CHAPTER II
INTERFACE BETWEEN HUMAN RIGHTS AND EDUCATION FOR ALL

2.1 Concepts:

Human Rights and Right to Education are mutually interdependent and also in the context of substantive legal right to education under international law. This means the rights created by inter-state agreements and customary international law which refers to the state obligations to respect, protect and fulfill the RtE as they emanate from this right when interpreted in accordance with the customary rules of treaty interpretation. On the other hand, none of the main legal bases contain a definition of the right to education. The definition in the UNESCO Convention against Discrimination in Education (‘CADE’) encompasses "all types and levels of education, (including) access to education, the standard and quality of education, and the conditions under which it is given". This is further limited to free and compulsory primary education as expressed in ICESCR art. 13(2)(a).

Ideas of human dignity and the intrinsic value of human beings have a long tradition in Western thought, beginning with theories of natural rights and later including theories of social justice. The visions of these ideas are the same: the emancipation and freedom of human beings and the active and creative human actor. The values of equality and social justice are also a part of these visions, although there are differing conceptions of freedom and the means by which to attain freedom, social justice, and equality. This has resulted in two types of rights and two conventions as part of the UN system, one convention emphasizing the economic, social, and cultural aspects of freedom and equality, and another emphasizing the civil and political aspects of freedom and equality. The definition of human rights is twofold: they can be defined in terms of the external, objective world and in terms of the subjective and social world. Although human rights are not objective entities in themselves, they have objective aspects. In the objective world they can be defined as formal norms (laws) embodying a set of ideals. These ideals represent certain moral values regarding the
human condition and social action. They are high ideals, and it is important to note that most human rights are not absolute normative aims but possibilities for creating a meaningful existence in the subjective and social world. These formal norms in the form of rights are held unconditionally and equally by all actors by virtue of their status as human beings. Rights both restrict social action (the "negative" rights) and promote social action (the "positive" rights). They regulate social action in different types of relationships between the individual and the collective, such as the individual versus the state, and between collectives. Rights involve actions that limit or promote action of the Other toward the Self and duties limit or promote action of the Self towards the Other. In laying restrictions on all social actions, human rights protect both individuals and collectives against actions, at the same time as they impose duties and responsibilities on all actions. Not only can human rights be defined in terms of the external world of formal norms for social action, but they also play an important existential role in the explanation of meaning in our existence. Using our moral sense is one mechanism for creating meaning; the moral sense in this context is a part of individual self-interpretation and expressed in the moral considerations implicit in social action. Human rights, embodying morality and thus expressions of the human moral sense, enable moral action. Intersubjectivity directs the moral sense and morality towards the Other and the social world and is fundamental to being a social human being. Human rights are thus not only a vital expression of a human need in the internal, subjective world but also of intersubjectivity in the social world. They represent a fundamental dimension of meaning in both the subjective and the social world. The moral aspect is the essential aspect of the human rights system compared to conventional theories of development. Human rights lose their meaning if they are used as pure instruments for development and improvement of material conditions. The moral dimension presupposes a moral rationality implicit in the action for fulfilling human rights. This concept of moral rationality is based on the Kantian ethics of treating actors not as means only but also as ends in themselves. The human rights system can further be described by the following characteristics: universality,
individuality, paramountcy, practicability, and enforceability. Various aspects of these characteristics are often used as arguments against the human rights claim. Perhaps the main argument against the human rights system concerns its claim of universality. In claiming universality, rights are not bound in time or space and imply the equality of all individuals. All human beings can claim these rights by virtue of being human beings independent of context and time in history. Implicit in this claim is the belief that all human beings have something in common by virtue of being human beings. The claim to universality is expressed in the articles on discrimination: the freedom from discrimination on account of sex, color, race, ethnic origin, language, or religion. Universality is an important principle in defining groups of individuals as human beings, people who at other times in history have not been defined as such, e.g., slaves, women, indigenous populations, minorities, and people of color. One misconception about human rights pertains to the claim that they are only rights of individuals, the misconception being that this contradicts collective and social action. Human rights are rights of the individual, but the individual is a social individual included in various collectives. Also, as these are rights for all individuals, implementation implies collective and social action. The individuality of rights refers to the belief in human dignity and that all individuals should be treated as ends in themselves, not merely as means. It is further connected to the belief that all individuals are creative and active agents. Individuals act both as individuals and as collectives, both morally and instrumentally, and individual rights will therefore imply rights for the collective and vice versa. First and foremost, though, the emphasis on individuality protects the individual from the state institution. Individuality is specified in the documents and is the result of the historical development of the human rights idea. The universality and individuality claims imply social equality, and the problem of implementing these criteria is the problem of making an equal distribution. Paramountcy refers to the principle of human rights taking priority over other norms for action and also to the interrelationship of the rights within the human rights system. The interrelationship is the balancing between
the realization of one right at a certain expense of another. There will always be a question of priority in the implementation process of rights, as in all political processes. This does not mean that one or several rights take priority as such, nor does it mean that the fulfillment of one right necessitates the violation of other rights or the creation of a hierarchy of rights. The principle of the human rights system is that all rights are to be held equally, but the reality of the implementation process necessitates a certain form of priority. The exceptions to this are the so-called "absolute rights," rights that have to be fulfilled in their totality as they are expressed. These are the right to life, freedom from torture and slavery, and the right to justice before the law. The practicability of a right is also used as an argument against the human rights system, especially against economic and social rights. They are regarded as too idealistic and unrealistic and therefore impossible to implement. This pertains especially to social and economic conditions of poverty in third world countries. The formulation of the right to education is highly idealistic, too idealistic to be implemented in poverty-stricken areas, some argue. One important aspect of human rights is that to have any meaning at all, the necessary conditions to exercise the right have to be there. The right is meaningless if it is impossible to implement or if it is irrelevant in its context. Here, the important point is that realizing a right is always dependent on the context in which it is to be implemented, and the realization of a right will therefore vary a great deal from context to context. The implementation of one right can also depend on the implementation of another right. Enforceability refers to the ability to implement a right, or the sanctioning of rights. The possibilities for effective sanctioning of rights via the human rights system are few and weak compared to traditional sanctioning institutions such as penal laws. The possibilities for sanctioning through the international community are first, the UN Human Rights Committee, which evaluates reports on human rights conditions; second, the system of reporting on human rights by commissions, states, or individuals; and third, international courts. In reality, the sanctioning of human rights violations is most effective through the state institution, and therefore the primary way of assuring
punishment is through the incorporation of human rights into national constitutions or formal norm systems. Enforceability and practicability are both aspects of implementation. These principles point towards two main actors: the individual and the state. It is primarily the state that should secure implementation, sanction violation, and secure an equal distribution of human rights, especially in the case of the economic, social, and cultural rights. The right to education brings in a slightly different relationship. This is the relationship between state, parents, and child. The right to education focuses principally on primary education, which basically should be undertaken during childhood and which is essential for further education. Although human rights are for all individual human beings, adults are the principal actors who work to secure human rights, and children thus depend on adults for the promotion of children's rights. The question then becomes what relationship is there between parents and the state concerning the rights of the child? According to human rights principles, the state has the responsibility for rights implementation, but parents in many societies have a primary responsibility for the rights of the child. In those societies where this is not so, the question is still relevant, only here it will be the relationship between the state and a larger family or community. Both the state and the family can fail to fulfill their responsibilities for the child. Therefore, evaluating this right also raises questions concerning the relationship between the state, the family, and the child. How much responsibility should parents be given and how much responsibility should the state be allowed in order to secure the rights of the child? The evaluation of the implementation of the right to education requires first an examination of the educational tradition in its context in order to see whether it is meaningful to speak of such a right. Next, it is also essential to investigate whether the state takes responsibility for implementing the right through legislation, political policies, and programs. Along with this, it becomes necessary to investigate the equality and justice dimensions of education and the priority put on education related to other rights fulfillment and also within the educational system. Last, one would have to determine whether education has been placed in a hierarchy of rights.
implementation. Human rights are the rights of each and every individual, simply as a human being. To make the realization and protection of these rights dependent on such arbitrary features as place of birth or the nationality of one's parents seems morally unjustifiable. Even if it is admitted that states are, and are likely to remain, the primary focus of whatever international order we have—that is, even if we allow that state-centrism is an international political fact to which even human rights norms must bend—it seems inappropriate to allow any of the fundamental structures of international order to interfere actively with the universal realization of human rights. Perhaps Article 28 reflects a glimmer of such concerns. In general, however, state-centrism is overwhelmingly dominant in the International Bill of Human Rights. The fifth and final anomalous right in this group is the right to nationality, another right found in the Declaration (Article 15) but not the Covenants. In a world structured around sovereign states, the right to nationality is an essential minimum guarantee of membership in some society, and thus in the society of states. The right to nationality, along with the right to enter one's own country, assures that there is at least one place from which each person cannot be excluded. In a world of states, the stateless person is everywhere an outsider: as human beings, the stateless are entitled to all human rights, but no state takes responsibility to protect their rights, nor do they necessarily have the right to live in any country of the world.

2.2 Human Rights and Education:
Primary education can be negatively defined as what lies between pre-primary and secondary education. The content is further complicated by the use in several legal bases. The Universal Declaration on Human Rights (‘UDHR’) proclaims: Everyone has the right to education. Article 26 of the Universal Declaration and Article 13 of the International Covenant on Economic, Social and Cultural Rights recognize the right of everyone to education, including free and compulsory primary education and access to secondary, technical, and higher education on the basis of merit and, to the
extent possible, without cost to the student. The right to attend schools not run by the state is also recognized. The Universal Declaration of Human Rights declares the right to education while the Covenant states further that the state is the main actor responsible for implementing this right. The criteria contained in the Covenant are nondiscrimination and equality across gender, race, ethnicity, and religion. However, these texts are universal and therefore general in their formulations. They leave room for differing interpretations of what is meant by education; what are the types of education included here, what are the possibilities and the limitations of this right; and what are the problems connected with the implementation process. What do these quite general and abstract formulations mean when one attempts to apply them to specific contexts around the world? What does the right to education really mean in terms of curriculum, duration of schooling, expenditure, etc., and what does it imply when one seeks to implement or fulfill this right? Empowerment rights are concerned principally with the goals of personal autonomy and efficacy; they allow the individual to determine the shape and direction of his or her life. Education provides much of the basic intellectual capacity that enables the individual to think seriously and critically about what it means to live a good life; to examine and appraise actions, institutions and ideas; and to choose a course of action on the basis of such appraisals. Schools are often used as an instrument of social control rather than personal liberation, as a mechanism to enforce intellectual conformity rather than foster creativity and autonomy. Nonetheless, there is the potential for subversion in even highly coercive and controlled systems of education, as is illustrated by the disproportionate representation of the relatively well educated among political dissidents in North, South, East, and West alike. No matter how controlled the curriculum, the skills developed in educational institutions can be applied to the development of ideas other than those sanctioned by the state. Beyond the liberating potential of education, right to education is a key measure of national human rights performance because of its links to other empowerment rights. Freedom of the press, and the political empowerment for which it stands, is made far more significant by
education; education creates an audience capable of being informed and mobilized and is absolutely essential to those who would write. Education similarly magnifies the possibilities for and the impact of all the institutions and organizations in any society. The right to education can be crucial to creating a private space for intellectual autonomy, especially where schools not controlled by the state are easily accessible. As discussed above, the potential for education to be used in criticism of the state can be greatly enhanced when education is under the control of the family. Conversely, education can be a way to strengthen and protect membership rights. This mutual reinforcement is characteristic of all the empowerment rights. At minimum, the right to education would guarantee to all access to the skills and knowledge needed for full membership in society. For example, in the contemporary world one cannot fully participate in society (or the types of participation available are seriously restricted) if one is illiterate. More broadly, one's options are limited if one does not have access to the cultural models, forms, examples, and information of the society: for example, the accent and idiom, the cultural and historical points of reference, and the norms of civility of the dominant or mainstream groups in society. In modern and modernizing societies, formal education is usually the standard way to acquire such essential skills and information. Education also increases one's opportunities to take part in the cultural life of a society, and to enjoy the benefits of scientific progress, important rights recognized in Article 15 of the International Covenant on Economic, Social and Cultural Rights. In fact, the link between education and these cultural rights is so close that in most instances the right to education, combined with family rights and the right to nondiscrimination, provides a reliable indicator of their status. Education can also make important contributions to social mobility and thus to combatting class-based discrimination. In developing countries there is substantial evidence to show that even basic literacy contributes substantially to an individual's integration into a modern economy and to his or her ability to take advantage of the opportunities it offers. And in almost all countries, education is one of the few ways for a poor child to move rapidly up the social ladder. This is true even in countries
with strong class or status hierarchies; even taking into account problems of differential access, education is likely to be one of the few resources available that will allow one to break into or through the hierarchy. Finally, education can be important even to the protection of survival rights. An effective health care system requires that people be aware of public health dangers. Disseminating information, for example, on methods for treating or avoiding parasite-infested water, is much easier and cheaper if the public is literate. Similarly, technical improvements in agricultural methods, which can increase food production, are more easily disseminated to the literate. As Frances Steward puts it, "education is an important factor in determining [basic needs satisfaction] at all income levels."

The international community is politically committed to the fulfillment of this promise by 2015 through Millennium Development Goals (‘MDGs’) and the Education for All (‘EFA’) campaign. The International Covenant on Economic, Social and Cultural Rights (‘ICESCR’) was the first binding international agreement to recognize the right of everyone to education. It imposes a legal obligation on state parties, requiring that “[p]rimary education shall be compulsory and available free to all”. The right to primary education (‘RtPE’) can be considered an economic right, a social right and a cultural right, but in many ways also as a civil and political right, since it is central to the full and effective realization of those rights. It therefore epitomizes the indivisibility and interdependence of all human rights.

Today the RtE is recognized in a number of international instruments regarding such diverse groups as women, children, refugees and migrants. In spite of the many legal bases and expressions of political will, the right, is for many children – especially in third world countries and during emergencies – an unfulfilled promise. Many studies has been propagated to analyze and detail specific state obligations during typical situations where the right is not fulfilled, thus untangling the situations where there is a clear and immediate right to a result, from those where the obligations are mainly

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1 Committee on Social, Economic and Cultural Rights, ‘General Comment No. 3’, 14/12/90, 1990, para. 10; Committee on the Rights of the Child, ‘General Comment No. 5’, CRC/ GC/2003/527, November 2003, para. 8.
those of conduct. Education is both a human right in itself and an indispensable means of realising other human rights. Education is essential for the development of human potential, the enjoyment of the full range of human rights and respect for the rights of others.

It is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Throughout the world, education is seen as one of the best financial investments that a State can make. The importance of education is not just practical. A well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence (UN Economic & Social Council, 1999).

