

A Human Rights-Based Approach to **EDUCATION FOR ALL**



United Nations
Educational, Scientific and
Cultural Organization



A Human Rights-Based Approach to Education

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A Human Rights-Based Approach to **EDUCATION FOR ALL**

**A framework for the realization
of children's right to education
and rights within education**



United Nations
Educational, Scientific and
Cultural Organization





CONTENTS

| | |
|---|-------|
| Preface and acknowledgements | vii |
| Foreword | .xi |
| Acronyms | .xiii |
| <i>My right to learn</i> | .xiv |
| Introduction | 1 |
| Chapter 1: Human rights and education | 7 |
| Education as a human right | 7 |
| Human rights-based approaches to development | 9 |
| The principles that inform a rights-based approach | 10 |
| Adopting a rights-based approach to education | .11 |
| Applying a rights-based approach to policy and programming | 13 |
| Situation assessment and analysis | 16 |
| Assessing capacity for implementation | 17 |
| Programme planning, design and implementation | 18 |
| Monitoring and evaluation | 19 |
| Addressing tensions in fulfilling the right to education | 20 |
| Reconciling conflicting agendas for education | 20 |
| Balancing rights and responsibilities of children | 22 |
| Tensions in the implementation of a rights-based approach | 22 |
| Chapter 2: A rights-based conceptual framework for education | 27 |
| Introduction | 27 |
| 1. The right of access to education | 29 |
| Education throughout all stages of childhood and beyond | 30 |
| Availability and accessibility of education | 31 |
| Equality of opportunity | 31 |
| 2. The right to quality education | 32 |
| A broad, relevant and inclusive curriculum | 33 |
| Rights-based learning and assessment | 33 |
| A child-friendly, safe and healthy environment | 34 |

| | |
|---|-----------|
| 3. The right to respect in the learning environment | 35 |
| Respect for identity | 35 |
| Respect for participation rights | 36 |
| Respect for integrity | 37 |
| Chapter 3: State obligations and government responsibilities | 39 |
| Creating a supportive political and economic environment | 40 |
| Progressive realization of education rights | 40 |
| A conducive political environment | 41 |
| Rights-based analysis and planning | 43 |
| Disaggregated data collection, monitoring and evaluation | 46 |
| Meaningful intersectoral collaboration | 48 |
| Effective partnerships | 50 |
| Establishing a robust legislative framework | 52 |
| Education as a right for all children | 52 |
| Elimination of discrimination | 53 |
| Minimum standards | 53 |
| Best interests of the child | 54 |
| An inclusive framework | 54 |
| Elimination of child labour | 54 |
| Birth registration | 55 |
| Participation rights | 55 |
| Prohibition of all forms of violence against children | 56 |
| Developing rights-based education policies | 56 |
| Policies to ensure access to education | 56 |
| Policies to provide quality education | 66 |
| Policies to promote respect for human rights in schools | 75 |
| Policies to ensure children’s participation | 79 |
| Chapter 4: The role of other duty bearers | 87 |
| Parents and other caregivers | 88 |
| Parental responsibilities | 88 |
| Provision of education for parents | 89 |

| | |
|---|-----|
| Parents as partners | 90 |
| Communities | 90 |
| Promoting local awareness | 91 |
| Analysing local barriers | 92 |
| Providing accurate information on the preschool and school-aged population | 92 |
| Supporting schools | 93 |
| Teachers | 93 |
| Head teachers | 93 |
| Duties of teachers | 95 |
| Civil society organizations | 97 |
| Collaborating in the provision of education | 97 |
| Mobilizing and capacity-building. | 98 |
| The international community | 99 |
| Strategies for promoting rights-based education | 99 |
| Issues to address in promoting rights-based education | 100 |
| Bibliography | 102 |
| Normative and standard-setting instruments | 109 |
| Conventions | 109 |
| Declarations, programmes and plans of action | 110 |
| Web resources and initiatives | 111 |
| Appendix I: The human rights-based approach to development cooperation | 113 |
| Appendix II: The Convention on the Rights of the Child and education | 118 |
| Appendix III: Overview of global goals pertaining to education | 120 |
| Appendix IV: A checklist for action: State obligations in ensuring the right to education | 122 |
| Appendix V: World Programme for Human Rights Education, Plan of Action 2005–2007 | 128 |
| Appendix VI: Practice standards in children’s participation | 131 |
| Endnotes | 140 |



