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**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**The right to education**

**Report submitted by the Special Rapporteur on the right  
to education, Mr. Vernor Muñoz Villalobos**

## Summary

The present report is submitted in accordance with Commission on Human Rights resolution 2004/25 which extended for a further period of three years the mandate of the Special Rapporteur on the right to education. In August 2004, Mr. Vernor Muñoz Villalobos (Costa Rica) was appointed as the new Special Rapporteur. The present report is an overview of the activities and issues he plans to carry out and consider during his mandate. Following up on the work initiated by his predecessor, the Special Rapporteur intends to continue strengthening the human rights dimension of education by encouraging the shift from education policies that address education as an economic good to the right to education, which States have an obligation to implement and which is justiciable. In that regard, he plans to focus his efforts on the financial resources allocated to education and on emphasizing the need for free compulsory primary education. In that regard, the Special Rapporteur intends to engage in a dialogue with various key partners. Besides financial and structural constraints on the full enjoyment of the right to education, the Special Rapporteur identifies discrimination as a key impediment. Though the Special Rapporteur decided to pay specific attention to the access of girls and adolescents, especially pregnant adolescents and young mothers, to education, he will also examine the exercise of the right to education by migrants, indigenous populations, minorities and persons with different capacities. The Special Rapporteur aims at playing the role of catalyst for action-oriented projects for the full realization of the right to education. He also considers that a human rights-sensitive environment in education coupled with human rights-sensitive curricula are sine qua non conditions for a quality education. Furthermore, the Special Rapporteur also plans to review security in schools and the exercise of the right to education in emergency situations. These situations may range from displacement, armed conflicts and military occupation to intra-school violence.

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## **Introduction**

1. In its resolution 1998/33, the Commission on Human Rights established the mandate of the Special Rapporteur on the right to education for an initial period of three years. The Special Rapporteur was requested, *inter alia*, to report on the status of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right. The Commission renewed the mandate for a further period of three years in resolution 2004/25, in which it requested the Special Rapporteur, *inter alia*, to intensify efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education. Mr. Vernor Muñoz (Costa Rica) was appointed as the new Special Rapporteur. The present preliminary report is submitted in accordance with Commission resolution 2004/25 and presents the framework for the work of the new Special Rapporteur.

### **Recapitulation of the mandate of the Special Rapporteur's predecessor**

2. Before presenting the framework for his work on his mandate, the Special Rapporteur considers it useful to make a brief, non-exhaustive recapitulation of the main themes examined by his predecessor. The former Special Rapporteur considered a broad range of issues. From a conceptual point of view, she tried to identify a common language on the right to education while proposing an analytical framework to evaluate the respect, protection and realization of the right to education, as well as identifying the obstacles to the full enjoyment of this human right. She proposed a 4-A scheme (availability, accessibility, acceptability and adaptability) to measure the advancement of the right to education. With regard to the obstacles, she addressed the impact of macroeconomic policies, poverty, gender and other forms of discrimination. In that sense, she identified a 3-D framework on obstacles regarding disability, difficulty and disadvantage.

3. His predecessor advocated the mainstreaming of human rights in all international strategies, while she also worked towards a better understanding of the normative content of the right to education and interrelated rights. The Special Rapporteur notes with great interest the discussion and dialogue his predecessor engaged in with the World Bank to encourage the mainstreaming of human rights in the World Bank's policies. In that regard, the former Special Rapporteur focused her work, in particular, on the promotion and guarantee of free and compulsory primary education. She examined the impact of international trade policies and laws on the right to education and the risks for access and the quality of education of the increasing privatization of schools. In her work on combating discrimination, she considered the access of girls to education, education for working children, poverty, and enjoyment of the right to education in a humanitarian context.

4. In her final report to the Commission, the former Special Rapporteur emphasized the importance, and thus the need for continuous assessment, of the work done on the justiciability of economic, social and cultural rights with a focus on the right to education. The Special Rapporteur entirely agrees with her statement that "[n]o right can exist without remedies. Hence, the recognition of individual rights entails the corresponding standing to claim rights and

demand remedies for their denial or violation” (E/CN.4/2004/45, para. 45). He also shares her belief in the continuing need for further clarification of conceptual and semantic elements related to the human right to education.

