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THE HUMAN RIGHT TO EDUCATION IN THE POST-2015 DEVELOPMENT AGENDA

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The 68th Session of the United Nations General Assembly will see the launch of Secretary-General Ban Ki-moon's Special Report: *A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015*. In this context, a broad group of civil society networks and organizations are coming together to highlight the compelling case for ensuring that the fulfilment of human rights is at the heart of the post-2015 development agenda, and that the education narrative, as well as goals and core indicators, is grounded in a human rights perspective. The organizations and networks¹ presenting this statement reaffirm that the following principles express an understanding of education as a fundamental human right.

1. Every human being is entitled to the right to education.

The aims and objectives of education are the full development of the human personality and the sense of its dignity, the strengthening of respect for human rights and fundamental freedoms, the effective participation of all persons in a free society, the promotion of understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and the maintenance of peace², enabling everyone to participate effectively in a democratic and

pluralistic society.³ Because education is a *human right*, all human beings are equally entitled to it. In order to fulfill this purpose, education must be available, accessible, acceptable and adaptable⁴. A human rights perspective to education informs every facet of the education system and the whole range of educational processes: policy, access, curriculum, management, budgeting, provisioning and teaching and learning. A rights-based approach emphasises rights **to** education, rights **in** education and rights through education. It thus concerns the teaching and learning of human

1 The organisations currently endorsing this statement are: the Global Campaign for Education (GCE), the International Council for Adult Education (ICAE) and Education International, along with the Latin American Campaign for the Right to Education (CLADE), the Asia South Pacific Association for Basic and Adult Education (ASPBAE), the Arab Campaign for Education for All (ACEA), the Africa Network Campaign for Education for All (ANCEFA), the Latin American and Caribbean Council for Popular Education (CEAAL), the European Association for the Education of Adults (EAEA), Global March Against Child Labor, ActionAid, Oxfam, DVV International, Plan International, IBIS and Open Society Foundations.

2 Article 26, Universal Declaration of Human Rights (1948); Article 13, International Covenant on Economic, Social and Cultural Rights (1966).

3 Article 13, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights.

4 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 13, 1999. The Committee points out four core dimensions of the right to education, standing on the assumption of the State as duty bearer: **Availability**: The existence of sufficient and well provisioned educational institutions; **Accessibility**: Free and full access to education, without discrimination; **Acceptability**: The appropriateness and relevance of education, in compliance with human rights standards; **Adaptability**: The ability of educational institutions to be responsive to the educational community.

rights that can contribute to the development of a critical citizenry able to sustain and play a part in the attainment of all other rights, and in promoting a culture of democracy and peace.

2. States are duty-bearers and must respect, protect and fulfill human rights, including the right to education.

This implies strengthening public education systems that respond to the obligations States have subscribed to in various human rights instruments⁵. These legal instruments oblige States as duty-bearers to respect, protect and fulfil the right to education. Paramount is the obligation of States to ensure free, compulsory and universal education, at least in primary education and progressively beyond, to encompass secondary and higher education⁶. The requirement of free education is unequivocal; disrespecting this jeopardises the realization of the right to education, and can be highly regressive in effect⁷. Recognising States as duty-bearers also implies robust accountability mechanisms, making governments responsible for their commitments and obligations under human rights law⁸ while at the same time regulating private education provision, which must be under the scrutiny of public control. For rights to have meaning, effective remedies must be available to redress violations⁹, which entitle citizens to demand State reparation using national, regional or international mechanisms of justiciability.

3. The right to education begins at birth and is lifelong.

Education must be equally available and accessible nationwide, whether in urban or rural settings, within a safe environment, with good conditions and infrastructure

5 These include the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Rights of the Child (1989), the Convention on the Elimination of All Forms of Discrimination against Women (1979), International Convention on the Elimination of All Forms of Racial Discrimination (1965), Convention on the Rights of Persons with Disabilities (2006) and the UNESCO Convention against Discrimination in Education (1960).

6 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 13, 1999.

7 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 11, 1999.

8 Responsibility of Governments must be strengthened in the Post-2015 Development Agenda – Press Release, UN Special Rapporteur for the Right to Education, Kishore Singh, 2013.