The right to education straddles civil and political rights, and economic, social and cultural rights. The foundation of a truly democratic and just society can only be achieved by protecting and guaranteeing basic rights to all its citizens, regardless of gender, caste, creed or religious affiliation founded on a set of principles, which set out to protect the rights of children and guarantee opportunities for them to develop into responsible citizens. In modern society, Education for all emphasized because of two reasons. First, for the citizen in a modern democracy there is no more important right than that which provides through education the opportunity to develop to the fullest his intellectual and moral potentials? Without such a right, established through law and supported by affirmative official actions, no individual or group can nowadays hope to realize the promises and fulfill the responsibilities of the democratic faith. Second, no other right has been so systematically denied to so many people for so long a time. Particularly excluded communities failed to receive the benefits of liberal schooling that we consider essential for free men in a free society. All the more glaring is that failure when we realize that the denial of equal access to the nation's educational resources was not accidental but purposive not piecemeal but calculated. The desirability, indeed, the necessity of free, universal, public instruction was recognized by many of our forebears. Education, they thought, should have three

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broad purposes: first, to equip the citizen to make wise, informed choices on matters of public policy and to exercise choices in terms of public interest; second, to further his moral and spiritual development by giving him effective access to the great store of knowledge concerning man's relation to man and man's relation to the universe: third, to make him an effective contributor to the material development of society through the acquisition of scientific, technical, and mechanical skills and their application in creative, productive endeavor. These, then, were the three central aims that informed development of the educational system True enough, these were ideals, and there was always a gap between what was preached and what was practiced. Gradually, however, more and more citizens- women, immigrants, the socially handicapped, the poor-reaped the benefits of learning which before had been the privilege of the well-born and the well-bred. Group after group asserted effectively their claims against the educational monopoly of elites. Elite means those who are socially, economically and politically advantage populations. However, there were exceptions, the largest and most obvious one being the excluded. And, one of the great unfinished tasks dictated by those ideals was, and remains, according the excluded in any society those minimal opportunities for education generally available to those of advantaged population and more fortunate circumstance. This is not to say, of course, that the least advantaged has been denied totally this basic human right; it is to insist that so many obstacles have been placed in their way that chances of becoming a full citizen, an effective choice-making individual, and a creative contributor to the material growth of our society are, even today, slim. And one can hardly avoid surprise that as many people as have, managed to wrest some learning from a society which, while it proclaimed the ideal of educational opportunity, developed concurrently an elaborate ideology and a set of socially, economically-sanctioned institutions for keeping away them permanently, in their uneducated place. However, changes, big and dramatic, and sometimes violent, are taking place. The lights and shadows are so many and so shifting that one has difficulty in getting a clear image of the contemporary race and education scene. Nonetheless, it can be
emphasized that many of the events of recent years are culminations of certain gradual changes taking place over a long period of time, and further, that these changes will continue at an increased tempo. While it is essential to review these socio-historical developments as the context within which the happenings of the day might be seen more vividly.

Apparently, the question of "separate but equal" doctrine, so far as concerns the integration of all heterogeneous into desirable platform keeping the overall interest of the society. Human rights and the rule of law are inextricably linked, but law can go only so far in to some extent, changing social attitudes and human behavior. Law may be more readily enforced where there is concensus on its desirability of the society. The aim of law has never been to change men's morals directly, but to control certain aspects of their behavior in accordance with defined principles of the public interest and of the rights of individual citizens. Rightfully so, perhaps, for it is there that one of the most critical issues in human rights is being fought out. Indeed, there may well be taking place a de facto segregation which edified on social, economy, political and obviously religion; but the establishment and exercise of the human right to education is as much the responsibility of students as it is the responsibility of state.

Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This has since been affirmed in numerous global human rights treaties, including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1981). These treaties establish an entitlement to free, compulsory primary education for all children; an obligation to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education; and a responsibility to provide basic education for individuals who have not completed primary education. Furthermore, they affirm that the aim of education is to promote personal development, strengthen respect for human rights.
and freedoms, enable individuals to participate effectively in a free society, and promote understanding, friendship and tolerance. The right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. In addition, education is necessary for the fulfillment of any other civil, political, economic or social right.

The United Nations Convention on the Rights of the Child (1989) further strengthens and broadens the concept of the right to education, in particular through the obligation to consider in its implementation the Convention’s four core principles: nondiscrimination; the best interests of the child; the right to life, survival and development of the child to the maximum extent possible; and the right of children to express their views in all matters affecting them and for their views to be given due weight in accordance with their age and maturity. These underlying principles make clear a strong commitment to ensuring that children are recognized as active agents in their own learning and that education is designed to promote and respect their rights and needs. The Convention elaborates an understanding of the right to education in terms of universality, participation, respect and inclusion. This approach is exemplified both in the text itself and in its interpretation by the Committee on the Rights of the Child, the international body established to monitor governments’ progress in implementing child rights.

2.3 Perspectives introduced in the Convention on the Rights of the Child:

i. The right to education is to be achieved on the basis of equality of opportunity.

ii. Measures must be taken to encourage regular school attendance and reduce drop out. It is not sufficient just to provide formal education. It is also necessary to remove

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such barriers as poverty and discrimination and to provide education of sufficient quality, in a manner that ensures children can benefit from it.

iii. Discipline must be administered in a manner consistent both with the child’s dignity and with the right to protection from all forms of violence, thus sustaining respect for the child in the educational environment.

iv. The aims of education are defined in terms of the potential of each child and the scope of the curriculum, clearly establishing that education should be a preparatory process for promoting and respecting human rights. This approach is elaborated in the General Comment on the aims of education, in which the Committee on the Rights of the Child stresses that article 29 requires the development of education that is child centred, child friendly and empowering, and that education goes beyond formal schooling to embrace a broad range of life experiences through which positive development and learning occur.

v. In its General Comment on early childhood, the Committee on the Rights of the Child interprets the right to education as beginning at birth and encourages governments to take measures and provide programmes to enhance parental capacities to promote their children’s development.

Beyond the formal obligations undertaken by governments in ratifying these human rights treaties, a number of global conferences have affirmed the right to education. Although lacking the legally binding force of the treaties, these conferences have introduced an additional impetus for action, together with elaborated commitments and time frames for their attainment. The World Conference on Education for All (1990) set the goal of universal primary education for the year 2000, a goal not met but subsequently reaffirmed for 2015 at the World Education Forum in 2000. This Forum also committed to an expansion and improvement of early childhood care and education, the elimination of gender disparities in education and the improvement of quality in education. In addition, the international community and leading development institutions have agreed to the Millennium Development Goals, expressed in the Millenni-
um Declaration, which commit them to ensuring that all girls and boys complete a full course of primary education and that gender disparity is eliminated at all levels of education by 2015. More recently, the ‘International Conference on the Right to Basic Education as a Fundamental Human Right and the Legal Framework for Its Financing’ (Jakarta, Indonesia, 2–4 December 2005) adopted the Jakarta Declaration. This emphasizes that the right to education is an internationally recognized right in its interrelationship with the right to development, and that the legal and constitutional protection of this right is indispensable to its full realization.

2.4 Human Rights-based approaches to Development:
An increasing emphasis has been placed in recent years on rights-based approaches to development. In part, this shift has been the result of growing recognition that needs-based or service-delivery approaches have failed to substantially reduce poverty. One significant limitation of these approaches has been that they are often undertaken by authorities who may not be sensitive to the needs of the poor. It is also felt that combining human rights, development and activism can be more effective than any single approach.

As part of the UN Programme for Reform launched in 1997, the UN Secretary-General called on all entities of the UN system to mainstream human rights into their activities and programmes. This led to an inter-agency process of negotiation, resulting in the adoption of a UN Statement of Common Understanding that has been accepted by the UN Development Group. The statement provides a conceptual, analytical and methodological framework for identifying, planning, designing and monitoring development activities based on international human rights standards. Essentially, it integrates the norms, standards and principles of international human rights into the entire process of development programming, including plans, strategies and policies. It seeks to create greater awareness among governments and other relevant institutions of their obligations to fulfill, respect and protect human rights and to support and em-
power individuals and communities to claim their rights. The principles that inform a rights-based approach are:

• **Universality and inalienability:** Human rights are universal and inalienable, the entitlement of all people everywhere in the world. An individual cannot voluntarily give them up. Nor can others take them away. As stated in article 1 of the Universal Declaration of Human Rights, “All human beings are born free and equal in dignity and rights.”

• **Indivisibility:** Human rights are indivisible. Whether civil, cultural, economic, political or social, they are all inherent to the dignity of every person. Consequently, they all have equal status as rights and cannot be ranked in a hierarchy.

• **Interdependence and interrelatedness:** The realization of one right often depends, wholly or in part, on the realization of others. For example, realization of the right to health may depend on realization of the right to information.

• **Equality and non-discrimination:** All individuals are equal as human beings, and by virtue of the inherent dignity of each person, are entitled to their rights without discrimination of any kind. A rights-based approach requires a particular focus on addressing discrimination and inequality. Safeguards need to be included in development instruments to protect the rights and well-being of marginalized groups. As far as possible, data need to be disaggregated – for example, by sex, religion, ethnicity, language and disability – in order to give visibility to potentially vulnerable populations. Furthermore, all development decisions, policies and initiatives, while seeking to empower local participants, are also expressly required to guard against reinforcing power imbalances or contributing to the creation of new ones.

• **Participation and inclusion:** Every person and all peoples are entitled to active, free and meaningful participation in, contribution to and enjoyment of civil, economic, social, cultural and political development, through which human rights and fundamental freedoms can be enjoyed.

• **Empowerment:** Empowerment is the process by which people’s capabilities to demand and use their human rights grow. They are empowered to claim their rights
rather than simply wait for policies, legislation or the provision of services. Initiatives should be focused on building the capacities of individuals and communities to hold those responsible to account. The goal is to give people the power and capabilities to change their own lives, improve their own communities and influence their own destinies.

- **Accountability and respect for the rule of law:** A rights-based approach seeks to raise levels of accountability in the development process by identifying ‘rights holders’ and corresponding ‘duty bearers’ and to enhance the capacities of those duty bearers to meet their obligations. These include both positive obligations to protect, promote and fulfil human rights, as well as negative obligations to abstain from rights violations. In addition to governments, a wide range of other actors should also carry responsibilities for the realization of human rights, including individuals, local organizations and authorities, the private sector, the media, donors, development partners and international institutions. The international community also carries obligations to provide effective cooperation in response to the shortages of resources and capacities in developing countries. A rights-based approach requires the development of laws, administrative procedures, and practices and mechanisms to ensure the fulfillment of entitlements, as well as opportunities to address denials and violations. It also calls for the translation of universal standards into locally determined benchmarks for measuring progress and enhancing accountability.

### 2.5 Adopting Rights-Based Approaches to Education:

Needs-based development approaches to education have, to date, failed to achieve the Education for All goals. Because it is inclusive and provides a common language for partnership, a rights-based approach – although certainly not without tensions and challenges – has the potential to contribute to the attainment of the goals of governments, parents and children. Girls’ right to education, for example, can be achieved more effectively if measures are also implemented to address their rights to freedom from discrimination, protection from exploitative labour, physical violence and sexual
abuse, and access to an adequate standard of living. Equally, the right to education is instrumental in the realization of other rights. Research indicates, for example, that one additional year of schooling for 1,000 women help prevent two maternal deaths. A rights-based approach can contribute significant added value:

• **It promotes social cohesion, integration and stability:** Human rights promote democracy and social progress. Even where children have access to school, a poor quality of education can contribute to disaffection. A rights based approach to education, which emphasizes quality, can encourage the development of school environments in which children know their views are valued. It includes a focus on respect for families and the values of the society in which they are living. It can also promote understanding of other cultures and peoples, contributing to intercultural dialogue and respect for the richness of cultural and linguistic diversity, and the right to participate in cultural life. In this way, it can serve to strengthen social cohesion.

• **It builds respect for peace and non-violent conflict resolution:** A rights-based approach to education is founded on principles of peace and non-violent conflict resolution. In achieving this goal, schools and communities must create learning environments that eliminate all forms of physical, sexual or humiliating punishment by teachers and challenge all forms of bullying and aggression among students. In other words, they must promote and build a culture of non-violent conflict resolution. The lessons children learn from school-based experiences in this regard can have far reaching consequences for the wider society.

• **It contributes to positive social transformation:** A rights-based approach to education that embodies human rights education empowers children and other stakeholders and represents a major building block in efforts to achieve social transformation towards rights-respecting societies and social justice.

• **It is more cost-effective and sustainable:** Treating children with dignity and respect – and building inclusive, participatory and accountable education systems that respond directly to the expressed concerns of all stakeholders – will serve to improve educational outcomes. In too many schools, the failure to adapt to the needs of chil-
dren, particularly working children, results in high levels of dropout and repeated grades. Children themselves cite violence and abuse, discriminatory attitudes, an irrelevant curriculum and poor teaching quality as major contributory factors in the inability to learn effectively and in subsequent dropout. In addition, health issues can diminish the ability of a child to commence and continue schooling, and for all children, especially girls, an inclusive education can reduce the risk of HIV infection. A rights-based approach is therefore not only cost-effective and economically beneficial but also more sustainable.

- **It produces better outcomes for economic development:** A rights-based approach to education can be entirely consistent with the broader agenda of governments to produce an economically viable workforce. Measures to promote universal access to education and overcome discrimination against girls, children with disabilities, working children, children in rural communities, and minority and indigenous children will serve to widen the economic base of society, thus strengthening a country’s economic capability.

- **It builds capacity:** By focusing on capacity-building and empowerment, a rights-based approach to education harnesses and develops the capacities of governments to fulfill their obligations and of individuals to claim their rights and entitlements.

### 2.6 Applying a Rights-Based Approach to Policy and Programming:

The UN Statement of Common Understanding elaborates what is understood to be a rights-based approach to development cooperation and development programming. It emphasizes that all programmes of development cooperation, policies and technical assistance should further the realization of human rights, and therefore that human rights principles and standards should guide all phases of the programming process. The following elements are necessary, specific and unique to a rights-based approach and can be used for policy and programming in the education sector:
i. Assessment and analysis identify the claims of human rights in education and the corresponding obligations of governments, as well as the immediate, underlying and structural causes of the non-realization of rights.

ii. Programmes assess the capacity of individuals to claim their rights and of governments to fulfill their obligations. Strategies are then developed to build those capacities.

iii. Programmes monitor and evaluate both the outcomes and processes, guided by human rights standards and principles.

iv. Programming is informed by the recommendations of international human rights bodies and mechanisms.

In addition, many elements of good programming practice are essential within a rights-based approach. Overall, then, the required steps are:

i. Situation assessment and analysis.

ii. Assessing capacity for implementation.

iii. Programme planning, design and implementation.

iv. Monitoring and evaluation.

**How ‘good programming’ can be enhanced by a human rights-based approach**

i. In good programming, it is recognized that people cannot be developed; they must develop themselves. Children, young people and other learners, including those who are poor, should be recognized as key actors in their own education and development rather than as passive beneficiaries of services and transfers of commodities.

*In a rights-based approach to education, children and other learners, including those who are poor, are subjects of rights with ‘claims to’ education and ‘claims from’ duty bearers. Rights-based education programming should therefore develop the capacities of children, young people, their parents and other learners to claim their rights.*

Human rights education is an important instrument in empowering people to understand, claim and realize their rights.

ii. In good programming, participation is crucial, both as an end and a means. Participation does not mean that ‘they’ participate in ‘our’ education programme, but rather that we all participate in meeting the learning needs identified.

Participation, including children’s and women’s participation, is a human right enshrined in many conventions. In a rights-based approach to education, participation is both a necessary process and an outcome.

iii. In good programming, empowerment is important, but it is not a strategy. Empowerment may be an aspect of any strategy, such as advocacy, capacity-building or service delivery.

A rights-based approach, which implies dignity and respect for the individual, acknowledges that empowerment is both a necessary strategy and a goal. Emphasis is placed on promoting opportunities to obtain remedies for grievances through both formal and informal justice mechanisms.

iv. In good programming, monitoring of outcome and processes, as well as actual use of information for decision-making at all levels of education, is very important.

A rights-based approach implies accountability of those with duties or obligations in fulfilling, respecting and protecting the right to education.

v. In good programming, stakeholder analysis is very useful for the development and evaluation of education programmes because it identifies clear accountabilities in the community and society.

Most stakeholders in education are also duty bearers. An important step in a rights-based approach is to identify the key relations between claim-holders and duty bearers. This is similar to, but goes beyond, stakeholder analysis. The relationship between claims and duties implies clear accountabilities – the commitments made un-
der human rights treaties are entitlements, not promises or charity. Development assistance must be the result of those international obligations.

vi. In good programming, education programmes should respond to basic needs of children and other people, with a focus on vulnerable groups. Local ownership is important, and development support from outside should always build on existing capabilities. Poverty elimination and disparity reduction should be long-term goals in all education development efforts.