### **Framework**

5. The underlying theme of the Special Rapporteur’s work is the need “to move education closer to human rights”, regarding education as a human right that the State must promote and protect. In other words, the concept of education as a business or a patriarchal levelling mechanism must be overcome in order to restore its essential meaning, which is to build knowledge within a context where all human rights come together to be studied.
6. Education has a characteristic quality that enables it to be present in and to nourish all areas of life. The interconnectedness of human rights is nowhere more obvious than in educational processes, so the right to education is, moreover, an individual guarantee and a social right which is fully expressed by the individual in the exercise of his or her citizenship.
7. Today more than ever, it is evident that government policies and development processes must be reformulated to harness them to the true aims of education, in such a way that they are geared ever more closely to the creation of universal opportunities and rights and full enjoyment of the achievements of humanity.
8. The dissociation of the right to education from the right to specific educational content has caused serious problems, for example: (a) the treatment of education as a negotiable service rather than a right; (b) the fact that this service remains peripheral to the organization of just and equitable societies because it lacks content explicitly connected with the rights set forth in human rights instruments; (c) services may be deferred, abandoned, postponed, superseded and even refused, especially (although not exclusively) to cultures and persons who are discriminated against.
9. Consequently, in his work the Special Rapporteur will seek a holistic approach to examining, monitoring and promoting the right to education, one that includes guarantees of the financing, establishment and operation of free compulsory education, the fight against all forms of exclusion and discrimination, and efforts to boost the quality of rights-based education.
10. In an effort to lend consistency to his work, the Special Rapporteur proposes the promotion of action-oriented investigations enabling him to take meaningful steps to overcome the obstacles that impede this human right.

## **I. ACHIEVING HUMAN RIGHTS THROUGH EDUCATION**

### **A. Human rights as a framework for education**

11. The Committee on the Rights of the Child has insightfully interpreted the aims of education contained in the Convention on the Rights of the Child,<sup>1</sup> which state that education

transcends access to formal schooling and embraces the right to a specific quality of education and a broad range of life experiences and learning processes that enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

12. In like manner, the Universal Declaration of Human Rights had already defined the full development of the human personality and the strengthening of human rights as the object of education.

13. It is clear to the Special Rapporteur, then, that the gap between aims and actions in the field of education is the product of long-standing historical distortions that encapsulate the contradictions and tensions of economic systems and patriarchal cultures.

14. These considerations compel the Special Rapporteur to strengthen his view that education is a human right and that its content dignifies all aspects of life. They lead him to conclude that we need to start thinking once again about societies rather than the economy, and to understand that sound education begets sound knowledge and appropriate abilities.

15. Clearly, all of us hope to gain economic benefits from education and literacy, but it is a different matter entirely to think that these benefits are education's sole aim.

16. Respect for human rights is a precondition for development of the personality, and implies the formation of knowledge, abilities, skills and values enabling individuals to advance peacefully towards the realization of universal human rights.

### **B. The exercise and enjoyment of the right to education**

17. The Commission on Human Rights has invited the Special Rapporteur to intensify his efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education. Accordingly, the Special Rapporteur thinks it necessary to continue his predecessor's attempts to identify the obstacles to the introduction of free primary education in countries where this is a problem (E/CN.4/2004/45).

18. The Special Rapporteur's view is that the gradual introduction of free, compulsory primary education is inhibited not only by the existence of fees and other financial constraints, but also by persistent discrimination, particularly against women, girls and teenage girls.

19. The means by which school fees are abolished or maintained cannot be considered in isolation from the trammels of the patriarchal system and the structures of social deprivation that are the main reasons why children cannot attend school.

20. In spite of everything, the existence of fees continues to be a significant impediment to the effective exercise of the right to education, considering that fees are still payable in 6 of the 35 countries that will most likely be unable to achieve the target of gender parity by the year 2005.