9 General Comment No. 5 Committee on the Rights of the Child: “General measures of implementation of the Convention on the Rights of the Child”, 2003

and no obstacle of geographic, discriminatory or economic nature, throughout the entire education cycle. This includes early childhood, primary, secondary, technical and vocational as well as university education. It furthermore includes literacy and adult education, in the perspective of lifelong learning¹⁰. Recognising that the right to education begins at birth contributes to strengthening children’s rights to protection and other related rights. Political will to respond to all stages and dimensions of the right to education must be clearly spelt out in post-2015 development and education agendas. At the same time, the importance of linking formal, non-formal and informal education should be underlined.

4. Adult education and literacy in a lifelong learning framework are an integral part of the right to education.

International Human Rights instruments enshrine the right to education for all ages¹¹, emphasizing that the right to fundamental education is not limited by age, race, class or gender and that it applies to children, young people and adults, including the elderly. Nevertheless, adult education and literacy in a lifelong learning context have not received the attention they deserve, and must be clearly prioritized in international and regional frameworks, as well as national and local government policies, and reflected accordingly in post-2015 development and education agendas. Popular Education, through its practice and vision of citizenship, its intercultural perspective and its linking of learning with the environment, has given vitality to adult education and literacy. It is important that policies and programs focused on adult education recognize the cultural heritage of adults, their knowledge, representations, expectations and skills as well as their contexts and needs. An emphasis on the education of women is of paramount importance, representing a fundamental commitment towards gender equality and non-discrimination, and is strongly related to the achievement of dignity, respect and justice.

10 Progress has been made in primary education and yet at least 10% of primary-school-age children globally, or over 60 million, are still not in school. The other levels of education lag much behind: insufficient access to early childhood education and secondary education is especially evident in low-income countries, where only 15% of children attend early childhood education and where lower-secondary gross enrolment ratio is just 52% in 2010. Furthermore, in terms of adult literacy, 774 million adults are still unable to read and write, 64% of whom are women.

11 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 13, 1999.

5. A broad approach to quality education is needed.

Quality education is an integral part of the right to education and must be viewed multi-dimensionally, including a focus on educational inputs and processes as well as short-, medium- and long-term achievements. Quality education provides people with the critical knowledge, abilities and skills that are needed to question, conceptualise and solve problems that occur both locally and globally. The Convention on the Rights of the Child underlines that attention must be paid not only to the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place, in line with the principles it enunciates ¹². In this sense, it is crucial that education be transformative, geared towards social and environmental justice, the democratization of power structures, promotion of equality and non-discrimination and respect for human rights and fundamental freedoms. A narrow approach to learning, understood as measurable learning outcomes in numeracy and literacy, can result in sidelining these core dimensions of quality and diminishing other subjects and essential skills, values and relations, such as creativity, curiosity, critical thinking, civic-mindedness, solidarity, cooperation, self-discipline, self-confidence, co-responsibility, dialogue, compassion, empathy, courage, self-awareness, resilience, leadership, humility, peace, harmony with nature, thus detracting from achieving the overall purpose of education. In line with this perspective, education evaluations should be holistic and formative, grounded on national parameters and respecting cultural and linguistic diversity, while focusing on systems as a whole and being developed with the active engagement of teachers, students and parents.

6. Equality and non discrimination are core elements of the right to education.

Equitable participation in quality education is fundamental. Expanded access and improved quality are complementary dimensions of the right to education and must be pursued simultaneously. In this sense, all forms of discrimination and exclusion in and through education must be overcome, including those based on age, belief, birth, class, race, conscience, culture, disability, ethnic or social origin, gender, gender identity, sexual orientation,

geographical location, language, marital status, pregnancy, religion, social status or wealth. Multiple forms of discrimination in and through education must be especially recognized and overcome, in particular those suffered by girls and women. Difference, diversity and interculturalism must be recognized and valued, promoting patterns of egalitarian relations among people and with the natural environment. Schools must exist as places of encounter, of exercise of democracy and realization of human rights.