Education programmes should respond to need but must also take account of the rights of children, young people and other learners. Stakeholders in education should have an ownership of education programmes as a right, rather than an option. The right to education is a means to reduce disparity and poverty. Education programming should therefore articulate the explicit linkages between proposed actions and their relationship to reducing disparities and eliminating poverty and injustice. This may involve both institutional and legal reform. Human rights standards provide tools and legitimacy for advocacy for change.

vii. In good programming, education programmes should be developed on the basis of a situation analysis that identifies priority problems and their immediate, underlying and basic causes, which should be addressed either simultaneously or in sequence.

A rights-based approach to education requires that underlying causes of poverty and inequality be addressed. The indivisibility of human rights also emphasizes simultaneous attention to causes at all levels.

viii. In good programming, setting goals is important, and the necessity for scaling up should be considered at the planning stage. Efforts should be made to ensure that positive changes are sustainable and sustained. This includes environmental sustainability.

The realization of rights-based education requires both the achievement of desirable outcomes and achieving them through a process that reflects human rights values. A rights-based approach to education calls for simultaneous attention to outcomes and
processes. A shift of focus is needed away from service delivery towards capacity development and advocacy.

**Situation assessment and analysis**

Whereas a development approach to situation analysis addresses risks, power, stakeholders, root causes and gender, a rights-based approach to programming is informed by reference to the full range of relevant human rights – including any guidance provided by treaty bodies through General Comments and their concluding observations in relation to education. It also necessitates the following dimensions:

- **Analysis of the legislative, policy and practice environment:** It is not sufficient that legislation is in place. Too often, legislation exists but is not implemented. Inadequate resources, lack of capacities in terms of the wherewithal to implement policy, lack of public demand and low levels of information, awareness and training render it ineffective, and there are no means of redress if the rights it introduces are not respected.

- **A focus on primary responsibility of governments:** In education, governments bear the primary responsibility to, for example, provide schools, train teachers, develop the curriculum, monitor standards, eliminate discrimination and promote equal opportunity of access. Other key players – such as local authorities, schools, parents and communities – also have responsibilities, although in some cases their capacities to fulfill these are necessarily dependent on the government meeting its primary responsibilities.

- **Applying the four central principles of the Convention on the Rights of the Child:** Non-discrimination, best interests of the child, the right to life, survival and development, and the right to express views and have them given due weight must be a focus throughout the analysis.

- **Analysis of rights violations and denials:** It is essential that this analysis includes the immediate, underlying and structural causes of violations and is extended to access to education, quality in education and respect for children’s rights within education.
• **A focus on the poorest and most vulnerable:** These groups are usually the most disempowered and at greatest risk of violation or denial of their rights.

• **A participatory approach:** This enables the input of a range of stakeholders – including parents, teachers, religious leaders, community groups and children – into the analysis and provides opportunities to feed back on its conclusions. Children’s perspectives are indispensable. Whenever possible, the views of girls and boys of different ages, in and out of school, with and without disabilities, and from different ethnic groups, geographic locations and socio-economic situations should be taken into account.

• **Disaggregated data:** To ensure the visibility of all groups of children in relation to enrolment, attendance, completion, attainment in education and other pertinent factors, it is crucial that data are disaggregated by sex, disability, race, ethnic or social origin, economic status, religion, language, geographic location and other status.

**Assessing capacity for implementation**

A rights-based approach to education policy and programming places a particular focus on assessing the capacity of both rights holders to claim their rights and governments and public authorities to fulfill their obligations. The process should involve plans and activities to increase the capacity of individuals to support the implementation of education priorities.

**Capacities of rights holders to claim rights**

In order to claim rights, people need to know what their rights are and how they are being addressed, how decisions are made and by whom, and what mechanisms, if any, exist to seek redress in cases of violations. If teachers are persistently absent or fail to teach, parents and the community need to know that their children have the right to education and that they should join together to demand the resolution of such problems. They need opportunities for access to policymakers and the media. They may also need support in analysing how their rights are being denied and how to argue their case for change. Efforts also need to be made to build opportunities for children to claim their rights. There is a growing body of tools and strategies for promoting
children’s access to the media, policymakers and politicians, as well as evidence of the capacity for effective child advocacy.

Empowering rights holders to claim their rights requires a range of strategies, including information, advocacy, capacity-building, parent networking, peer support and technical assistance.

**Capabilities of government and public authorities to fulfill obligations**

Assessment of the capacities of government and public authorities to meet their obligations with regard to educational rights is necessary to measure the implementation of any educational policy and programme. Obstacles to complying with responsibilities may derive from:

i. **Lack of resources** – financial (tax base or budget priorities) or human (skills and institutional capacity).

ii. **Lack of authority** – legal, moral, spiritual or cultural.

iii. **Lack of responsibility** – refusing to accept obligations and demonstrating no political commitment to doing so.

iv. **Lack of coordination between levels and sectors.**

v. **Lack of knowledge** – for example, illiterate parents may not know that they have an obligation to send their children to school.

The analysis will indicate the strategies necessary to achieve change. For example, in order to assess parents’ capacities to fulfill their obligation to send their children to school, States need to analyse the real costs associated with schooling. The absence of school fees may be insufficient to eliminate the economic burden on parents; school uniforms, equipment and transportation, as well as the loss of domestic support or the earnings of a child, need to be included in the analysis when developing policies aimed at universal education. In situations of crisis, conflict and transition, the obstacles are likely to be particularly acute. However, it is possible to build capacity and commitment to sustain or restore access to education even in war-torn environments.
**Programme planning, design and implementation**

A rights-based approach to programming recognizes that the process of development is as important as the outcome. Indeed, the process largely determines the type of outcome resulting from development activities. The principles that inform a rights-based approach outlined above should be taken into consideration in the planning, design and implementation of programmes. Although not all are new to development practice – participation and accountability, for example, are also characteristic of good programming – the added value of a rights based approach is that such principles acquire moral and political force. This is important, given that the people who may benefit the most from the application of these principles, i.e., poor and marginalized groups, are not generally in a position to claim their rights. Taking a rights-based approach to education will necessitate that:

i. The programme engages with government in a constructive dialogue regarding its obligations, and how best it can fulfil these. This may require incentives and technical assistance, as well as capacity-building.

ii. Claims holders are involved in the assessment, decision-making and implementation of education provision.

iii. Evidence-based advocacy is used to increase the scale of impact through, for example, replication, legislative and policy change, and resource allocation.

iv. Civil society is involved in programme design and implementation to promote government accountability.

v. Special attention is paid to the most marginalized and discriminated against groups. This approach involves going beyond addressing poorer communities to identify the most vulnerable people among the poor, for example, children with disabilities, children in low castes, internally displaced persons and children living with HIV. It then develops programming specifically to reach them.

vi. All programme activities are explicitly linked to human rights standards. Such standards set minimum guarantees for poor and disadvantaged groups. They also help identify where problems exist and what capacities and functions are required to ad-
dress them. In the programming process, human rights standards can help define a comprehensive but targeted scope for development strategies that will yield more cost-effective results. They can also help to set results-based outcomes and outputs.

2.6 a Monitoring and evaluation:
A rights-based approach to monitoring and evaluating education has implications, beyond those that would be addressed as good development practice, for both the process by which it is undertaken and the outcomes it seeks to measure. In terms of process, there is a need for greater transparency of information about education provision. In addition, children and their communities need to be actively engaged as partners and involved in design, analysis, sharing of information and documentation. Their involvement empowers them and improves the quality of the information. Such monitoring and evaluation frameworks will help capture both the qualitative and quantitative indicators in respect of realizing the rights-based approach to education. In terms of outcomes, monitoring and evaluation needs to address:

i. Changes in the lives of children to measure whether their education rights are better realized or no longer violated.

ii. Changes in legislation, policy, structures and practices and their impact on the realization of educational rights.

iii. Changes in relation to equity and non-discrimination in respect of access to education, the quality of that education and the experience of children within it. For example, have more marginalized children been reached and have discriminatory references in the curriculum been removed?

iv. Opportunities for participation and active citizenship of children, as well as other stakeholders, in schools and in the wider development of education policy.

v. Changes in civil society and community capacity to support the rights-based approach – for example, through advocacy for improved education, active support for local schools, and ensuring the equal right of girls and boys.
2.7 Addressing Tensions in Fulfilling the Right to Education:

A rights-based approach to programming is not a magic wand. It does not provide simple solutions to challenges that have proved intractable for many years. While providing a principled framework and a methodology for its application, it can also expose tensions, real or apparent, between different rights, among rights holders, and between rights and responsibilities.

Reconciling conflicting agendas for education

In its General Comment on the aims of education, the Committee on the Rights of the Child emphasized that the overarching aim must be to promote, support and protect “the human dignity innate in every child and his or her equal and inalienable rights” while taking into account the child’s developmental needs and diverse evolving capacities. This is to be achieved through the holistic development of the full potential of the child, including a respect for human rights, an enhanced sense of identity and affiliation, and socialization with others and with the environment.

In practice, however, there are competing agendas for the aims of education systems for different stakeholders. For the State it is to develop the economic workforce and potential future wealth; and to promote social cohesion, integration and a sense of national identity. A rights-based understanding of education moves beyond the more traditional model of schooling, which has defined the education agenda very much from the perspective of the government by emphasizing training, human capital investment, and containment of young people and their socialization.

And, for the parents, it is to equip their children for a successful life, and hence expect it to provide their children with the knowledge, skills and confidence that will help them gain employment and achieve economic success. They also look to schools to transmit their values, culture and language – in other words, they seek in the educa-

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5 Committee on the Rights of the Child, ‘General Comment No. 1: The aims of education, article 29 (1) (2001), CRC/GC/2001/1, 2001, para. 1
tion system the reinforcement and promotion of their own beliefs and practices which are worth.

A third constituency is the most neglected section in the spectrum of education, i.e. the child, for whom the goal is acquiring the capacities through which to fulfill her or his aspirations. Education also provides the opportunity for emotional development and friendship outside the family. It is the route through which economically and socially marginalized children can escape poverty and participate fully in their communities. It also plays a vital role in safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, and protecting the environment.

There are, then, significant and sometimes competing expectations of the education system – from governments that are providing the legal and administrative framework and funding, from parents responsible for their children’s upbringing and from children themselves as rights holders. Some expectations are common to all: economic success, reinforcement of values and social standing. However, the fact that governments are concerned with the wider society and parents with their individual child can and does create significant tensions in the education agenda. These tensions are acknowledged in international human rights law, which introduces the right of parents to educate their children according to their beliefs. It reflects the need to limit a government’s power to impose its economic, political and religious agenda on children.

The UN Convention on the Rights of the Child introduces an additional perspective. It imposes limits not only on the state but also on parents. It insists that children’s best interests must be a primary consideration in all matters affecting them, that their views must be given serious consideration and that the child’s evolving capacities must be respected. In other words, the Convention affects the right of parents to freedom of choice in their child’s education; parental rights to choose their children’s education are not absolute and are seen to decline as children grow older. The rationale behind parental choice is not to legitimize a denial of their child’s rights. Rather, it is to prevent any state monopoly of education and to protect educational pluralism. In
the case of conflict between a parental choice and the best interests of the child, however, the child should always be the priority.

The right to education thus involves these three principal players: the state, the parent and the child. There is a triangular relationship between them, and in the development of rights-based education it is important to bear in mind that their differing objectives need to be reconciled. In addition, other actors with a significant contribution and responsibility include teachers, the local community, policymakers, the media and the private sector.

**Balancing rights and responsibilities of children**

Human rights are not contingent on the exercise of responsibility. They are innate and universal. There is no requirement on the part of a child, for example, that she or he demonstrate a responsible attitude in order to ‘earn’ an entitlement to education. Nevertheless, there is a direct and complex relationship between rights and responsibilities, rooted in the reciprocal and mutual nature of human rights. All children have a right to learn. This means they are entitled to an effective learning environment in multiple spaces, not just the school setting and at the primary level. It also implies that they have responsibilities to ensure their behaviour does not deny that right to other children. All children are entitled to express their views and have them given due weight. This involves listening as well as talking. It requires that children play a part in the creation of constructive spaces that promote mutual respect. And as teachers have responsibilities for children’s rights, so children, too, have responsibilities towards teachers. The same principles of mutual respect apply between children and adults. The right to protection from violence extends to both children and adults, and places a responsibility on children to avoid the use of aggression or physical violence. While teachers bear responsibility for preparing lessons, teaching, grading work, maintaining positive classroom discipline and creating opportunities for children to express views, so children carry responsibilities for undertaking their work, collaborating with other children, keeping the classroom in order and, so far as it is within their means, arriving regularly and on time.
One of the most effective means of promoting children’s understanding of the reciprocal basis of rights is to create an environment where their own rights are respected. Through this experience, they develop the capacities to exercise responsibility.

**Tensions in the implementation of a rights-based approach**

In a rights-based approach to education, founded on principles of universality and equity, there are inevitable tensions that arise in the process of implementation. Some of these are associated with limits on resources and can only be addressed through a commitment to progressive realization. Some derive from insufficient understanding of the concept of rights or the potential strategies that can be adopted to resolve them. The rest of this chapter considers a number of these tensions. There are no straightforward solutions to many of them, but Chapters 3 and 4 provide some indications of approaches that can be taken to reconcile them, consistent with a commitment to the human rights of all.

**Access and quality**

Where resources are scarce, the requirement to make education universally available can mean a reduction in the per capita funding for each child – leading to higher teacher-student ratios, overcrowded classes, fewer materials and resources per class, and lower building standards – thereby sacrificing quality for access. In these circumstances, access to education is an overriding concern, and it is not acceptable to discriminate between groups of children and offer preferential treatment to some on the basis of resources. Yet, whenever possible, efforts need to be made to increase the budgetary allocation to ensure there is access to quality education for all children. A tendency to discriminate must be guarded against, and donors may need to ensure that funding is dedicated to the provision of education without discrimination on any grounds.

**Equity and efficiency**

The approaches necessary to make schooling available for all children may be less efficient and cost-effective. Although it may be more expensive to develop small satellite schools in villages, for example, this may be the only way of encouraging parents
to allow young girls to attend. It may be more economically efficient to place all children who do not speak the national language in a separate school, but doing so may deny them the right to an education on an equal basis with other children. It is important to consult with children, parents and communities to explore what will work most effectively in their environment. This will help build a sense of ownership and collaboration in finding solutions that will best strengthen access to education. There is little point in designing a cost-effective system that is rejected by the local community.

**Universality and diversity**

The respect for difference and the right to be different in regard to cultural, linguistic and religious identity needs to be reconciled with the universal right to education as part of a broader set of human rights. Approaches to education provision that ensure universal education for all need to be undertaken with due regard the local and regional differences, particularly in regard to language, culture specific needs of particular community. Failure to do so implies a failure to reach out to all communities.

**Priorities and trade-offs**

Scarce resources can lead to trade-offs, such as the decision to invest in primary education at the cost of limiting access to secondary education, or to postpone the development of educational opportunities for children with disabilities. Realistically, it is not possible for all governments to fulfill their obligations to ensure the right to education for all children immediately. However, where financial and human resources are limited, the principle of progressive realization requires governments to have a clear strategy and time frame for achieving the objective of universal access to primary and secondary education, and each action should be conducive to the full realization of the right to education for all.

**Outcomes and process**

Pressure to achieve such targets as the Millennium Development Goals may lead to strategies that are designed to produce immediate results but fail to invest in long term social change to sustain a genuine commitment to and capacity for meaningful education. For example, an increased number of school places and teachers may lead to
higher levels of enrollment, only to result in increased drop-out rates because no accommodation has been made to children’s particular circumstances. Ensuring attendance, completion and reasonable attainment in school involves consultations with children and parents; policies to address poverty; the development of more relevant curricula; and respect for children’s rights in school, including the abolition of physical and humiliating punishments.