21. The World Bank has carried out a study<sup>2</sup> of school fees in 77 countries, which presents depressing evidence of the cost of books, uniforms and enrolment.
22. The study recommends the implementation of a clear-cut policy that signals to States the World Bank's opposition to fees, and commits the Bank "to work actively with governments to find alternatives to existing user fee programs". The situation has not changed significantly, however.
23. That said, the Special Rapporteur notes the increases in school attendance reported by Kenya, Malawi, the United Republic of Tanzania and Uganda following the abolition of tuition fees, the principal result of which has been the realization of the right to education of millions of children, especially girls.
24. The long shadow cast by economic quantification and the frenzy to ensure that all processes are governed by cost and revenue considerations mean that State institutions are inevitably affected by financial determinants.
25. Among these determinants, education is regarded more as a cost than an investment, and when budget priorities in many low- and medium-income countries are set, education is therefore always relegated to second or third place.
26. The combination of these determining factors, added to the growing demand for university education, makes it increasingly urgent to find ways to ease access to continuing education.
27. The question of university education will be dealt with subsequently, in connection with the problems of quality, marginalization, cost, privatization and the relationship with national development policies.
28. During his mandate, the Special Rapporteur plans to advocate and endeavour to establish centres to monitor experiments and alternatives in public, free, compulsory education, principally at the primary and secondary level, so as to broaden options for educational quality and coverage.
29. The realization of the right to education also requires action of other kinds to address the shortage of qualified teachers. To give two obvious examples: the number of primary schools in Kenya rose by 27.2 per cent between 1990 and 2002, and the number of girls enrolling in schools is reckoned to have increased by 49.3 per cent over the same period. In Uganda, the number of children in formal education has increased from 3 to 5.3 million since the introduction of universal primary education, which shows that approximately 2 million children were outside the school system before this programme was implemented.<sup>3</sup>
30. Clearly, the inclusion of these students has put enormous pressure on school infrastructure and education systems generally, which must seek prompt responses to these challenges while upholding quality, especially as regards teaching staff.

31. According to the United Nations Development Programme (UNDP), “with 26 million primary schoolteachers in developing countries in 2000, the estimated number of additional teachers required by 2015 ranges from 15-35 million - including more than 3 million in sub-Saharan Africa, with more than 1 million in Nigeria alone”.<sup>4</sup>
32. Extrapolating from the growth achieved in the 1990s, the global rate of completion of primary education will not exceed 83 per cent by 2015.<sup>5</sup> And while, according to these projections, 9 out of every 10 children will realize their human right to education, the question then arises: Who will be left out?
33. Progress, coverage and achievements in reaching the millennium development goals are clearly not uniform either among or within States. Exclusion will not be spread fairly among countries as though it were a shared burden; rather, it will be concentrated in those States which are currently having great difficulty reaching the target.
34. According to the same source, 27 countries should be considered as having serious difficulties in meeting the target of 100-per-cent school enrolment by 2015; on current trends, enrolment there will not even exceed 50 per cent by that date.<sup>6</sup>
35. This suggests to the Special Rapporteur that absolute figures are useful for easing consciences but not for solving problems. Exclusion is concentrated in poor countries, and they cannot be expected to make substantial improvements given the scale of their past and current difficulties. In a way, the millennium development goals assume global ideals but not global efforts. Although they inadequately reflect the human rights dimension, the millennium development goals can nevertheless be helpful in mobilizing resources and efforts to achieve progress which will also contribute to the gradual realization of the right to education.
36. Sub-Saharan Africa has the lowest proportion of students completing primary education, followed by South Asia, with 70 per cent. The rates in the Middle East and North Africa have remained steady since the 1990s, with an average of 74 per cent of students in these regions completing their studies. The comparable rates in Europe and Central Asia are 92 per cent, as against 85 per cent in Latin America and the Caribbean and 84 per cent in East Asia and the Pacific.<sup>7</sup>
37. As often happens, the overall figures do not reflect the actual situation facing women, girls especially, who continue to experience disadvantage and inequality in most of the world, although Bangladesh, Brazil, Cambodia, the Gambia, Sri Lanka and Tunisia have made impressive progress on girls’ right to education.
38. According to the forecasts in these studies, the total cost of meeting the millennium development goals by the year 2015 in low-income countries alone, including all the essential items, will be in the region of US\$ 9,700 million a year until 2015.<sup>8</sup>

### **C. Education and development**

39. In the space available it is not possible to paint an exhaustive picture of the factors impeding the right to education, although international economic policies that ignore social costs



and the imposition of a uniform political and socio-economic model based rigidly on economic liberalism certainly play a major part and are prompting a growing awareness of the need for more flexible, human-rights-sensitive development models.