PREFACE AND ACKNOWLEDGEMENTS

This document brings together the current thinking and practice on human rights-based approaches in the education sector. It presents key issues and challenges in rights-based approaches and provides a framework for policy and programme development from the level of the school up to the national and international levels.

Rights-based approaches have only recently become a focus within the education sector. This document was thus developed as a resource for government officials, civil society organizations, United Nations and bilateral agencies, and other development partners strategically involved in the development of education policies and programmes. It is intended to guide the dialogue of the United Nations Development Group and Education for All (EFA) partnerships and facilitate a breakthrough from the rhetoric of the 'right to education' to concrete and accelerated interventions at policy and programme levels for attaining the EFA goals and the Millennium Development Goals related to education.

The document is positioned within and builds on the UN Statement of Common Understanding on a Human Rights-Based Approach to Development Cooperation. In this regard we hope it will be shared and used within the context of UN Reform and donor harmonization. More particularly, we hope it will be adopted by the UN Education Theme Group at the country level in developing the education component of a Common Country Assessment/UN Development Assistance Framework and to guide a common UN stance in larger country-level forums, such as education sector-wide approaches, the Multi-Donor Budget Support Group, the EFA FastTrack Initiative, the EFA Group, the Consultative Group and others.

While the predominant focus of the document is on primary basic education and child rights within education, it is based on the EFA goals and situated within life-cycle and lifelong learning approaches. It addresses the right *to* education as well as rights *within* education, which include human rights education itself. The document therefore needs also to be seen in the context of the World Programme for Human Rights Education, which was adopted through a UN General Assembly resolution in 2004, and which is being implemented through a Plan of Action, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), with a focus on primary and secondary school systems in its first phase.

The project of preparing this document was initially started by the United Nations Children's Fund (UNICEF) (as a collaborative initiative between its Education Section and Human Rights Unit) and evolved as a joint effort with UNESCO. It draws on a participatory process that included a community of human rights education professionals, who, at different points in time – and from their diverse institutional, regional and thematic perspectives – have contributed actively through a number of meetings, consultations and discussions between 2004 and 2006.

One such meeting was held by UNESCO in Belfast in 2004, organized by the Section of Education for Peace and Human Rights and the University of Ulster, which hosts the UNESCO Chair in Education for Pluralism, Human Rights and Democracy. The recommendations from this meeting identified the need for guidance material on the application of a rights-based approach that is specific to the education sector and responds to the UN Statement of Common Understanding. The view was put strongly that the concept of 'quality' goes beyond physical inputs to and academic outputs from education, and includes educational content and processes that are consistent with human rights principles and practices.

A further stage involved the development of some basic planning tools – essentially checklists related to access, inclusion and quality. For this step, UNESCO Bangkok convened a meeting of national EFA Coordinators from Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam to pilot and comment on these instruments. The results led to further in-country meetings in 2005 to raise awareness of a rights-based approach to education among education ministry officials. The workshops drew heavily on the *Manual on Rights-Based Education*, by Katarina Tomaševski, former UN Special Rapporteur on the Right to Education (1998–2004).¹

Simultaneously, UNICEF was receiving support from the Department for International Development (DFID), United Kingdom, for an ongoing project by its Human Rights Unit on 'Strengthening Human Rights-Based Approach Programming in UNICEF'. Five country case studies on the rights-based approach to education (Bolivia, Burkina Faso, Chile, Eritrea and Liberia) were developed as part of this project and underlined the need for technical guidance on the issue. A workshop was subsequently organized by UNICEF's Education Section in Panama in November 2005 and rallied UNICEF colleagues from the Americas and the Caribbean and Asia, together with representatives from human rights institutions and UNESCO. The Panama debates translated the richness and complexities of the rights-based approach into the first draft of this framework, and the Panama participants recommended a joint production with UNESCO. This collaboration was formalized in ensuing discussions between the two agencies.