**Emergency responses in the short and longer term**

In emergencies, the immediate focus is inevitably on survival and the provision of food, water, shelter and medical treatment. For children, however, the immediate reintroduction of education is not only a right but can also be a vital resource in restoring normality, overcoming psychosocial trauma, building capacities for survival and providing structure out of chaos. There are a growing number of positive examples of programmes designed to provide immediate schooling in the aftermath of crises. Ensuring that a maximum number of children attend school under these difficult circumstances has to be balanced, however, with the parallel need to guarantee quality education in the short and longer term.

**Teachers’ and children’s rights**

It is sometimes argued by teachers that affording respect for the rights of children diminishes respect for their own rights. They may erroneously believe that prohibiting physical punishment or involving students in decisions diminishes their position or makes it more difficult to maintain discipline. This view derives from an assumption that rights represent a fixed quantity of entitlement and that giving more to one constituency necessarily deprives the other. It also derives from an authoritarian understanding of the teacher-child relationship. While respecting the rights of children does involve some transfer of power, this does not necessitate the loss of rights on the part of the teacher. In practice, without mutual respect, the pedagogic relationship is fragile. Creating a school environment in which children’s rights are respected is more likely to enhance respect for the role of the teacher, although this outcome can only be achieved if teachers are appropriately supported and resourced.
Work and school

Controversy about the role of work in children’s lives continues. There are tensions associated with the extent to which it, on the one hand, provides preparation for life, and on the other, impedes educational outcomes. There is no consensus as to whether there are forms of work that are acceptable and can be accommodated alongside the right to education – or whether all child work should be prohibited during the years of compulsory schooling. The Convention on the Rights of the Child makes clear that children must be protected from all forms of work that are harmful to their development or that interfere with their education. International Labour Organization (ILO) Convention 182 elaborates the worst forms of child labour and makes clear governments’ obligations to protect all children from these areas of work. Governments need to introduce legislation and policies that guarantee these protections. It is also incumbent on governments to provide education that offers a viable alternative to employment in terms of its quality and relevance; to introduce policies that address the poverty and livelihood insecurity that force many children into work; and to make education sufficiently flexible and inclusive to allow those children to attend who have no choice but to work.

2.8 A Rights-Based Conceptual Framework for Education:

The development of a human rights-based approach to education requires a framework that addresses the right of access to education, the right to quality education and respect for human rights in education. These dimensions are interdependent and interlinked, and a rights-based education necessitates the realization of all three. The right to education requires a commitment to ensuring universal access, including taking all necessary measures to reach the most marginalized children. But getting children into schools is not enough; it is no guarantee of an education that enables individuals to achieve their economic and social objectives and to acquire the skills, knowledge, values and attitudes that bring about responsible and active citizenship.
A study by the Southern and Eastern African Consortium for Monitoring Educational Quality (1995–1998), for example, measures primary school students’ reading literacy against standards established by national reading experts and sixth grade teachers. In four out of seven countries, fewer than half of sixth grade students achieved minimum competence in reading. In the same findings, poor achievement is also evident.

Achieving a quality education is also a challenge in industrialized nations. To ensure quality education in line with the aims of education elaborated by the Committee on the Rights of the Child (2001), attention must be paid to the relevance of the curriculum, the role of teachers, and the nature and ethos of the learning environment. A rights-based approach necessitates a commitment to recognizing and respecting the human rights of children while they are in school – including respect for their identity, agency and integrity. This will contribute to increased retention rates and also makes the process of education empowering, participatory, transparent and accountable. In addition, children will continue to be excluded from education unless measures are taken to address their rights to freedom from discrimination, to an adequate standard of living and to meaningful participation. A quality education cannot be achieved without regard to children’s right to health and well-being. Children cannot achieve their optimum development when they are subjected to humiliating punishment or physical abuse.

This conceptual framework highlights the need for a holistic approach to education, reflecting the universality and indivisibility of all human rights. The following sections set out the central elements that therefore need to be addressed in each of the three dimensions mentioned above.

1. The right of access to education
   i. Education throughout all stages of childhood and beyond
   ii. Availability and accessibility of education

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iii. Equality of opportunity

2. The right to quality education
i. A broad, relevant and inclusive curriculum
ii. Rights-based learning and assessment
iii. Child-friendly, safe and healthy environments

3. The right to respect in the learning environment
i. Respect for identity
ii. Respect for participation rights
iii. Respect for integrity

2.9 The Right of Access to Education:
Obligations to ensure the right of access to education can be delineated as:

i. Provide free and compulsory primary education.
ii. Introduce measures to encourage regular attendance and reduce drop-out rates.
iii. Provide accessible educational and vocational information and guidance.
iv. Provide education on the basis of equal opportunity.
v. Providing infrastructure by balancing availability and accessibility to all the children.
vi. Ensure respect for the right to education without discrimination of any kind on any grounds.
vii. Ensure an inclusive education system at all levels.
viii. Provide reasonable accommodation and support measures to ensure that children with disabilities have effective access to and receive education in a manner conducive to achieving the fullest possible social integration.
ix. Ensure an adequate standard of living for physical, mental, spiritual, moral and social development.

x. Provide protection and assistance to ensure respect for the rights of children who are refugees or seeking asylum.

xi. Provide protection from economic exploitation and work that interferes with education.

The right of access to education comprises three elements: the provision of education throughout all stages of childhood and beyond, consistent with the Education for All goals; the provision of sufficient, accessible school places or learning opportunities; and equality of opportunity.

**Education throughout all stages of childhood and beyond**

Learning is considered as a lifelong process. A rights-based approach to education seeks to build opportunities for children to achieve their optimum capacities throughout their childhood and beyond. It requires a life-cycle approach, investing in learning and ensuring effective transitions at each stage of the child’s life.

Although the Convention on the Rights of the Child does not impose explicit obligations to provide early childhood education, the Committee on the Rights of the Child interprets the right to education as beginning at birth and as closely linked to the child’s right to maximum development. It calls on governments to ensure that young children have access to programmes of health care including nutrition and education designed to promote their well-being, and stresses that the right to optimum development implies the right to education during early childhood, with systematic and quality family involvement.

Quality education during the early years plays a vital part in promoting readiness for school and is also the best guarantee of promoting sustainable economic and social development, and attaining the Millennium Development Goals and the Education for All and A World Fit for Children goals.

While human rights law affirms that every child is entitled to free, compulsory primary education, obligations in respect of many countries are less emphatic. The duty is to encourage its development and make it available and accessible to every
child, and free where possible. The weaker formulation does not reflect a lesser commitment to secondary education, but rather a recognition that it is currently beyond the resources of many countries to make it free and compulsory.

Since these conventions were drafted, there has been an increasing recognition of the fundamental importance of education for all among children across the world, Governments should support the achievement of a strong base for lifelong learning, through education directed towards responsible autonomy, self-directed learning and preparation for full citizenship.

**Availability and accessibility of education**

States have obligations to establish the legislative and policy framework, together with sufficient resources, to fulfill the right to education for every child. Each child must therefore be provided with an available school place or learning opportunity, together with appropriately qualified teachers and adequate and appropriate resources and equipment. The level of provision of primary education must be consistent with the numbers of children entitled to receive it. All learning environments must be both physically and economically accessible for every child, including the most marginalized. It is important to recognize that a school that is accessible to one child may not be accessible to another. Schools must be within safe physical reach or accessible through technology (for example, access to a ‘distance learning’ programme). They must also be affordable to all.

**Equality of opportunity**

Every child has an equal right to attend school. Making schools accessible and available is an important first step in fulfilling this right but not sufficient to ensure its realization for equality of opportunity can only be achieved by removing barriers in the community and in schools.

Even where schools exist, economic, social and cultural factors – including gender, disability, AIDS, household poverty, ethnicity, minority status, orphanhood and child labour – often interlink to keep children out of school. Governments have obligations
to develop legislation, policies and support services to remove barriers in the family and community that impede children’s access to school.

Schools can directly or indirectly impede the access of some children, for example, through reflecting a male-dominated culture, pervading patterns of violence and sexual abuse or prevailing societal norms, such as caste bias. Negative teacher attitudes towards girls, biases in the curriculum, lack of female teachers and role models, and lack of adequate access to hygiene and sanitation can also inhibit enrolment and contribute to poor attainment and high drop-out levels. Schools may refuse to accept children with disabilities or AIDS. Inflexibility in school systems may exclude many working children. Governments should take action to ensure the provision of education that is both inclusive and non-discriminatory and that is adapted to ensure the equal opportunity of every child to attend.

2.10 The Right to Quality Education:

Obligations to ensure the right to quality education

1. Develop children’s personalities, talents, and mental and physical abilities to their fullest potential.

2. Promote respect for human rights and fundamental freedoms, and prepare children for a responsible life in a spirit of peace, tolerance, equality and friendship.

3. Promote respect for the child’s, his or her parents’ and others’ cultural identity, language and values.

4. Promote respect for the natural environment.

5. Ensure the child’s access to information from a diversity of sources.

6. Ensure that the best interests of children are a primary consideration.

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7. Promote respect for the evolving capacities of children in the exercise of their rights.

8. Respect the right of children to rest, leisure, play, recreation, and participation in arts and culture.

Every nation shall have the provision of primary education of good quality and to improve all aspects of educational quality. Although there is no single definition of ‘quality’, most attempts to define it incorporate two fundamental perspectives. First, cognitive development is a primary objective of education, with the effectiveness of education measured against its success in achieving this objective. Second, education must promote creative and emotional development, supporting the objectives of peace, citizenship and security, fostering equality and passing global and local cultural values down to future generations. These perspectives have been integrated into the aims of education set out in the Convention on the Rights of the Child, which formulates a philosophy of respect for children as individuals, recognizing each child as “unique – in characteristics, interests, abilities and needs.” It sets out a framework of obligations to provide education that promotes children’s optimum development. Article 29 implies “the need for education to be child-centred, child-friendly and empowering, and it highlights the need for educational processes to be based on the very principles it enunciates.” Every child has a right to an education that empowers him or her by developing life skills, learning and other capacities, self-esteem and self-confidence. The provision of a quality education demands attention to the content of the curriculum, the nature of the teaching and the quality of the learning environment. It implies a need for the creation of flexible, effective and respectful learning environments that are responsive to the needs of all children.

**A broad, relevant and inclusive curriculum**

Common guidance is provided in all the key human rights treaties for the development of the curriculum, indicating an underlying global consensus on the content and scope necessary for a rights-based education.
The curriculum must enable every child to acquire the core academic curriculum and basic cognitive skills, together with essential life skills that equip children to face life challenges, make well-balanced decisions and develop a healthy lifestyle, good social relationships, critical thinking and the capacity for non-violent conflict resolution. It must develop respect for human rights and fundamental freedoms, and promote respect for different cultures and values and for the natural environment. The Committee on the Rights of the Child stipulates that the curriculum, both in early childhood provision and in school, “must be of direct relevance to the child’s social, cultural, environmental and economic context, and to his or her present and future needs and take full account of the child’s evolving capacities”.

The curriculum must be inclusive and tailored to the needs of children in different or difficult circumstances. All teaching and learning materials should be free from gender stereotypes and from harmful or negative representations of any ethnic or indigenous groups. To enable all children with disabilities to fulfill their potential, provision must be made to enable them to, for example, learn Braille, orientation or sign language.

**Rights-based learning and assessment**

The way in which children are provided with the opportunity to learn is as important as what they learn. Traditional models of schooling that silence children and perceive them as passive recipients are not consistent with a rights-based approach to learning. There should be respect for the agency of children and young people, who should be recognized as active contributors to their own learning, rather than passive recipients of education. There should also be respect for the evolving and differing capacities of children, together with recognition that children do not acquire skills and knowledge at fixed or predetermined ages. Teaching and learning must involve a variety of interactive methodologies to create stimulating and participatory environments. Rather than simply transmitting knowledge, educators involved in creating or strengthening learning opportunities should facilitate participatory learning. Learning environments
should be child friendly and conducive to the optimum development of children’s capacities.

Assessment of learning achievement is vital. Testing enables schools to identify learning needs and develop targeted initiatives to provide support to individual children. Analysis of results enables governments to assess whether they are achieving their educational objectives and to adjust policy and resources accordingly. Dissemination of results is a necessary aspect of accountability and transparency in education and facilitates discussions on the quality of education. At the same time, a commitment to realizing children’s rights to their optimum capacities implies the need for sensitive and constructive methods of appraising and monitoring children’s’ work that take account of their differing abilities and do not discriminate against those with particular learning needs.

**A child-friendly, safe and healthy environment**

The obligation to give primacy to the best interests of children and to ensure their optimum development requires that learning environments are welcoming, gender sensitive, healthy, safe and protective. Although situations of extreme poverty, emergency and conflict may often impede this, children should never be expected to attend schools where the environment is detrimental to their health and wellbeing.

Schools should take measures to contribute towards children’s health and well-being, taking into account the differing needs of children. This will necessitate measures to ensure that obstacles to health and safety are removed – for example, consideration as to the location of schools, travel to and from school, factors that might cause illness or accidents in the classroom or playgrounds, and appropriate facilities for girls. It also requires the proactive provision of facilities, services and policies to promote the health and safety of children and the active participation of the local community. A healthy environment also needs to provide safe and stimulating opportunities for play and recreation.
2.11 The Right to Respect in the Learning Environment:

- Obligations to respect children’s rights in the learning environment
- Respect every child equally without discrimination on any grounds.
- Teach respect for human rights and fundamental freedoms, for difference and for life in a society where there is understanding, peace, tolerance, equality and friendship. Give primary consideration to the best interests of the child.
- Respect the evolving capacities of the child.
- Respect the right of children to express their views on all matters of concern to the and have those views given due weight in accordance with children’s age and maturity.
- Recognize the right to freedom of expression, religion, conscience, thought and assembly.
- Respect the privacy of children.
- Take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s dignity and all other rights in the Convention on the Rights of the Child.
- Protect children from all forms of physical violence, injury or abuse, neglect or negligence, maltreatment or exploitation, including sexual abuse.

Human rights are inalienable. In other words, they are inherent in each human being. Accordingly, they must be respected in all learning environments. The right to education must be understood as incorporating respect for children’s identity, their right to express their views on all matters of concern to them, and their physical and personal integrity.

**Respect for identity**

UNESCO’s Convention against Discrimination in Education (1960) protects the educational rights of national minorities. Depending on the educational policy of each

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*Sources: Articles 2, 3, 5, 12, 13, 14, 15, 16, 19, 28, 29, Convention on the Rights of the Child; articles 1, 2, Universal Declaration of Human Rights; articles 18, 19, 27, International Covenant of Civil and Political Rights.*
State, it establishes the right to use or be taught in one’s own language, provided this does not exclude minorities from understanding the language and culture of the community as a whole and that it is not provided at a lower standard than the one generally provided. The Convention on the Protection and Promotion of Diversity in Cultural Expressions (2005) introduces obligations to respect cultural diversity, including through educational programmes.

In addition, article 30 of the Convention on the Rights of the Child stresses the right of children to enjoy their own culture, practice their own religion and use their own language. International human rights law also requires States to respect the freedom of parents to decide the kind of education they would like for their child. Governments are entitled to determine which religion, if any, should be taught in schools, as well as the medium of instruction for schools. And finally, the Convention on the Rights of the Child, in its recognition of the right of children to express their views on all matters of concern to them and to have those views given due weight, introduces a further dimension to the issue of choice and freedom in education provision. Thus, it is in the arena of these cultural rights that the tensions discussed above between children, parents and governments in respect of education are often most sharply drawn.

There is no simple solution to these tensions, nor any one correct approach. Whatever approach is adopted, however, governments have obligations to ensure that children do not experience discrimination, that respect is afforded to their culture and religion, and that every effort is made to prevent social exclusion and educational disadvantage as a consequence of speaking a minority language. In determining the most appropriate system for addressing respect for identity, a rights-based approach requires that children, families and communities are consulted and involved. And if relevant obligations are not being fulfilled, mechanisms should be in place to challenge schools, education authorities and the government.

