹ According to the UNESCO Institute for Statistics (UIS) the youth literacy rate in 2005 was 82.2%.

² CSEGEPLAN 2006, *seen in* Submission by the Centre for Economic and Social Rights (CESR) and Instituto Centroamericano de Estudios Fiscales (ICEFI) to the UN Office of the High Commissioner for Human Rights on the occasion of the second session of the Universal Periodic Review, May 2008 "Economic, social and cultural rights in Guatemala: a selective briefing". P. 5.

³ Robert F. Kennedy Memorial Center for Human Rights (2008) Right to Education of Afro-descendant and Indigenous People's in the Americas Report prepared for a thematic hearing before the Inter-American Commission on Human Rights

⁴ CSEGEPLAN 2006, see above.

⁵ CERD/C/GTM/CO/11, Art. 12 15 May 2006

⁶ CERD/C/GTM/CO/11, Art. 20 15 May 2006

⁷ Guatemalan Peace Accords of 1996 (title III) obliged the State to rapidly increase bilingual education, to improve retention and adaptation of education and respect for indigenous forms and attitudes towards education; the articles 71 and 73 of the Guatemalan Constitution, guaranteeing the right education without discrimination; and domestic laws (Article 5 of the National Education Law 12-91 and articles 27 and 28 of the Social Development Law of 2001, Law 42-2001); and the Inter-American international law (article 26 of the American Convention on Human Rights, articles 13 and 16 of the Protocol of San Salvador and article 8 of the Convention of Belém do Pará), stating Guatemala's immediate and progressive obligations to fulfil the right to education without discrimination.