In 2006, a global consultation, convened by both UNICEF and UNESCO and hosted by the Innocenti Research Centre, took place in Florence. Participants included UNICEF and UNESCO colleagues (from four regions and from different functions, including Representatives and education officers), multilateral agencies (the Organisation for Economic Co-operation and Development, the United Nations Development Programme and the World Bank), civil society organizations (Save the Children and the African Network Campaign on EFA), government representatives (Professor George Godia from the Kenyan Ministry of Education and Cristián Bellei, a former adviser to the Government of Chile), and the UNESCO Chair in Education for Pluralism, Human Rights and Democracy. The purpose was to revise the final draft of the document and to develop a broad understanding, consensus and ‘buy-in’ around it.

The Florence participants expressed their appreciation of the participatory process and of the opportunity to dialogue around and contribute to the development of a document that reflects the perspective of diverse stakeholders. Government representatives highlighted the complexities of the exercise and actually gave more concrete meaning to it in terms of relevance to countries. Civil society organizations insisted that the endorsement of the document by bilateral and multilateral agencies would immensely facilitate their work. The effort of capturing the different and competing views, of weaving in tensions, and of engaging the mandates and different perspectives was challenging, while at the same time it enriched the content of the framework.

The present document was principally drafted by Gerison Lansdown, an international expert contracted by UNICEF. Ms Lansdown was the founder and director, in 1992, of the Children’s Rights Alliance for England, established to promote implementation of the United Nations Convention on the Rights of the Child. She has published and lectured widely on the subject of children’s rights. Her unrelenting efforts at capturing and integrating the diverse inputs throughout the consultation process went beyond her mandate, and her engagement has been highly appreciated.

An editorial UNICEF/UNESCO team was formed for supporting the international expert in finalizing the document. It was composed of (in alphabetical order): Mialy Clark (consultant, UNESCO), Dina Craissati (Senior Adviser, Education, UNICEF HQ), Upala Devi Banerjee (Asia-Pacific Regional Coordinator, United Nations Inter-Agency Lessons Learned Project on the Human Rights-Based Approach to Development), Jessica Drohan (consultant, UNESCO), Paolo Fontani (Programme Manager, Education, UNESCO Office for the Caribbean), Linda King (Chief, Section for the Promotion of Rights and Values in Education, UNESCO), Garren Lumpkin (Regional

Education Adviser, UNICEF The Americas and Caribbean Regional Office), Dorothy Rozga (Deputy Regional Director, UNICEF East and Southern Africa Regional Office), Kishore Singh (Programme Specialist, UNESCO) and Alan Smith (UNESCO Chair in Education for Human Rights, Pluralism and Democracy).

The limited space here does not allow for thanks to be extended individually to all those who have contributed in one way or another to make this document a reality. The participants in the diverse meetings have not only shown exceptional engagement but also added greatly to its quality. Particular thanks go to (in alphabetical order): Gbemisola Akinboyo (UNICEF), Akila Belembeago (UNICEF), Egidio Crotti (UNICEF), Emilie Filmer-Wilson (UNDP), Stuart Hart (International Institute for Child Rights and Development), Bernard Hugonnier (OECD), Peter Hyll-Larsen (UNESCO), Victor Karunan (UNICEF), Nils Kastberg (UNICEF), Johan Lindeberg (UNESCO), Kathleen Moriarty (Save the Children UK), Lakshmi Narasimhan Balaji (UNICEF), David Parker (UNICEF), Mahesh Patel (UNICEF), Robert Prouty (World Bank), Olof Sandkull (UNESCO), Marta Santos Pais (UNICEF) and Linda Tinio (UNESCO).

The project was coordinated by Dina Craissati and Linda King.

We hope that the remarkable commitment demonstrated in producing the present framework will now be continued at global, regional and country levels in terms of policy dialogues and partnership building, programme reforms and development interventions.