**Respect for participation rights**

Article 12 of the Convention on the Rights of the Child establishes that children are entitled to express their views on all matters of concern to them and to have these giv-
en due weight in accordance with their age and maturity. This principle of participation is affirmed by other rights to freedom of expression, religion and association. These rights apply to all aspects of their education and have profound implications for the status of children throughout the education system. Participation rights do not simply extend to the pedagogic relationships in the classroom but also across the school and in the development of legislation and policy. The Committee on the Rights of the Child has frequently recommended that governments take steps to encourage greater participation by children in schools. Children can also play an important role in advocating for the realization of their rights. Governments need to introduce legislation and policy to establish and support these rights at all levels in the education system.

**Respect for integrity**

The Convention demands not only that children are protected from all forms of violence such as, frequent and severe violence, including emotional abuse and humiliation in school, but also that school discipline is administered in a manner consistent with the child’s dignity. The Committee on the Rights of the Child has consistently argued that such punishments constitute a violation of the rights of the child and a denial of children’s integrity. Much violence is also perpetrated by children against children and children against teachers, and it is equally important to challenge such behaviour. Physical and other forms of humiliating and abusive treatment are not only a violation of the child’s right to protection from violence, but also highly counterproductive to learning. Children cite violence as a significant factor contributing to school dropout. Furthermore, it diminishes self-esteem and promotes the message that violence is acceptable. Many factors contribute to the continued use of violence towards children in schools, including:

2. Lack of adequate training for teachers, resulting in poor classroom management and a consequent breakdown of discipline.
3. Lack of knowledge of the benefits associated with positive discipline and how to promote it.

4. A failure to understand the harmful impact of physical punishment.

5. Lack of understanding of the different ways in which children learn, and the fact that children will differ in their development and their capacities to understand.

Action must be taken to address all these barriers and to achieve rights-respecting educational environments in which all forms of physical and humiliating punishments are prohibited and a commitment to non-violent conflict resolution is promoted.

2.12 State Obligations and Government Responsibilities:10

Once States ratify international human rights instruments, they commit themselves, through whichever government is in power, to compliance with the rights embodied in those instruments. States hold the primary responsibilities and are accountable to the holders of those rights for their implementation.

To ensure the realization of the right to education for all children, States have three levels of obligations:

i. **To fulfill the right to education** by ensuring that education is available for all children and that positive measures are taken to enable children to benefit from it, for example, by tackling poverty, adapting the curricula to the needs of all children or engaging parents to enable them to provide effective support to their children’s education.

ii. **To respect the right to education** by avoiding any action that would serve to prevent children accessing education, for example, legislation that categorizes certain groups of children with disabilities as uneducable.

iii. **To protect the right to education** by taking the necessary measures to remove the barriers to education posed by individuals or communities, for example, cultural barriers to education or violence and abuse in the school environment.

This chapter focuses on the political and economic environment, the legislative framework and the education policies that are needed to fulfill these three obligations in relation to the right of access to education, to quality education and to respect for human rights in education. Underlying all three is the need to have regard to the best interests of every child.

2.13 Creating a Supportive Political and Economic Environment:

Education does not exist in a vacuum. Ensuring that every child has access to quality and respectful learning environments throughout his or her childhood necessitates action far beyond ministries of education. The right to education can only be realized in a political and economic environment that acknowledges the importance of transparent, participatory and accountable processes, as well as broad-based collaboration both across government and in the wider society. It needs a long-term strategic commitment to the provision of adequate resources, development of cross departmental structures, engagement with the energies and capacities of parents and local communities, and partnership with non-governmental organizations.

Progressive realization of education rights

Both the Convention on the Rights of the Child (article 4) and the International Covenant on Economic, Social and Cultural Rights (articles 2 and 13) require that States undertake all appropriate legislative, administrative and other measures to the maximum extent of their available resources for the implementation of education rights. There will always be fiscal constraints, but it is possible to manoeuvre to better allocate resources. Countries with very similar gross domestic products can and do apportion very different levels of investment in education. The committees that monitor these treaties have both argued that “even where the available resources are demonstrably inadequate, the obligation remains for a State party to strive to ensure the widest possible enjoyment of relevant rights under prevailing circumstances.”

11 Committee on Social, Economic and Cultural Rights, ‘General Comment No. 3’, 14/12/90, 1990, para. 10; Committee on the Rights of the Child, ‘General Comment No. 5’, CRC/ GC/2003/527, November 2003.
Governments need to develop strategic plans for the progressive realization of educational rights that include a time frame for the introduction of measures to extend access to both primary and secondary education, raise the quality of education and introduce the necessary legislative and policy measures to ensure the protection of children’s rights in schools. If States fail to meet minimum core obligations, such as universal access to free, compulsory primary education, they are required to demonstrate that every effort has been made to use all resources available to satisfy as a matter of priority those minimum obligations.

A conducive political environment:

Political will and commitment

One of the most important prerequisites in realizing rights, especially those related to such global public goods as education, health or water and sanitation, is the presence of firm in-country political will and commitment. In many countries around the world, good policy formulations exist on paper but are not translated into action. Real decisions at the stage of implementation are taken at the time of preparation of action plans and projects or during budget allocations. States need to demonstrate the political will to follow up and implement such policy commitments on the ground.

Capacity-building and development

As a rights-based approach to education places the primary responsibility for ensuring good quality education on the state, consideration needs to be given to whether it has the capacity – in terms of managerial, human and financial resources – to analyse, organize and provide all the inputs necessary to make meaningful education a reality for those who are left out of the system. Many government programmes worldwide have tried to reach out to marginalized groups of children but have lacked the capacity to work simultaneously on several fronts – access, quality and respect. Thus, the role of capacity-building and development becomes crucial. While some States – for example, those in transition or just emerging out of conflict – require capacity-building such as teacher training or curriculum development, others may require capacity de-
velopment in terms of working with the state bureaucracy to train their officials to reform legal and regulatory frameworks, as well as the systems for implementing them.

**Good governance**

Factors relating to good governance – such as demanding accountability, ensuring transparency, access to justice and the rule of law, and enlisting stakeholder participation, through, for instance, devolution policies or in budgetary analysis – are essential ‘on the ground’ enabling conditions.

**Mechanisms for claiming rights and holding governments accountable**

Access to the courts can be an effective means of challenging the failure of the State to, for example, make adequate provision for education, achieve equality of opportunity or protect children whose rights are violated in the education system. Judicial activism and pro-activeness of civil societies can maintain check and balances on the deliverance of the State.

Legal mechanisms are not the only means of achieving accountability. Others include:

- **Transparency** – ensuring that people understand how and what decisions are being made, what resources are being provided to support the right to education and establishing public processes for regular reporting on progress.

- **Information** – rights are meaningless unless people are aware that they exist and that governments have obligations with regard to their implementation.

- **Participation** – creating effective consultative processes that offer meaningful opportunities for marginalized groups, including children, to contribute their experience and expertise to the development of education policy and provision.

- **Parliamentary accountability** – establishing all-party parliamentary committees to scrutinize government action and hold it accountable for its obligations to respect the right to education.

**Devolution of authority**
In many countries, policies and budgets are still managed at the national level, reducing the potential for the delivery of education to address the local needs of communities and for community-based involvement and ownership of children’s education. Consideration should be given to the need to balance, on the one hand, the establishment of a national framework consistent with the universal human right to education with, on the other, the potential value of devolution of the day-to-day implementation and management of the budgets for delivering the education service to district or community levels.

Devolved authority, if accompanied by greater accountability and transparency, can serve to address corruption, empower local communities and utilize local expertise and knowledge. There should always be systems in place to ensure that communities and other stakeholders can participate in the management of the local education system and create or expand other complementary learning opportunities. Devolution must also be accompanied by a clear and sustainable effort to provide the necessary technical and financial support to guarantee the quality of education desired. Devolved authority without the resources to implement it is no solution.

**Improving outcomes through devolution of authority to schools**

Devolving authority to the school level is a form of educational reform that has been gaining support in developing countries. School-based management programmes involves a shift in responsibility and decision-making to principals, teachers, parents and students. Schools can also incorporate community participation approach as school-based management. Research indicates these programmes have been an effective measure in improving outcomes and reducing grade failure and repetition.

**Rights-based analysis and planning**

**Sector-wide approaches**

Sector-wide approaches (SWAs) to education, which are evolving in the new aid environment, provide a possible framework in which a rights-based approach to education can be achieved. They involve the development of a government-led single education strategy that is then supported by all externally funded initiatives.
In other words, they ensure an integrated and coherent policy rather than a series of separately funded and possibly contradictory projects with different objectives and time frames.

However, it is imperative that both governments and international donors ensure that human rights are fully integrated into sector-wide approaches and provide the core principles on which they are developed. In particular, the four underlying principles of the Convention on the Rights of the Child – namely, non-discrimination, the best interests of the child, the optimum development of the child, and the right to express views and have them given due weight – need to inform the education strategy. Sector-wide approaches should incorporate measures to address all three dimensions of a rights-based approach to education – access, quality and respect for rights – through an inclusive approach addressing the needs of all children. Without this breadth, the wider barriers that impede the right to education will not be tackled.

Education strategies and plans need to take into account the relevant recommendations made by the UN Committees on the Rights of the Child and on the Elimination of Discrimination against Women. These measures will serve to strengthen a commitment to child-centred education. They also need to take account of the views and experiences of stakeholders at the community level, including children.

**Macroeconomic policy**

Macroeconomic policy should reflect the commitment to the right to education, including the allocation of an appropriate level of resources. Actual budget levels are arbitrary, but the Education for All Fast Track Initiative\(^\text{12}\) – a partnership among donors and multilateral agencies, set up in 2002 to support low-income countries in funding sound education plans and managed by the World Bank – provides a framework for guiding education initiatives. According to benchmarks it established, public domestically generated government revenues for education as a percentage of the gross domestic product should be between 14 and 18 per cent; education spending as a share

of government revenues should be 20 per cent; and primary education spending as a share of total education expenditure should be between 42 and 64 per cent, depending on the length of the cycle.

**A human rights-based approach to budgetary analysis**

A rights-based approach to budgetary analysis in respect of education will require consideration of the following principles:

i. The obligation to undertake all measures to the maximum extent of available resources to implement the right to education. Progressive realization of the right to education means a specific and continuing obligation to move as expeditiously and effectively as possible towards implementation of this right.

ii. The obligation to ensure that the best interests of children are a primary consideration. The Committee on the Rights of the Child has emphasized that this requires that children are prioritized in resource allocation, in particular in respect of the right to free primary education for all.

iii. Non-discrimination in the allocation of funding – for example, equitable amounts for rural schools or children from particular ethnic groups.

iv. The obligation to take deliberate, concrete and targeted steps towards the full realization of the right to education.

The process for budgetary analysis will need to address:

v. Situation analyses and costing studies based on an assessment of the attainment outcomes that are expected, together with the level of resources that will be necessary to achieve those outcomes.

vi. Cost analyses that take account of the differing needs of children, including children with disabilities.

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vii. Distribution of budgets for different levels of education and provision of funding for national and local services.

viii. Opportunities for participation and consultation by rights holders, including children themselves.

ix. Transparency in order to promote monitoring and accountability. Budgets are a useful instrument through which to assess and make visible how well the State is responding to the duty to implement education rights.

**Wider economic policy**

The wider economic policy can also have a direct or indirect impact on the rights based approach to education. The Committee on the Rights of the Child has argued that States must be guided by the ‘best interests’ principle in respect of budgetary priorities in the allocation of available resources. Policies that appear to have very little impact on children will often, in practice, have a bias for or against their interests. For example, policies relating to trade barriers, economic growth and taxation can have implications on children’s overall well-being, their parents’ capacities to support access to education and the quality of education provided. National Plans of Action, including poverty reduction strategy papers, need to reflect the commitment to the right to education.

**Disaggregated data collection, monitoring and evaluation**

**Measurement of outcomes**

A rights-based approach to education is characterized by accountability and transparency, and thus its outcomes must be measurable. Students need to know how well they are doing, how they can improve and what they can aspire to. Families and communities want to know if the school is providing children with skills that will be beneficial to the children themselves, as well as the community, especially if there are competing demands on children’s time and high costs associated with education. They also need to know about the readiness of the school to receive their children and give them a good start in lifelong learning. Teachers need to know what children are learning, what works and how to measure that learning. Schools need to know if teachers
are doing an effective job. Education departments want to know if student learning is consistent with curriculum standards, if schooling is efficient and if students are well prepared for the challenges of life. Governments need data to plan and ensure availability of quality education for all. International agencies want data that is comparable in order to assess global progress in attainment of positive learning outcomes. Mechanisms therefore need to be introduced to measure and monitor access, quality and respect for rights in education, in terms of both individual children and the education system as a whole.

**School report cards: Promoting accountability and transparency**

A number of countries are experimenting with information systems at the school level known as ‘school report cards’. Some of these systems measure school performance, while others provide school managers with participatory diagnostic and management tools. The aims vary from an increase in accountability and transparency to community mobilization or improved school management. There are also a number of different formats, but the report cards fall broadly into four categories. At the basic level, the cards include information on the number of students, teachers, textbooks and classrooms and on expenditure. At the next level, they include measures of efficiency including repetition and drop-out rates, parental and community involvement, and school safety. The third level incorporates data on educational outputs, graduation rates and text scores, and the final level also addresses student and parental satisfaction with the school.

There is some evidence that school report cards are effective in achieving their objectives. However, there are also concerns about their sustainability. Factors that inform sustainability include the ability of the audience to use them effectively, the capacity of available systems to produce accurate and timely information and the existence of political will at a senior political level and at the level of the principal or director of the schools.

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Data collection

Accurate data are needed on the preschool and school-aged population so that appropriate education provision can be made for every child. Emphasis should be placed on data that are not only quantitative and disaggregated but also qualitative. Such qualitative data can help in measuring the degree of enjoyment of human rights in a particular sector – for example, the improvement of quality of learning in schools via the types of teaching aids used, or the level of interaction of the teachers. Capturing of qualitative data is far more effective if it is undertaken in partnership with local communities, which have knowledge of the social, cultural and economic factors that need to inform the location, design and target populations of schools. It is thus necessary, at the local level, to build accurate information about local communities to inform decisions about educational provision and plan for the right of access to education for all children.

In addition, disaggregated data are needed on the patterns of enrolment, attendance, completion and attainment of children in the education system, including by gender, disability, geography, ethnicity, class and religion. Data also need to encompass the numbers of children enrolled in private schools, including faith-based schools. Generic data can too easily disguise hidden pockets of inequality and render discriminatory patterns of access invisible. Disaggregated data will provide information to guide policy in respect of, for example, numbers and location of schools, potential review of the curriculum, teacher training, targeted measures to tackle child labour, bilingual teaching and gender discrimination.

To date, the data collected on children’s education are usually limited to enrolment, attendance and formal attainment. There are few indicators developed to monitor the broader dimensions of a rights-based approach to education. New indicators that capture both the quantitative and qualitative aspects are needed, although careful consideration needs to be given to the practicality and feasibility of their collection. Many States have limited resources for management of data, and indicators need to be amenable to both collection and analysis. It is important to recognize the positive role
that children themselves can contribute to the monitoring process.\textsuperscript{15} They can be involved in helping define the indicators, as respondents in the collection of data and as researchers.

**Meaningful intersectoral collaboration**\textsuperscript{16}

The Committee on the Rights of the Child calls on all States to develop national plans of action that embody strategies for the implementation of rights-based education systems. The fulfillment of children’s rights to and within education at all levels, including the early years of development, can only be achieved by a comprehensive and multisectoral approach involving legislative and policy reform, collaboration and partnerships, and commitment of resources. Although direct responsibility for education usually lies in an individual governmental department, the factors that contribute to its realization necessitate action on the part of the whole of government. A coordinated mechanism is needed for planning, budgeting and implementation across government departments and at all educational levels including, for example:

**i. Education** – having overall responsibility for children’s education and the training of teachers.

**ii. Finance** – ensuring that an appropriate commitment of government resources is allocated to achieve the goals established in the education strategy.