40. Indeed, there is a risk that excessive emphasis on market mechanisms will give rise to a form of economic organization that withholds the financial resources required for the full realization of the right to education.

41. But the problem does not stop there: we also have to take account of the existence of a model of global development that seeks to reduce diverse social and cultural phenomena such as education to questions of mercantile efficiency and economic growth.

42. “The expression education for development and its variant education in development reflect an ideology that perceives education and development as quantifiable economic factors that can be manipulated by planners. This presupposes the idea that education is one thing and development is another and that an external professional body or agency has both the power and the right to organize the former in a functional relationship with the latter.”<sup>9</sup>

43. The Special Rapporteur opposes the tendency to treat education as nothing more than a tool. This utilitarian vision, unless balanced by that of education as a right having intrinsic value, can make education easy prey for those who wish to divest it of its higher content.

44. Neutral education or education in the service of other needs cannot build the sort of character that respects human rights, because neutrality potentially and in fact helps to consolidate inequalities. Instead the Special Rapporteur, like Freire, inclines to the view that education should be a free space for the exercise and study of all human rights, responsibilities and capacities.

45. The utilitarian approach portrays education as a mechanism for market discipline. This view conceives of education as an “investment” to avoid considering it solely as a “cost”, thus revealing the “value” that education also has from a strictly budgetary and financial point of view. Quantitatively speaking this is a convergence, since the concept of “economic growth” is gradually being replaced by that of “human development”. Financially, the view of education as an investment and not a cost can avoid a situation in which education is always loss-making and its resources are limited or late in arising. However, this utilitarian approach, dissociated from a human rights content, cannot bring about the structural changes needed to ensure fair commercial dealings, just distribution of wealth and the autonomous creation of better living conditions.

46. The ideal solution is to invest in education not only to facilitate economic development but also, and above all, to build values and knowledge aimed at developing human dignity and proactive citizenship committed to the rights of the individual.

#### **D. Financing of education**

47. The Special Rapporteur also sees his mandate as a stimulus to promote, through dialogue and persuasion, the effectiveness of strategies to increase the share of the national budget allocated to free, compulsory public education.

48. It is clear that the right to education must be secured financially, which does not mean that it should lose its intrinsic character or be subject to negotiation with international organizations.

49. Because financing is essential to the maintenance of education, World Bank strategy must also reflect the fact that efforts to stimulate education that are dissociated from human capacity-building are not viable. Mindful, however, of the concerns of the President of the World Bank regarding the content and quality of education,<sup>10</sup> the Special Rapporteur would like to find an opportunity to incorporate the human rights dimension of education more forcefully into World Bank policies.

50. If educational factors are seen as determinants for economic growth and poverty reduction, it makes sense for the World Bank to continue to argue for the conversion of part of the highly indebted countries' public debts into a financing facility for education and other social investment.

#### **E. Justiciability of the right to education**

51. The Special Rapporteur is particularly aware of the need for continuous efforts and work on the justiciability of the right to education. He thus intends to follow up on the work initiated on the matter and on the identification of specific cases and new jurisprudence in the framework of his thematic reports, as well as in the context of his country visits.

52. The Special Rapporteur notes that while States have repeatedly affirmed the indivisibility of all human rights, economic, social and cultural rights have not always enjoyed the same level of legal protection as civil and political rights. In that regard, he also notes two major developments within the international human rights system which are particularly relevant to the question of the justiciability of economic, social and cultural rights. First, the Committee on Economic, Social and Cultural Rights and other treaty monitoring bodies have played a role in elaborating the content of rights and obligations under the Covenant. Importantly, general comment No. 3 (1990), "The nature of States parties obligations", has set out the Committee's views on key issues in the Covenant relative to the legal enforceability of economic, social and cultural rights, including: the obligation on States to "take steps"; the obligation to realize economic, social and cultural rights progressively using the maximum of available resources; the existence of minimum core obligations attaching to economic, social and cultural rights; and the provision of judicial remedies.