Cream Wright
Global Chief of Education
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Ann Therese Ndong-Jatta
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FOREWORD

At the 2000 World Education Forum held in Dakar (Senegal), the international community reaffirmed its commitment to achieving Education for All, a movement introduced 10 years earlier at the World Conference on Education for All, held in Jomtien (Thailand). Participants also adopted the Dakar Framework for Action and identified six specific goals:

- Expand early childhood care and education.
- Provide free and compulsory primary education for all.
- Promote learning and life skills for young people and adults.
- Increase adult literacy by 50 per cent, especially for women.
- Achieve gender parity by 2005 and gender equality by 2015.
- Improve the quality of education.

Underlying each of these goals is recognition of and respect for the right to quality education. Full realization of the right to education is not merely a question of access. A rights-based approach to Education for All is a holistic one, encompassing access to education, educational quality (based on human rights values and principles) and the environment in which education is provided. This document provides a framework for implementing and ensuring such an approach.

While the right to education – like all human rights – is universal and inalienable, several conventions have enshrined it in international law, thereby placing binding commitments on ratifying States. Provisions on the right to a quality education inclusive of human rights values appear in such treaties as the United Nations Educational, Scientific and Cultural Organization’s Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the United Nations Convention on the Rights of the Child (1989).

In its General Comment No. 1, the Committee on the Rights of the Child provides further insight into the aims of education under Article 29 of the Convention on the Rights of the Child.² The Committee highlights the holistic nature of the right to education and, as the Committee on Economic, Social and Cultural Rights does in its General Comment No. 13,³ underscores the role of education in empowering individuals.

The Education for All movement is, as its name suggests, directed towards all people: children, youth and adults. The Convention on the Rights of the Child highlights the particular significance of education for young people, and this

document focuses primarily on the educational rights of children. But the right to education has no age limit. Additionally, Education for All emphasizes the need to provide access to education for traditionally marginalized groups, including girls and women, indigenous populations and remote rural groups, street children, migrants and nomadic populations, people with disabilities, and linguistic and cultural minorities. A comprehensive rights-based approach must be dynamic, accounting for different learning environments and different learners.

Each of the instruments named above illustrates the importance of a rights-based approach to education. However, without effective implementation, they remain only that – illustrations, ideas and conceptions of what a rights-friendly learning environment could be. This document acknowledges that a rights-based approach to education is not without its obstacles. Nevertheless, a sustainable human rights-based approach can be attained if key players fulfil their existing commitments and work towards further progress.

Education is not a static commodity to be considered in isolation from its greater context; it is an ongoing process and holds its own inherent value as a human right. Not only do people have the right to receive quality education now, they also have the right to be equipped with the skills and knowledge that will ensure long-term recognition of and respect for all human rights. As the Committee on Economic, Social and Cultural Rights observes in the opening lines of its General Comment No. 13, "... education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities."⁴

Thus, a rights-based approach to education is imperative. Schooling that is respectful of human rights – both in words and in action, in schoolbooks and the schoolyard – is integral to the realization of quality education for all. Complex barriers can impede the goals of Education for All; a rights-based approach to education plays a key role in overcoming such obstacles. The following pages elaborate an overarching policy and programming framework for achieving quality education that is in keeping with human rights norms and values, and is truly Education for All.

Vernor Muñoz

United Nations Special Rapporteur on the Right to Education

ACRONYMS

| | |
|---------------|--|
| CCA | Common Country Assessment |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CRC | Convention on the Rights of the Child |
| EFA | Education for All |
| ILO | International Labour Organization |
| INEE | Inter-Agency Network for Education in Emergencies |
| NGO | non-governmental organization |
| OECD | Organisation for Economic Co-operation and Development |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| SWAps | sector-wide approaches |
| UDHR | Universal Declaration of Human Rights |
| UN | United Nations |
| UNAIDS | Joint United Nations Programme on HIV/AIDS |
| UNDAF | United Nations Development Assistance Framework |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | United Nations Population Fund |
| UNGEI | United Nations Girls Education Initiative |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNRWA | United Nations Relief and Works Agency for Palestine Refugees in the Near East |
| USAID | United States Agency for International Development |