**iii. Water and sanitation** – ensuring appropriate and equitable access to safe drinking water, hygiene education and sanitation in schools, and eliminating the barriers to girls’ education associated with lack of privacy and appropriate facilities.

**The impact of a human rights-based analysis on education policy**\textsuperscript{17}

In Chile, a rights-based analysis of education highlighted distinct areas of concern of which the Government had previously been unaware. The Government had intro-

\textsuperscript{15} Save the Children, So You Want to Involve Children in Research? A toolkit supporting children’s meaningful and ethical participation in research relating to violence against children, Save the Children Sweden, Stockholm, 2004, p. 10.


duced educational reforms and was collecting data on school enrolment in secondary schools in order to monitor its progress on the Education for All commitments. Because national coverage was around 65 per cent, increasing access and retention was not defined as a key policy issue for secondary education. The United Nations Children’s Fund undertook a more comprehensive rights-based analysis, which showed that 70 per cent of students who dropped out were from the poorest families. The reasons were partly economic, with young people needing to work to support their families, and partly related to the failure of the schools to meet the needs of the young people due to an irrelevant curriculum and inadequate pedagogic practices. The rigidity of schools and lack of flexibility to accommodate the needs of different students was also a factor.

The critical difference was that the rights-based analysis:

i. Disaggregated the data to reveal inequalities and social exclusion against low-income groups.

ii. Took a broader view of the right to education including quality and outcomes.

iii. Built in opportunities to consult with students themselves to incorporate their perspectives into the analysis, findings and subsequent strategies for action.

Access to this kind of information enables the development of more effective and targeted policies to remove barriers and reduce discrimination. In fact, the Government subsequently redefined the policy priorities at this level, passed a law to incorporate secondary school as part of compulsory education, modified the school finance system to provide additional resources to high schools in poor areas and created several compensatory programmes to reduce dropout by tackling specific issues, such as opportunity costs for families, psychosocial problems at school and pedagogic challenges at classroom level.

i. **Public works** – addressing issues of inclusion, such as consideration of access for children with disabilities, in designing and building schools.

ii. **Health** – introducing programmes of health care, health education, nutrition and feeding into schools to improve children’s health and their capacity for learning.
Health departments also need to be involved in the development of curricula related to life skills, HIV and AIDS, reproductive health and other vital concerns. Health systems can also support early stimulation programmes through parent training.

iii. **Child protection** – ensuring that appropriate child protection legislation and policies are developed and implemented in and around schools.

iv. **Social development, welfare and protection** – introducing poverty reduction schemes to increase enrolment, reduce child labour, and improve attendance and attainment.

v. **Employment** – addressing the reduction in child labour through the involvement of government departments responsible for legislation and policy on working children, health and safety at work, and employment conditions and rights.

vi. **Culture and sports** – expanding learning opportunities that reinforce and complement school-based programmes.

**Effective partnerships**

States need to build partnerships with all key organizations and institutions that have an impact on the right to education. Collaboration, for example, is needed with non-governmental organizations, teacher unions, the private sector, traditional leaders and religious groups to enlist their support and expertise in building capacity to ensure the right of education for all children throughout the life cycle and in a wider range of learning spaces. Although the State has the primary obligation to provide education for all children, non-governmental organizations and other civil society partners make a vital contribution to education in many countries, mobilizing public demand and expanding participation. Recognition needs to be afforded to the role of the non-government education sector in creating additional learning spaces and opportunities that complement the school process and are linked to specific actions, for example, violence prevention, elimination of child labour, and promotion of peer-to-peer relationships and partnerships. At the same time, however, there may be a stigma attached to children who are not part of the formal education system and the qualifications it offers. Assessment of the contribution of the non-government sector is needed in order
to explore how the systems can better complement each other and how to strengthen opportunities for children to transfer from that sector into government schools to allow them to take state examinations and certificates.

Collaboration with the non-formal education sector to achieve the Education for All goals\(^{18}\)

In Ethiopia, Pact’s NGO Sector Enhancement Initiative for basic alternative education sought to work with the Government to put in place policies and directives that would allow for alternative basic education to be included as a means of achieving the Education for All goals, including a directive to permit the transfer of children from alternative to formal basic education schools. Thirteen non-governmental organizations were supported to establish and manage 165 alternative basic education centres. The approach employs community ownership – including dialogue, action planning, management of the centres and a cost-share plan – customized curricular materials and substantial involvement of local government. A strong emphasis is placed on reaching out-of-school children in pastoral and food insecure peripheral areas.

The programme reached 25,000 out-of-school children who otherwise would not have had a chance to receive an education. In particular, it used flexible hours to meet the needs of agrarian communities, increased retention rates and brought girls’ attendance to parity with boys’. A subsequent five-year cooperative agreement between Pact and the United States Agency for International Development is intended to reach a further 275,000 children who lack access to primary education facilities with quality non-formal education services. Through training, the programme will strengthen the capacity of 600 education personnel in 70 education offices to manage both formal and non-formal education programmes.

2.14 Establishing a Robust Legislative Framework:

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Educational rights – consistent with human rights principles as they pertain to access, quality and respect – need to be embedded in the legislative framework. They should be clearly acknowledged as entitlements for which governments are responsible and that individuals can claim and, if necessary, have enforced through the courts. Such legislation not only needs to take into account the international obligations that an individual State has in respect to fulfillment of that particular right via incorporation into domestic law, but it should also address the removal of direct and indirect barriers that impede access. The specific legislative measures required will vary according to the different country context but may include the following:

i. Education as a right for all children: Legislation must ensure the entitlement of all children to compulsory primary education. In some countries, this is provided in the constitution, and consideration may be given to amending constitutions to introduce a universal right to education where it is not provided for. In India, for instance, the Constitution was amended via the 93rd Constitutional Amendment to provide universal, free and compulsory primary education to all children between the ages of 6 and 14. Even in 2004, however, at least 25 countries still had no specified age for compulsory education. Wherever possible, consideration should also be given to including entitlement to secondary education as a longer-term goal. Consideration should also be given to introducing an entitlement to care and education during the early years with family involvement.

ii. Elimination of discrimination: States need to undertake a review of existing legislation to ensure that no direct or indirect discriminations in the law impede the right to education for all children. Legislative action to protect those children vulnerable to discrimination should include:

a) Gender – eliminating laws that allow girls to marry before the compulsory school-leaving age or allow differences in school-leaving ages or numbers of years of compulsory education for girls and boys.

b) Children with disabilities – ensuring the right to education on an equal basis with other children, including access to the same curriculum and opportunities to enter
public examinations, and eliminating laws that differentiate between children who are deemed to be ‘educable’ and ‘non-educable’.

c) **Ethnic minority and indigenous children** – ensuring equitable levels of funding, quality, access, teachers’ qualifications or pay for all schools, whether integrated or separate; elimination of imposed racial segregation in schools; and equitable access for children who are refugees or seeking asylum.

d) **Children in institutions** – satisfying the legal right to education of such children on an equal basis with others and, wherever possible, in the community in local schools, including children in penal and residential institutions and those in long-stay hospitals.

e) **Children who are pregnant or parents** – guaranteeing their right to attend schools.

f) **Children with specific health impairments or limiting conditions** – enabling their access to school. Many children experience multiple types of discrimination together with poverty-related exclusion from education.

iii. Minimum standards: Minimum levels of qualification need to be established for teachers at all levels of the education system, and the same standards applied to schools in both urban and rural areas. Full-time education should be defined in terms of a specific number of hours per week and weeks per year and laid down in statute in order to establish the exact entitlement of children. There has to be a commitment to defining the maximum desired number of pupils per teacher in a class, and to introducing a time frame for working towards achieving that ratio in all classes. It can also be helpful to introduce requirements to involve local community members on school governing bodies to strengthen community support and ownership, and promote accountability and transparency. In particular, girls’ attendance can be encouraged by increasing the involvement of women. For example, there could be a statutory obligation to ensure that women make up a given proportion of the school governing body.
iv. Best interests of the child: The principle that the best interests of the child shall be
the primary consideration in all actions concerning him or her needs to be introduced
into all relevant legislation, including in educational laws.

v. An inclusive framework: Anti-discrimination legislation that introduces a prohibi-
tion on policies, practices and actions that directly or indirectly discriminate will not
be sufficient to end all forms of exclusion and segregation. For example, separate
schooling systems for children with disabilities are often sustained without breaching
non-discrimination laws. It is, therefore, possible to go further and introduce a posit-
ive obligation to promote inclusive educational environments. Legislation can estab-
lish a commitment to inclusion, introduce requirements on education authorities to
take all necessary measures to ensure that no groups of children are excluded and that
the barriers that may impede their access are removed, create incentives to promote
socially inclusive school environments, and design and implement affirmative action
or positive discrimination programmes.

vi. Elimination of child labour: Ultimately, the elimination of child labour is a pre-
requisite for the realization of children’s education rights. Evidence indicates that
child workers, even when they attend school, tend to achieve lower learning outcomes
than children who are not working. A range of legislative reforms can be introduced
to begin the process of ending child labour. Many countries currently fail to synchron-
ize their legislation to ensure there is consistency between the minimum age for full-
time work and the school-leaving age in line with International Labour Organization
(ILO) Convention 138. It is important to ensure that these align. Without such legisla-
tion, children can legitimately be employed at an age when they should be in full-time
education.

The introduction of a minimum wage, applicable equally to children, will serve to dis-
courage employers from using children as a cheap source of labour. Legislation must
be introduced to prohibit the use of children in hazardous, harmful and exploitative
forms of work and bring countries in line with the standards of the Convention on the
Rights of the Child (article 32) and relevant ILO conventions.
vii. Birth registration: For many children, the lack of a birth certificate results in the denial of a place in school. Despite the clear obligation in the Convention on the Rights of the Child to ensure that every child is registered at birth, up to 50 million births were unregistered in 2003 – 36 per cent of all births that year. Many poor children face this problem, but children with disabilities are disproportionately vulnerable to non registration.

Universal registration is also essential for providing governments with accurate data with which to plan for building facilities, training educators, and the fulfillment of children’s educational and other rights. Lack of parental documentation, inability to pay the fees, lack of access to the registration systems, parental illiteracy and lack of understanding of the significance of holding a birth certificate all contribute to the failure to register children’s births. States need to introduce a universal requirement to register every birth and can support the process by, for example, ending the legal requirement that parents present their own identity papers and, until there is universal registration, removing any requirement to provide evidence of birth as a condition of enrolment in school. In addition to legislation, strategies to increase rates of birth registration include mobilization campaigns to increase public demand, elimination or reduction of registration fees and simplification of registration procedures. Mobile registrars have been set up in rural areas of Colombia, for example, where low levels of birth registration have been identified.

viii. Participation rights: The right of children to express views and have them given due weight in respect of their education will never be fully realized without the establishment of an underpinning legal framework. Legislation needs to be introduced requiring schools to establish democratic bodies run by students, such as school councils, through which they can represent their concerns. This has been done, for example, in several European and Latin American countries. In addition, it would be valuable to establish an entitlement for children to be consulted, through the school system, on aspects of educational policy at the national level.
ix. Prohibition of all forms of violence against children: Legislation is needed to prohibit all forms of physical and humiliating punishment of children in school. This needs to be undertaken within a framework of legislation to end all forms of violence against children, including in the home, and to provide effective mechanisms for complaint by children when the law is broken. *The World Report on Violence Against Children* provides detailed recommendations for action to prevent violence against children in school.

2.15 Developing Rights-Based Education Policies:
In the context of the broader conducive political and economic environment, States need to develop specific education policies aimed at realizing the right to education for every child. Measures need to be introduced that address the provision of education throughout childhood, ensure the quality of that education and provide learning environments that are respectful of the human rights of children.

**Policies to ensure access to education**
First and foremost, States must invest in the infrastructure to create learning environments and opportunities for the education of every child. Provision of schools, teachers, books and equipment is a fundamental prerequisite of education. But if the right of every child is to be realized, that provision needs to be sufficiently flexible and inclusive to address the learning needs of all children. It also needs to be sensitive to and respectful of the different circumstances of children, particularly the most marginalized. This will necessitate action to remove the multiple barriers that impede children’s access to education.

**Adopting a life-cycle approach**
The right to an education that brings about their optimum development requires investment in children throughout their childhood. In terms of national policy and planning, a life-cycle approach based on the human rights of children necessitates action beyond the basic provision of universal access to primary education to include pre- and post-primary provision.
Rights-based, integrated and multisectoral strategies for early childhood

Strategies for early childhood that are effectively coordinated, comprehensive and backed by effective information and monitoring systems, produce the best and most sustainable outcomes for children. Efforts need to target the most marginalized children, to overcome the educational disadvantage associated with poverty and social exclusion. Parents should also be “consulted and involved” in the planning of services to empower them to fulfill their children’s rights. Efforts should be made to increase the competencies of parents to increase the child’s readiness and ease the transitioning process. Integrated approaches are needed that involve: strengthening the capacities of families and other caregivers; mobilizing community demand for the skills, knowledge and services essential for ensuring children have the best start in life; coordinating and integrating maternal health interventions with those focused on early childhood to enhance mutual benefits; and investing in programmes for psychosocial care and early learning. Integrated approaches to early childhood are also essential in emergency situations, particularly in complex emergencies, because children are exposed to increased risks and families’ coping strategies have been diminished.

Primary education

A free primary school place needs to be made available for every child entitled to it, including those in situations of risk. Mechanisms should also be developed to ensure availability of education for marginalized groups of children – for example, working children, children living on the street, children in rural communities and children in institutions – either in schools in the local community or, where it is not possible for a child to leave the institution, in the institution itself.

Commitment to secondary and vocational education

Clearly, countries are at very different stages with regard to the provision of secondary education, but it needs to be established as a priority goal in the overall commitment to progressive realization of education rights.
A multisector approach to promoting the right to education for children living and working on the street

A multisector approach adopted in Burundi to extend the right to education for children living and working on the street has enabled more than 2,000 such children to attend primary schools. Some of them have even reached secondary-level education. The programme ‘Education for street children’ aims to provide access to basic education and to support the Government of Burundi in attaining its objective of education for all. It relies on a widespread partnership (Ministries, UN Agencies, NGOs, private companies) and stresses long-term pedagogical support as well as assistance for families and host centres through regular visits to underscore the necessity of education, provide assistance in managing supplies given by the World Food Programme and elaborate income-generating activities.

Collaboration by providers across the age spectrum

Collaboration is essential if children are to achieve the maximum benefit from each stage of their education. This involves effective planning for the transfer by children from preschool to primary and on to secondary education, a coherent approach to the development of curricula, consistent commitment to rights-based principles in education at all stages, and ongoing provision of information and support to parents and children.

Providing available and accessible schools:

Identification of the eligible preschool and school-aged population

Accurate information on the preschool and school-aged population in each district or locality is needed to ensure that the availability of places, trained teachers and educational resources is consistent with the size of that population. The process of mapping can be undertaken in partnership with local non-governmental organizations, community members, traditional leaders, religious organizations and parent groups. Efforts need to be made to include the less visible children, such as children with disab-

Source: UNESCO information based on interviews.
ilities, children of migrant and domestic workers and children with specific health impairments. In communities where families deny the existence of a child with a disability because of associated stigma or shame, the involvement of organizations of persons with disabilities or parents of children with disabilities in the process of data collection has been effective. Child-to-child approaches to mapping have also helped raise awareness. As noted earlier, birth registration is an important factor in building accurate records of child populations, and schools can play a key role by providing a site for this.