7. Teachers are at the center of quality education.

A global development agenda for education must place teachers at the centre of efforts to achieve quality by prioritizing teacher education and on-going professional development for all levels of education including adult education and literacy, reducing class size, supplying teaching and learning resources, and improving salaries and general conditions of work. The rights of teachers must be fulfilled both as a matter of principle and as a condition for fulfilling the right to education of children, adolescents, youth and adults. Furthermore, teachers at all levels of education, including adult education and literacy, must be given autonomy and academic freedom in their teaching practice, as qualified professionals with expert knowledge. Teachers should actively engage in policy debate and decision-making, with a leading role in the process of 'meaning-making' in relation to educational quality. Last but not least, teacher evaluation must be structured within a formative and learning-focused paradigm, and defined with their active involvement. Under no circumstance should teacher evaluation or student assessment be used to punish and/or reward individuals based on high-stakes testing or other forms of "merit" pay, which incites competition among those education actors whose relations should be grounded on collaboration as a core condition for achieving the right to education.

8. The State must provide sufficient financing for public education.

State responsibility includes the provision of the necessary financial resources for the realization of the right to education as well as the putting in place of legal frameworks that ensure domestic financing ¹³. As with other public goods, financing should be

12 Convention on the Rights of the Child, General Comment 1 (2001)

13 Human Rights Council, Report of the Special Rapporteur on the right to education, Kishore Singh on Justiciability of the right to education, 2013.

sustainable from domestic resources, allowing policy and practice to be subject to democratic accountability that reflects national priorities. This assumes adequate standards of governance and implies ensuring just and progressive tax systems are in place. International human rights instruments underline that in those countries where there are not sufficient resources to guarantee the implementation of the right to education, the international community must provide financing¹⁴. Public financing of education is a core indicator of political will, and so far national budgets have overall reflected insufficient priority, especially in relation to early childhood and adult literacy and education. We thus call on all States to allocate at least 6% of their GDP and at least 20% of national budgets to education. Similarly, political will of international cooperation agencies must rise within the above mentioned perspective, placing education as a central priority in their development agendas. We call on international cooperation agencies to allocate at least 10% of Official Development Assistance (ODA) to basic education.

9. There must be democratic governance in education.

Broad participation in education governance implies first and foremost recognizing all children, adolescents, youth and adults as subjects of rights and legitimate interlocutors in the debate, definition and monitoring of educational policy as well as in the definition of accountability mechanisms and follow up of budgetary performance at macro and micro levels. Democratic governance legitimizes and qualifies public policy and practice and fosters a human rights culture while promoting dialogue, peaceful resolution of conflicts, and horizontal and collaborative relations among the

different education actors. It is a crucial element in ensuring States are accountable to citizens, and that there is collective drawing of priorities and addressing of challenges, in order to further the effective implementation of the right to education. A crucial aspect is the active participation - at all levels, from national councils to school boards - of those groups historically excluded and discriminated against, both as a matter of principle and a condition for redressing the unequal power relations that lead to social injustice.

10. Human rights are integral, indivisible and interdependent.

As the Committee of Economic, Social and Cultural Rights frames it¹⁵, the right to education has been variously classified as an economic right, a social right and a cultural right. It is all of these. It is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights. Thus, rights to, in and through education are linked to all other human rights. Furthermore, education rights cannot be divorced from wider socio-economic rights. Achieving the right to a meaningful education will depend upon confronting patterns of inequalities, illness and malnutrition, discrimination and social exclusion, and ensuring safe public transportation. These issues are more pronounced for certain marginalised groups within countries, indigenous, migrants and refugees travelling to other countries and in conditions of civil conflict, war, occupation and environmental emergencies. In this sense, States must commit to putting in place legal and policy frameworks that ensure the effective realization of all human rights for all.

14 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 11, 1999: "When a State clearly lacks the necessary financial resources and knowledge to "elaborate and adopt" a detailed plan for the realization of the human right to education, the international community shall have the clear obligation to provide assistance"

15 Committee of the International Covenant on Economic, Social and Cultural Rights, General Comment 11, 1999.

For more information about this *Civil Society Joint Statement*, please send an email to post2015@campaignforeducation.org.