53. The second development at the international level has been the establishment of an open-ended working group of the Commission on Human Rights to consider options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and

Cultural Rights - in other words, some form of procedure allowing the Committee to consider communications in relation to the rights recognized in the Covenant. In the context of the debate in the working group and on this issue in general, the Special Rapporteur sees as an encouraging sign the growing jurisprudence from national courts, as well as from regional human rights mechanisms, which demonstrates that economic, social and cultural rights do lend themselves to judicial remedies in cases of clear violation. This is also the case for the right to education.

54. The Special Rapporteur believes that the right to education as recognized by international human rights instruments is justiciable. Importantly, by reviewing national and regional cases, perceived problems relating to the legal enforceability of the right to education can be better understood. For example:

55. In the *Campaign for Fiscal Equity et al. v. the State of New York et al.* [719 NYS 2d 475] (2001), the Supreme Court of New York was asked to rule on an alleged case of discrimination in the funding afforded by the State of New York to different schools. The plaintiffs challenged the State's funding of New York City's public schools in relation to the effect of funding on children from minorities. Adequate funding was claimed to be measured by the securing of a "sound basic education". The Supreme Court of New York had to clarify the meaning of "education" as a right and understand the content of the right - by considering the meaning of a "sound basic education". In this case, the Supreme Court of New York decided that in order to provide sound basic education, the State had a duty to take steps to ensure that the following resources are available to the City's public school students: (i) sufficient number of qualified teachers and other personnel; (ii) appropriate class sizes; (iii) adequate and accessible school buildings; (iv) sufficient up-to-date books and technology; (v) suitable curricula; (vi) adequate resources for students with extraordinary needs; and (vii) a safe, orderly environment.

56. The *Dilicia Yean and Violeta Bosica* case (case No. 12.189) brought before the Inter-American Commission on Human Rights was an opportunity to bring out the value of using judicial or quasi-judicial mechanisms in protecting against discrimination in the context of education. Indeed, the plaintiffs claimed violations of the right to nationality and the right to education while the Government of the Dominican Republic counterclaimed that the plaintiffs had not exhausted domestic remedies. The Commission mentioned that, as effective domestic remedies did not exist in the present case, the case was admissible before the Commission.

57. The *Autism Europe v. France* case (complaint No. 13/2002 - European Committee of Social Rights) was an opportunity to bring out the positive obligations on States and the right to education. The plaintiffs claimed that the failure of France to take necessary steps to ensure the right to education of children and adults with autism resulted in the violation of the right to education of persons with disabilities and in their being discriminated against. The Committee found for the plaintiffs. It recalled that the Revised European Social Charter not only prohibits direct discrimination but also all forms of indirect discrimination.

58. As appears from the above cases, the major challenge comes from the need to understand more clearly developments at the national and regional levels and how these developments affect

the nature and scope of the right to education under international law. In order to do so, the Special Rapporteur intends to consider the right to education not only in accordance with the provisions of the Covenant but also through consideration of the relevant provisions of other human rights instruments.

59. Consequently, as a starting point, the Special Rapporteur aims at using and developing the parameters identified by the Committee on Economic, Social and Cultural Rights in its general comment No. 13 (1999) on the right to education, namely, availability, accessibility, acceptability and adaptability. However, the Special Rapporteur does not intend to limit himself either to the Covenant's provisions as such or to this general comment. He would like to use elements put forward by other general comments in which the Committee acknowledged the fact that, in some instances, other international instruments have gone beyond the provisions of the Covenant.

#### **F. Development of human-rights-based indicators**

60. The Special Rapporteur wishes to deepen his understanding of the right to education, focusing in particular on operational frameworks for the realization of the right. A critical area which he has identified in this regard relates to the development of indicators based on human rights to facilitate formulation of policy measures for the realization of the right, their implementation and monitoring achievements in that regard.

61. The elaboration of an operational framework for the realization of the right to education is also linked to the issue of developing indicators and methods for monitoring and measuring the development process from a rights perspective. The need for such indicators and monitoring tools has become more apparent in light of the global consensus on the importance of attaining the Millennium Development Goals. Though the Goals do not address the human rights concerns explicitly, developing rights-based indicators and monitoring tools could contribute both to their effective implementation as well as in the realization of the relevant human rights.