**Child-seeking and participatory mapping**\(^{20}\)

Even with the declaration of free primary education, an estimated 1.7 million children are still not attending school in Kenya. Building on the principles of child participation, a child-to-child census was designed as a mechanism to seek them out, determine why they are out of school and bring them back in. School children and their teachers were trained to go into their neighbourhoods to ask these children why they were not in school. The key reasons included poverty, lack of school uniforms, domestic work and distance from school. Solutions were discussed, and in one of the three pilot districts, around 7,000 out of the 9,000 identified out-of-school children – half of them girls – were brought back into school through community dialogue and support. This strategy was employed as part of the child-friendly school approach, which demands that schools actively seek out and welcome those who are excluded for any reason. This approach highlighted the power and potential of children’s participation to such an extent that it has been recognized as a key element and included in the national education sector plan.

**Location of schools**

Consideration needs to be given to ensure that schools are accessible to all children irrespective of age, disability, gender, caste, ethnicity or other factors. Consultation with different members of the community can be vital in identifying potential barriers

to access. For example, it can be helpful to establish small multigrade or multi-age schools in remote rural areas. Satellite schools have been one approach to addressing the difficulties faced by young children, especially girls, traveling long distances to school. In Burkina Faso, a network of satellite schools has been developed that provides for the first three grades and allows the youngest children to gain their first experience of school close to their own villages. This system has achieved substantial benefits for children, with a retention rate of 95 per cent and significantly improved performance rates in writing, reading and arithmetic skills. Community learning centres can also provide an effective educational environment for young children who cannot travel to an early childhood centre or a school at a distance from home, or for out-of-school children.

The importance of consulting children

In one village in India, the World Bank and local authorities funded a new primary school. However, a year after its completion, the children were still not attending. When asked why, they explained that there was an invisible boundary around the village that marked the limit of safe travel on foot for children from lower castes, and that the school was located outside this boundary. Had the planners consulted with them, the children would have been able to explain this and the school would have been located in a more appropriate site.

Provision of schools and other learning environments

Sufficient school facilities must be provided for all eligible children. From the outset, account needs to be taken of the specific access needs of all children, including those with disabilities. The physical design and resources available in school can serve as barriers to inclusion, and it is far harder to redress inaccessible design after schools have been built. Governments need to consult with the community in the design and construction of schools. The needs of children with different physical abilities, as well

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as the needs of both girls and boys, should be reflected in the design of all equipment and resources, as well as play and sports facilities in schools and surrounding community spaces. Schools must ensure that hygiene and sanitation facilities are appropriate for both boys and girls – clean water, proper toilet facilities and privacy, particularly for girls – and take account of any religious requirements. In addition, some children will require aids such as wheelchairs if they are to be able to attend school.

**Teaching and learning materials**

Schools are not accessible unless they have adequate educational materials. Appropriate measures need to be introduced to review the total equipment requirements. If all children are to have equal opportunities to learn, attention has to be paid to specific needs. Children with severe visual impairments, for example, will need Braille books and teachers trained to teach them to read. In addition, measures need to be taken to ensure that the whole curriculum is available in Braille and that it is published in time for each academic year. Children with severe hearing impairments will need teachers or assistants who can communicate in sign language. Children whose first language is not the school’s medium of instruction need materials in their own language, as well as access to bilingual teaching. Consideration should be given to whether such items as textbooks, notebooks, pencils, chalk and chalkboards are manufactured in the country and, if not, whether there are taxation and trade policies that will affect their availability. Attention also needs to be paid to whether the State needs capacity-building assistance to enable it to produce the items in the country.

**Situations of risk**

Every effort needs to be made to restore education to children in situations of risk including extreme poverty, conflict, health crises (including HIV and AIDS) and emergencies. Although the same principles must apply – the right of every child to access to quality education in which her or his human rights are respected – the strategies for providing education in emergencies differ. One important learning point is that a crisis or emergency situation can provide an opportunity to build a better education system than existed before. It can offer an opportunity to address social exclusion and dis-
criterion, mobilize community support and action, and involve more women. The United Nations Children’s Fund and the United Nations Educational, Scientific and Cultural Organization have provided programme guidance on how to restore education to children in emergencies and produced a number of publications highlighting the strategies that have been developed and implemented successfully. The Inter-Agency Network for Education in Emergencies (IN EE), which was conceived during the World Education Forum’s ‘Strategy Session on Education in Emergencies’ held in Dakar, has also evolved as a resource to improve understanding and effectiveness in ensuring the right to education in emergencies.

**Encouraging duty bearers to fulfill obligations in situations of conflict**

In 2002, children in Papua New Guinea were being denied the right to education in ‘no-go’ zones controlled by rebels fighting for secession. The United Nations Children’s Fund negotiated with ex-combatants, village chiefs, women’s groups and other stakeholders to argue for the importance of protecting children’s access to education. Permission was subsequently given by the rebel commanders to implement education programmes in a limited number of zones, and teachers were provided with specialized training before returning. The programme was so successful it was extended to other zones and laid a firm foundation for the recovery of the education system.

**Fulfilling education rights in humanitarian disasters**

Emergencies can provide opportunities to improve schools/learning spaces and enhance child-friendliness. In Iran, a devastating earthquake killed 30 per cent of the students in one city and one third of their teachers. More than 130 schools were destroyed, and many of those remaining were damaged beyond repair. Three weeks later, in order to ensure a return to normalcy for children, schools were officially reopened – first in open-air spaces, then in tents and containers. Support for access included provision of tents and ‘mobile’ education and recreation; establishment of a tracking

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system for out-of-school children; tools for data collection, management and analysis; and establishment of learning spaces linked to early childhood development centres, and non-formal education and recreation centres. Advocacy and technical support were provided for a review of national school design, with a view to promoting healthy and safe girl-friendly environments, including water and sanitation; playgrounds or sports areas; and the involvement of children and the community in school design and construction. Interventions in the country to improve learning quality have supported advocacy for girl-friendly schools as a package at policy and school levels; teacher support, including psychosocial support and services; extra-curricular courses (psychosocial education, life skills, hygiene education); review of educational and recreational materials; participatory, child-centred and gender sensitive teaching methods; children’s participation in schools (clubs, school governance); enhanced community involvement in planning, management, and monitoring and evaluation of educational activities (school management); implementation of ‘catch-up’ classes; and school environments and learning materials to meet the needs of disabled children.

**Removing the economic barriers to education**

Measures to remove the economic barriers to education need to be embedded in the annual action plans of national poverty reduction strategy papers. Some examples are the abolition of school fees and charges, and the provision of stipends and cash transfers.

**Abolition of school fees and charges**

Compulsory education cannot be implemented unless it is provided to all free of charge. The continuing imposition of fees has been challenged from both a human rights and a poverty-reduction perspective. Fees are common in primary education in many developing countries faced with resource constraints. Direct tuition fees and textbook charges are less common than community contributions, parent-teacher associations’ dues and compulsory uniforms. Both direct and indirect costs may prevent poorer children from exercising their right to education. In fact, experience from vari-
uous countries shows that the abolition of fees has been successful in creating significant increases in enrolment and in improving equitable access to education.

However, the abolition of school fees and other charges is not a panacea. The consequent increased enrolment can lead to a reduction in quality due to overcrowding and lack of textbooks and adequately trained teachers, leading in a few years to falling enrolment and higher drop-out rates. For some marginalized or vulnerable communities – for example, children in households affected by HIV/AIDS – abolition of fees alone is insufficient to overcome the barriers to education. Furthermore, abolition necessarily results in rising expenditures for governments that need to be budgeted for in terms of fee replacement and quality inputs. Finally, more rapid and efficient management and logistical measures are needed to address the surge in enrolment in a timely and sustained fashion.

**An approach to abolition of fees**

Fees cannot simply be abolished without consideration of whether, and how, they should be replaced by an alternative source of income. When fees contribute to operational effectiveness, or even perceived quality, simply abolishing them without replacement can result in serious deterioration of the education system, as shown in a number of countries. Uganda prepared better, or at least adapted more quickly to what was needed, increasing the recurrent budget for primary education from 9 per cent of total education spending in 1996 to 19 per cent by 1999, and reducing the subsidies for higher education. The case of Uganda illustrates what needs to be in place to support elimination of user fees. The Government’s broad consultations with the World Bank and other external donors on the development of an investment and policy framework for education to close the financing gap resulted in a comprehensive and systematic response by the Government, increased external resources, and improved sector management and transparency at the school level.

Several strategies thus need to be put in place to address the challenges of fee abolition. First of all, the commitment to abolition needs to be integrated into wider education programmes and budgets and accompanied by careful planning. A phased-in ap-
approach can reduce the technical and financing challenges. Sources of revenue to replace the fees and increase quality inputs can come from shifting spending from other sectors, shifting cost recovery to higher educational levels, improving efficiency of education spending and donor support. Finally, targeted interventions, such as cash transfers, can play an important role in reaching the hard core of poor, excluded and vulnerable children.

**Stipends and cash transfers**

The impact of sending a child to school may be the loss of his or her earnings or contribution to the domestic chores in the home. There is frequently a conflict between the financial needs of the family and the individual child’s right to education. Poor families will often need incentives or help to offset the associated costs of their child’s education. There is evidence of the efficacy of food-for-education programmes, as well as stipend and cash transfer schemes. The Food for Education programme (2007) of the Government of Bangladesh, for example, has significantly increased enrolment and attendance and reduced drop-out rates for primary-school age children. Conditional cash transfers, where payment is linked to attendance at school, have been shown to lead to positive outcomes for children. To be effective, these programmes need to be integrated into comprehensive packages of context-specific social protection interventions and must involve partnerships including governments, non-governmental organizations, communities, the private sector and donors to support delivery. Questions of sustainability, corruption in the delivery process and stigma for beneficiaries need to be addressed. It is also important that such schemes are viewed as a social contract between governments and citizens and not just as part of a donor-driven initiative to be abandoned when the project cycle ends.

**Promoting inclusion and eliminating discrimination**

A rights-based inclusive approach requires a national policy framework that addresses the access and learning needs of all children and supports the need for changes in respect of the culture, policies and practices in schools.
What is inclusion?\textsuperscript{23}

“UNESCO views inclusion as ‘a dynamic approach of responding positively to pupil diversity and of seeing individual differences not as problems, but as opportunities for enriching learning.’ ‘Therefore, the move towards inclusion is not simply a technical or organizational change but also a movement with a clear philosophy. In order for inclusion to be implemented effectively, countries need to define a set of inclusive principles together with practical ideas to guide the transition towards policies addressing inclusion in education. The principles of inclusion that are set out in various international declarations can be used as a foundation. These then can be interpreted and adapted to the context of individual countries.’” A multisector and cross-departmental approach is required, including attention to:

i. Sensitization on the rights of all children to education: National campaigns and information dissemination are necessary to challenge many of the cultural barriers and discriminatory attitudes and beliefs that serve to impede access to education.

ii. Parental and family support: Parents need to be supported to promote both their willingness and capacity to ensure their children’s attendance at school.

iii. An inclusive ethos and environment: Schools need to be provided with policies and guidance on how to create learning environments that respond to, and value, the differing needs of children. They need to promote a culture of respect for difference and introduce approaches to support all children, irrespective of gender, language, ethnicity or disability.

iv. A flexible structure and timetable: Schools should adapt to children rather than the other way round, especially during the early years and through the first grades of primary school. It is necessary to explore options for a less rigid and more inclusive approach to the organization of schools, if certain groups of children – including chil-

children affected by AIDS, temporary migrants, children affected by the agricultural economy and those involved in domestic labour – are to realize their right to education. However, flexibility should not extend to the exclusion of certain groups of children from the curriculum being offered to others. Offering shorter alternative curricula for working children or those with disabilities can serve to discriminate and to limit their future opportunities. Of course, children are entitled to protection from economic exploitation and from any work that interferes with their health, education or development. The first priority must be to ensure that children are not forced into work that prohibits their access to and opportunity to benefit from education.

Until this goal is realized, working children are entitled to an education that accommodates the competing demands on their time. All efforts to increase the enrolment and attendance of girls in school need to address the deep-seated and widespread cultural norms and values that impede their access to education. Millennium Development Goal 3 – to eliminate gender disparity in education by 2015 – will not be achieved in all regions without a multifaceted approach to removing the barriers faced by girls in exercising their right to education without discrimination.

The special needs of orphans also have to be addressed. Orphans in a number of countries across Africa have been found to be disadvantaged in terms of continuity of schooling and appropriate grade for age. Analysis from eastern Africa in 2003 shows that double orphans (those who have lost both parents) aged 6–10 are half as likely to be at the correct educational level as children who are not orphans, and by age 11–14, that figure rises to two thirds. Targeted measures are needed to ensure their equal right to education.

**Policies to provide quality education**

Quality in education can only be achieved through the development of child friendly learning environments that are dedicated to a holistic approach to children’s develop-
ment. This means addressing children’s multiple rights, using strategies that build links between the school and the family and community. Child-friendly learning environments seek not only to equip children with basic learning skills but also to enable them to take control of their lives and to promote justice, democracy, peace and tolerance. The child-friendly learning concept promotes child-seeking, child-centred, gender-sensitive, inclusive, community-involved, protective and healthy approaches to schooling and out-of-school education. These approaches are intended to increase the learning effectiveness, efficiency and reach of education systems and to enable all children to realize their right to learn. Child friendly schools have been applied in many settings around the world in formal and non-formal education, early child development and educational responses to emergencies.

**A multisectedored approach to tackling gender discrimination**

Effective strategies to achieve equality for girls and boys in access to education include:

1) Increased numbers of female teachers, including, where necessary, quotas for the proportion of female teachers in any school.

2) Review of the curriculum to eliminate male bias and insensitivity to women and girls, render it more relevant and appropriate to their lives, and challenge and question traditional hierarchies in gender relations.

3) Introduction of satellite schools or other forms of schools in all localities.

4) Provision of appropriate hygiene and sanitation facilities in all schools.

5) Food-for-education programmes or cash transfers for enrolment of girls in primary and secondary education.

6) Child protection strategies to address physical and sexual abuse in schools and ensure the safety of girls traveling to and from school.

7) Sensitization of parents to encourage them to understand the value of girls’ education.

8) Training for teachers on gender equality.
9) Promotion of early childhood and school programmes to promote a more equitable and healthy relationship between boys and girls.

10) Support for the increased involvement of both mothers and fathers in school governing bodies through social mobilization programmes.

11) Improved desegregation of data on the basis of gender in order to enhance capacity to monitor progress in girls’ participation in schools.

12) Investment in such programmes as rural water supplies and improved roads and electricity to ease the workloads of women, thus increasing the opportunities for girls to be released into education.

The concept of a child-friendly school embodies all three dimensions of access, quality and respect addressed in this chapter. This section focuses on the specific issues relating to quality in respect of the curriculum, rights-based learning and assessment, support and training for teachers, and the creation of safe and healthy environments, as well as support to community involvement.

**Providing a broad, relevant and inclusive curriculum**

A nationally prescribed curriculum, compulsory for all schools and focused on fundamental knowledge and skills, is needed. It should address all aspects of children’s development and provide an appropriate balance between study and play, consistent with their evolving capacities and needs at all levels – preschool, primary and secondary.

The right to education means acquiring basic numeric and literacy skills. In addition, the curriculum needs to include a broad range of subjects, including science, humanities, the arts, sports and life skills. Human rights education is essential in all learning environments, although to date it has been given too little attention in many countries. It can be taught as a discrete subject but can also be incorporated in other subjects – for example, in geography to explore the issue of unequal access to resources, in languages to explore the implications of how language can exclude some groups, and in science to examine the impact of environmental pollution and the right to health. However, human rights education cannot be limited to the taught curriculum. The
learning environment, educational content, and teaching and learning processes should all reflect human rights principles. The UN General Assembly has adopted a resolution for a World Programme for Human Rights Education, which started in 2005. This is accompanied by a Plan of Action, prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with UNESCO, which will focus on primary and secondary school systems in its first three years.