My right to learn

By Robert Prouty

*I do not have to earn
The right to learn.
It's mine.
And if because
Of faulty laws
And errors of design,
And far too many places where
Still far too many people do not care –
If because of all these things, and more,
For me, the classroom door,
With someone who can teach,
Is still beyond my reach,
Still out of sight,
Those wrongs do not remove my right.*

*So here I am. I too
Am one of you
And by God's grace,
And yours, I'll find my place.*

*We haven't met.
You do not know me yet
And so
You don't yet know
That there is much that I can give you in return.
The future is my name
And all I claim
Is this: my right to learn.*

INTRODUCTION

The goal of a human rights-based approach to education is simple: to assure every child a quality education that respects and promotes her or his right to dignity and optimum development. Achieving this goal is, however, enormously more complex.

The right to education is high on the agenda of the international community. It is affirmed in numerous human rights treaties and recognized by governments as pivotal in the pursuit of development and social transformation. This recognition is exemplified in the international goals, strategies and targets that have been set during the past 20 years. The Education for All goals were established at Jomtien (Thailand) in 1990 and reaffirmed at the 2000 World Education Forum in Dakar (Senegal). In the Millennium Development Goals, established in 2000, the world's governments committed to achieving universal access to free, quality and compulsory primary education by 2015. In 'A World Fit for Children', the outcome document from the United Nations General Assembly Special Session on Children in 2002, governments reaffirmed these commitments and agreed to a range of strategies and actions to achieve them. More ambitious targets have been established in many regions. Countries in Latin America and the Caribbean, for example, are increasingly making school attendance compulsory for children of pre-primary age.⁵ These various strategies have had an effect: In 1948, when education was recognized as a human right, only a minority of the world's children had access to any formal education; now a majority of them go to school, and participation in formal education beyond the elementary stages has increased.

However, the progress made to date is far from adequate. UNESCO statistics on enrolment indicate that 77 million children in 2004 were still not enrolled in school. According to UNICEF sources this figure may be as high as 90 million children for 2005–2006 in terms of school attendance figures from household surveys.⁶ In many regions, girls lag far behind. In other regions, there is a growing problem of underachievement by boys. Poverty is a key factor impeding enrolment, primary and secondary completion, and learning outcomes, and children from ethnic minority and indigenous communities consistently underachieve. The evidence indicates that, on current trajectories, the international targets for access will not be met. The challenges to the achievement of quality in education are even greater. Most international attention has been focused on helping children get into school. What happens once they are there, and the nature of the education they receive, has been afforded far less emphasis. As a consequence, even if they go to school, huge numbers of children experience a quality of education that is extremely poor, leaving them without the skills and knowledge they need to lift themselves out of

poverty. The failure of such schooling to fulfil human rights is illustrated by national test data from a number of countries including Bangladesh, Brazil, Ghana, Pakistan, the Philippines and Zambia. These show a majority of primary school leavers to be achieving well below their countries' minimum performance standards, with results in some cases being "only marginally better than for children who have not completed school."⁷

Although there are notable and creative exceptions to the rule, there is growing recognition that the approaches adopted to achieve the goals of universal access and quality education are inadequate. There has been a failure to acknowledge the complexity of the barriers impeding children's access to school, to listen to the concerns expressed by children themselves concerning their education, to build a culture of education in which all children are equally respected and valued, to engage parents and local communities in supporting education, to embrace a holistic approach to education, to address children's rights in education or to embed schools as vibrant centres for community action and social development. Energy has been focused too narrowly on enrolment, without sufficient attention to attendance, completion and attainment, or to the processes through which those outcomes can be achieved.