The curriculum must also be relevant to the lives of children. It is therefore important to consider involving teachers and students in its development. There needs to be some flexibility in the curriculum to allow schools and early childhood settings to adapt it to reflect the interests, concerns and needs of the local environment, and to allow the interests of children to be accommodated and valued. It is, however, imperative that flexibility should not be used to justify a reduced or minimalist curriculum.

The right to education also means learning for life. The curriculum must be aimed at ensuring that essential life skills like the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life, are learned by every child and that no child leaves school without being equipped to face the challenges he or she can expect to be confronted with in life.

**Inclusive education**

To support children with disabilities in Viet Nam, Catholic Relief Services and the Center for Special Education of the National Institute of Education Science began piloting small projects in 1995 that focused on preschool and awareness raising in selected target communities. The project was later expanded with funding from the United States Agency for International Development. It provides technical and financial support in order to integrate disabled children into mainstream classrooms and

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supports the provision of community-based inclusive education services and rehabilitation.

Over a five-year period (1998–2003), the project focused on the following major activities:

i. Development of training materials and textbooks on inclusive education.

ii. Organizing training courses on teaching children with disabilities for in-service teachers of preschools and primary schools and pre-service teachers of teacher training colleges.

iii. Increasing awareness of disabilities in general and the unique needs of children who experience disabilities.

iv. Strengthening community support.

The initiative works at both the preschool and primary school level. Early identification and integration of children with disabilities tends to improve their level of rehabilitation, enhance social integration and ensure that they are included in classrooms with other children of their same age. In addition, the project provides a resource centre for parents, teachers and community workers involved in the rehabilitation activities. Efforts are made to integrate the activities of raising community awareness, coordinating community services, teacher/parent training, and adapting curriculum and low-cost teaching materials.

The curriculum, textbooks and learning materials need to be appropriate for all students and seek to promote and respect diversity. States are required to provide an education for all children on the basis of equality of opportunity. To achieve this objective, it is essential that all children are rendered visible in the curriculum and that no discrimination or prejudice is explicitly or implicitly reflected in it – whether on the basis of gender, ethnicity, class, caste, language, culture or religion. As noted earlier, the curriculum also needs to include alternative forms of communication for children with disabilities, particularly those who have severe hearing and visual impairments, such as learning of Braille, and orientation and mobility skills. Children who are not
learning in their own language need appropriate assistance. The curriculum also needs to be developed with regard to children’s evolving capacities.

2.16 Developing rights-based learning and assessment processes:
Measures are needed to introduce rights-based learning environments in which the role of teachers and parents is defined in terms of inspiring children’s confidence in what they can achieve through positive reinforcement, encouragement and active engagement in their own learning. Children need to be helped to acquire skills in analysing, investigating, creating and applying knowledge if they are to achieve their optimum potential. It is important to recognize that children have different aptitudes and abilities and cannot all learn at the same pace. Their capacities do not evolve uniformly with age; rather, their circumstances and individual experiences will affect their development. Different children will need differing levels of support, display differing levels of confidence and have differing capacities to support other children. Classroom environments, and teaching and learning resources, need to enhance a participatory approach to learning, with appropriate tools and resources to reflect these differences. Expected learning outcomes should be established for each grade. However, it is not appropriate to punish or blame children who do not conform to these standards, which should be used to identify where additional support or encouragement is needed. Teachers need to acknowledge the differences between children and explore ways of capitalizing on the opportunities these provide. Children can work together in groups of mixed or the same ability. Older or more able students can be appointed as mentors to help those who have missed some schooling or need additional help. Evidence shows that these approaches benefit both more and less able children.

Ensuring adequate training, support and respect for teachers
Creating a child-friendly school, based on respect for human rights, necessitates very different skills and styles from teaching in a traditional school, and teachers will need support in helping them understand, appreciate and implement the changes.
Teacher-training courses need to include a rights-based approach designed to build capacities and competencies on such issues as:

i. Child-centred education.

ii. Evolving capacities of children.

iii. Learning through participation.

iv. Acting as a learning facilitator.

v. Children’s rights, including the principle of non-discrimination.

vi. Positive forms of discipline and class management.

vii. Teaching in inclusive environments.

viii. The participation of children at all levels in educational environments.

It is necessary to review both initial and in-service training and to develop a rolling programme to provide all teachers with training on the rights-based framework. In addition, it can be invaluable to build in a system of ongoing support for teachers – through, for example, fortnightly or monthly meetings of teachers in schools in the local community – to allow for opportunities to share ideas, challenges, strategies and solutions. UNESCO has developed a range of resources designed to help teachers create inclusive environments that a recent evaluation shows to have had significant impact on teacher capacity.

It is imperative that, alongside a commitment to respect the rights of children, there is equal recognition afforded to the rights of teachers. It is neither possible nor acceptable to demand that teachers respect children’s rights when their own rights are violated and ignored. Ultimately, unless the rights of teachers are respected, a quality education for children cannot be achieved. Lack of support, low status, poor pay and inadequate training and supervision diminish the quality of teachers. There is widespread evidence among teachers in some countries of poor attendance, persistent lateness and low motivation. Improved management, higher pay, effective appraisal systems, forums through which teachers can influence policy, acknowledgement of their concerns, and opportunities for them to identify their training and other needs would all contribute to improving morale and motivation and, in consequence, raise teaching
standards. In terms of pay, for example, the Education for All Fast Track Initiative seeks to achieve an average annual teacher salary of 3.5 times the per capita gross domestic product by 2015.

**Introducing standards for child-friendly, safe and healthy learning environments**

All learning environments, including those in the private and religious sector, must be underpinned by standards that ensure that the best interests of children are being promoted. Children cannot realize their right to education if they are frightened, hungry, ill or unsafe. This means that attention must be paid not only to the child’s learning but also to the creation of safe, welcoming and healthy environments that promote children’s emotional, psychological and physical well-being.

**Providing a safe environment**

States need to introduce minimum health and safety standards relating to all aspects of the learning environment. Schools should provide an appropriate quality of buildings and ensure safe water and appropriate sanitation facilities for both girls and boys. They need to ensure that all learning environments in and around the school are free from drugs, alcohol, tobacco or exposure to hazardous materials. Play areas must be designed to ensure opportunities for physical exercise and recreation, and school buildings and grounds must be checked to eliminate causes of potential injury. Furniture and equipment should be appropriate for the size and age of the children, and first-aid equipment must be available and properly maintained, and its application understood by staff. Efforts need to be made to address safety issues facing children in the school itself, as they travel to and from school, and even in the home. These standards must be capable of enforcement. In addition, an independent inspectorate needs to be established to assess the quality of education being provided and ensure that it complies with standards established in legislation and policy.

**Promoting child health**

In a life-cycle approach, governments have an obligation to ensure adequate health care from the prenatal period and the first critical years of life, so that children are able to develop appropriately and are ready for school. Children are also entitled to
protection from disorders or neglect that will impair their intellectual development – for example, lack of iodine or Vitamin A in the diet, which negatively affects cognitive development. Schools can play a key role in providing essential health services to children, integrating their learning with other essential services, particularly in communities where the social and economic conditions threaten children’s well-being. They can provide a venue where children can receive food, nutrition, health checks, deworming, micronutrient supplementation, malaria prevention, and screening for visual and hearing impairments. Special attention should be given to orphans, children made vulnerable by AIDS and those living in highly violent situations. Schools can also contribute by listening to and detecting problems identified by children and referring them to appropriate services, either within or outside the school. In this way, they can serve as part of the child protection system through monitoring attendance and children’s physical and emotional well-being.

Collaboration will be needed with health providers to explore the most effective models for the development of integrated services. Attention will need to be given to new methods of linking schools with other service providers and new ways of staffing and organizing schools, as well as innovative approaches to financing and managing them. By becoming centres for community participation, schools and early learning centres can work more effectively in partnership with parents and other community members. Evidence also shows that schools have been the most effective – and cost-effective – means of protecting children and young people from HIV infection through becoming the centre of efforts to combat the disease and mitigate its impact.

**Ensuring community participation and accountability**

A rights-based approach to education needs to be accountable to the stakeholders. The active engagement of local communities as stakeholders, participating in building, sustaining and monitoring provision, is an essential aspect of ensuring accountability and good governance. It is also necessary to introduce systems to provide access to justice when education rights are violated or denied. Complaints mechanisms need to be introduced to enable parents, children or other community members to challenge
schools, local education authorities or governments when these fail to comply with the required standards.

**Policies to promote respect for human rights in schools**

The World Programme for Human Rights Education Plan of Action has identified five essential components for achieving successful human rights education. Investment needs to be made in educational policies, policy implementation, the learning environment, teaching and learning, and professional development of teachers. Promoting respect for human rights is not a matter simply, or even primarily, of the school curriculum. It cannot be taught in an environment where those rights are consistently violated. The principles must also permeate the ethos of the school, and the behaviour of teachers must be consistent with the rights they are teaching about. It is important to build a culture in which human rights are respected for all members of the school community. Human rights need to be incorporated into all school policies through negotiation and involvement of all members of the school community, in order that children and teachers are aware of what their rights, and consequent responsibilities, are and how to exercise them.

Many forms of discrimination exist in every society. Children will bring into the school attitudes, beliefs and behaviours they have learned from their families and communities, some of which may include negative attitudes towards some groups of children – for example, assumptions as to the superiority of boys, contempt for lower class or poor children, hatred of different religions, ethnic groups or cultures, or belief in the stupidity of children with disabilities. Not only do these attitudes and the behaviours that accompany them violate the rights of many children, they also impede their education. Children who are systematically discouraged, marginalized and reviled lose confidence and self-esteem, which in turn impacts on their motivation and ability to learn. Schools need to take a proactive role in promoting a culture of inclu-

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sion and respect for all children, through both the formal curriculum and the way the school is run.

**Respecting identity:-**

**Language of instruction**

In many countries, there is a significant proportion of children for whom the language of instruction is not their mother tongue, imposing a major obstacle to learning. There is no simple solution to the challenge of providing education in countries where there are multiple languages spoken. There is no explicit obligation on States to ensure that all children can be taught in their first language, and States are entitled to determine the languages of instruction. In many countries, policies of unilingualism are adopted as a strategy towards integration and nation building, although others do recognize the existence and significance of linguistic diversity and acknowledge an official multilingual approach. This may be addressed through schools providing different languages of instruction. However, there is an implication that States should facilitate the use of a child’s first language especially in the earliest years of education. Research has shown that “learners learn best in their mother tongue as a prelude to and complement of bilingual education approaches.”

The use of children’s mother tongue in school is pedagogically sound. It encourages community mobilization and social development, overcomes exclusion and marginalization, and provides for a political voice. It also increases economic opportunity and mobility. Research demonstrates the importance of building a strong educational foundation in a child’s first language if she or he is to be successful in the second and additional languages. Furthermore, it indicates that States can realize a cost saving through a reduction in the numbers of students who repeat grades when children are educated in their mother tongue and in bilingual schooling systems. Schools can teach in the local languages of children by recruiting native speakers.

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Multilingualism

UNESCO has developed a position paper on multilingualism that supports:

i. Mother tongue instruction as a means of improving educational quality by building on the knowledge and experience of the learners and teachers.

ii. Bilingual and/or multilingual education as a means of promoting social and gender equality and a key element of linguistically diverse societies.

iii. Language learning as an essential part of intercultural education to encourage understanding between different groups and respect for fundamental rights.

Religious and cultural rights

There is no single approach to respecting religious and cultural rights in education systems. Separate schooling systems for different religions or languages can serve to discriminate against and marginalize groups of children if the schools are afforded inequitable funding and status. They can also serve to exclude and marginalize children from educational and employment opportunities. Conversely, the imposition of a uniform schooling system that takes no account of minority cultures and religions can serve to oppress and undermine children from those communities and contribute to educational failure and high drop-out rates. There are, however, core obligations for States under the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention against Discrimination in Education:

i. Respect must be afforded to the freedom of parents and guardians to have the religious and moral education of their children in conformity with their convictions.

ii. Education in the general history of religion and ethics is permitted if it is given in an unbiased and objective way that is respectful of freedoms of opinion, conscience and expression. However, parents must be provided with the possibility of alternative education that accommodates their wishes.

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iii. Indigenous children or those belonging to a minority shall not be denied the right to enjoy their own culture, to profess and practise their own religion, or to use their own language.

iv. Members of national minorities are entitled to develop their own educational activities, provided so doing does not serve to exclude them from the culture and language of the wider community, and that the standard of education is not lower than the general standard provided for others.

v. Parents and guardians can choose other than public education for their children as long as the schools comply with the aims of education elaborated in article 29 of the Convention on the Rights of the Child and minimum standards established by the government, including, for example, a prohibition on physical and humilitating punishments. Inspection and regulation systems need to be in place to ensure compliance with these standards.

vi. Respect for the liberty of parents and guardians must not be allowed to lead to extreme disparities of educational opportunity between different groups in society. Intercultural education based on the principles of a rights-based approach can provide a framework for action in countries with indigenous and immigrant cultures different from that of the majority.

**Policies to ensure children’s participation**

In addition to an underpinning legal framework, States need to introduce mechanisms for children’s participation at all levels in the education system. Action might include:

i. Consultative systems for children to contribute to the development of education policy at national and regional levels.

ii. Guidance and training for schools on establishing schools councils, involving children in the development of school policies, and developing and sustaining democratic school environments.

iii. Introduction of human and children’s rights, including rights to participation, both in pre- and in-service training of teachers.
iv. Involvement of children as both researchers and respondents in systems for monitoring and evaluating education systems.

Children can also play a key role in advocating for their education rights. When creating opportunities for children to participate, it is also necessary to take appropriate measures to ensure they are protected from manipulation, violence, abuse or exploitation and that the process takes account of their evolving capacities and is designed to promote their best interests.

**Protecting integrity**

While legislation to bring an end to violence in schools is a necessary prerequisite, it is not sufficient to achieve violence-free schools. In some countries that have introduced laws prohibiting physical punishment in schools, the practice continues to be widespread. Parents often actively encourage teachers to use such punishment. Policies and guidance are therefore necessary to support the implementation of legislation prohibiting physical punishment in all educational settings\(^{29}\), including:

1) **Information for children** about their rights to protection from all forms of violence and their consequent responsibilities not to use violence against others, including teachers.

2) **Peace education** that introduces ideas of non-violent conflict resolution and teaches children such skills as mediation, listening and negotiation as tools for dealing with conflict.

3) **Training for teachers** on the rights of children, the counterproductive impact of physical punishment on children’s education, the harm that it can cause and strategies for promoting classroom discipline through non-violent methods.

4) **A requirement for schools to introduce school behaviour policies** that both promote and support strategies for non-violent conflict resolution, do not tolerate adults or children bullying or perpetrating acts of violence against other students, and actively engage children in their development.

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\(^{29}\) Harper, Kate, et al., Ending Physical and Humiliating Punishment of Children: Manual for action, Save the Children, 2005
5) **Sensitization programmes with parents** to enable them to understand why physical punishment should not be used, children’s right to protection from violence and the detrimental impact of violence on children’s learning.

6) **Safe and accessible complaints mechanisms** to enable children to challenge violations of their rights.

7) **Media campaigns** to promote awareness of children’s right to protection from violence.

UNESCO has produced a wide and variety range of tools for education for all thereby promoting compulsory education for all the nations of the world. The above discussion based on the reports of UN vividly shows how human rights and education for all is interlinked in this modern world. No human being can be until and unless proper education has been achieved during the initial phase of life. Many stakeholders, i.e. State, Parents and children are triangularly responsible for the successful implementation of education for all.

The next chapter will discuss Right to Education and Constitutional provisions for ensuring education for all in India.