Many international agencies have, therefore, increasingly turned to a human rights-based approach. As early as 1997, as part of the United Nations Programme for Reform, the UN Secretary-General called on all entities of the UN system to bring human rights into the mainstream of their activities and programmes. The outcome was the UN Statement of Common Understanding, which integrates international human rights into plans, strategies and policies associated with development programmes (*see Appendix I, page 113*). The rights-based approach focuses on the inalienable human rights of each individual, as expressed in UN instruments, and on governments' obligation to fulfil, respect and protect those internationally defined human rights. In so doing, it aims to support and empower individuals and communities to claim their rights. In addition, a distinctive feature of this approach is that it requires an equal commitment to both process and outcomes.

Adopting a rights-based approach to education is not a panacea. It does pose some challenges – for example, the need to balance the claims of different rights holders and address potential tensions between the realization of different rights or between rights and responsibilities. Nevertheless, consistent adherence to its core principles can help meet the education goals of governments, parents and children. It demands the creation of strategies to reach all children, including the most marginalized. It empowers communities, parents and other stakeholders to claim

their rights, insist that these be fully implemented and, when necessary, seek their enforcement in national courts.

Many publications have been produced on the multiple aspects of Education for All, but there has been no comprehensive analysis of the actions necessary to undertake a rights-based approach to achieving its goals. This document is intended to fill that gap. It aims to provide readers with a conceptual analysis of the meaning and scope of a rights-based approach to education. It also offers a comprehensive framework of strategies and actions necessary to translate those human rights into legislation, policies and programmes for the attainment of Education for All. Together, the conceptual analysis and the framework can be used as a resource for advocacy and social mobilization. They provide the tools with which to conduct a critical review of the current state of education in any country from a human rights perspective and to engage in political dialogue with governments and other partners with a view to adopting a rights-based approach.

Given its intention to offer a framework, this publication does not and cannot provide detailed guidance for the implementation of rights-based programmes. Furthermore, it cannot address the specific and widely differing concerns faced in different countries or regions of the world. Obviously, the capacities of governments to fulfil their obligations in terms of education vary greatly. Armed conflict, AIDS, poverty, natural disasters, internal displacement, corruption and weak government all have a direct impact on education and the strategies needed to ensure it is provided for every child. Nor can this publication detail the complex and challenging strategies needed to target many of the most marginalized children. However, the overarching framework it provides has application in all contexts and can be used by all those involved in promoting the right to education. Stakeholders are encouraged to use it to develop programmes and activities for their specific social, economic and cultural context.

The predominant focus in this publication is on basic education, but within a life-cycle and lifelong learning approach. It uses the Education for All goals as a foundation, but addresses the educational rights of children rather than adults. Not only does it focus on the right to education, it also addresses rights within education, including human rights education. In so doing, it recognizes that there is an integral relationship between the obligations to fulfil, to respect and to protect rights, and that all are vitally important if the Education for All goals are to be achieved. Governments, with the active participation of civil society partners, have to fulfil their obligations to ensure the right to education and intensify their efforts to promote human rights education by the provision of quality learning environments for all children.

The publication is divided into four chapters:

Chapter 1 provides a brief historical overview of the right to education, international commitments to its realization and key aspects of a rights-based approach to development. It also discusses applying this approach to education policy and programming, and looks at some of the tensions that may arise between different rights, among rights holders, and between rights and responsibilities.

Chapter 2 introduces a conceptual framework for the rights-based approach to education that embodies three interlinked and interdependent dimensions. It contends that human rights related to education cannot be realized unless and until all three are addressed:

- **The right of access to education** – the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to and inclusive of all children.
- **The right to quality education** – the right of every child to a quality education that enables him or her to fulfil his or her potential, realize opportunities for employment and develop life skills. To achieve this goal, education needs to be child-centred, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.
- **The right to respect within the learning environment** – the right of every child to respect for her or his inherent dignity and to have her or his universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture and religion.

Chapter 3 addresses state obligations. It identifies the importance of a supportive political and economic environment, a robust legislative framework and rights-based education policies if governments are to realize the Education for All goals, and it elaborates the actions needed in each of these three areas.

Chapter 4 focuses on other stakeholders: parents and other caregivers, communities, teachers, civil society organizations and the international community. It explores the rights and responsibilities of these actors and the ways they can contribute to the realization of the right to education.