62. The UNDP *Human Development Report 2000: Human Rights and Human Development* devoted a section to the use and usefulness of human rights indicators. It stated that "statistical indicators are a powerful tool in the struggle for human rights. They make it possible for people and organizations - from grass-roots activists and civil society to Governments and the United Nations - to identify important actors and hold them accountable for their actions". Human rights indicators can help members of the international community determine when national and international policy adjustments are necessary.

63. It may be recalled that the second and third of the Millennium Development Goals are directly linked to education. The second goal calls for the achievement of universal primary education by ensuring that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling, while the third goal calls for the promotion of gender equality and empowerment of women, by eliminating gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015.

64. The Goals are important benchmarks for the realization of the corresponding rights. As such, there is a case for the Goals and principles contained in the Goals to be interpreted in a broader sense that would capture the normative content of the rights and contribute to the overall realization of all human rights. Indicators should also reflect the human rights principles and concepts that underlie the development process, such as accountability, non-discrimination, the rule of law and progressive realization of economic, social and cultural rights, in particular the right to education. Applying human rights principles requires establishing a link between duty-holders and their actions, on the one hand, and the corresponding goal of realizing the human right, on the other. In addition, it requires that the chosen indicators be objective and quantifiable and included in databases that would facilitate their monitoring.

65. The Special Rapporteur is aware that educators and policy-makers use various indicators to monitor educational attainments at national and subnational levels. Bearing this in mind, he would like to explore and analyse the possible differences between the conventionally used education indicators and indicators for monitoring the realization of the right to education. Common education indicators include literacy rate, enrolment rate, drop-out rate, and pupil/teacher ratio.

66. He believes that right-to-education indicators should derive from and reflect human rights principles and norms. In that regard, general comment No. 13 offers a human rights framework for the development of right-to-education indicators. In emphasizing the right to receive education, the Committee used the work done by the former Special Rapporteur and identified four “interrelated and essential features” for the measurement and implementation of the right to education. The other element that would differentiate between education indicators and right-to-education indicators is the link between duty-holders and their actions and the realization of the right. In that regard, the Special Rapporteur considers it important that the educational norm that could be used to identify an indicator should be reasonably precise. Moreover, the right to education cannot be seen in isolation; it is closely related to the enjoyment of other human rights and fundamental freedoms. The right to education is the key to the enjoyment of all rights. The fulfilment of the right to education would allow the enjoyment of, inter alia, the right to freedom of opinion and expression and the right to participation. The right to education should be implemented without discrimination. However, if the indicator should have a close link to the related norm and standard, it should also be seen in a broad normative context.

67. The Special Rapporteur considers that any attempt to identify right-to-education indicators must encompass the responsibilities of States at both national and international levels. He intends to do so in his coming reports.

68. The Special Rapporteur welcomes the approach of the Special Rapporteur on the right to the highest attainable standard of physical and mental health, Mr. Paul Hunt, who has analysed the usefulness and validity of existing health indicators in a human rights context. Could education indicators be used in a human rights framework, or do right-to-education indicators

have special features? The Special Rapporteur would like to develop further elements of response to that question which, he believes, would allow the discussion about right-to-education indicators to move forward. He intends to do so in his coming reports.

69. Notwithstanding the usefulness of human rights indicators in general and right-to-education indicators in particular, the Special Rapporteur would like to emphasize that often indicators have to be supplemented by additional information in order to present a fuller picture of the real enjoyment of the right to education. But if they are used carefully, right-to-education indicators could help States and other concerned actors monitor and measure the progressive realization of the right to education.

## **II. FIGHTING DISCRIMINATION IN THE RIGHT TO EDUCATION**

### **A. Diversity as a right and a learning context**

70. Diversity is a cornerstone of education. It manifests itself in intercultural community life and respect for the differences between people. The Special Rapporteur thus conceives of development as a collective learning process that people must undergo to realize that democratization and anti-discrimination are essential to a dignified life.

71. Given that one of the aims of education is to instil respect for civilizations different from that of the student,<sup>11</sup> the Special Rapporteur believes that a discussion of intercultural relations should be an automatic feature of all education systems.

72. Homogeneity in education is an impossible undertaking. Pressure to entrench the use of one language for all peoples, for example, is a sign of intolerance. Such is the case in schools where, human rights norms notwithstanding, indigenous children or children from other minorities are forbidden from using their native languages.<sup>12</sup>

### **B. Girls' right to education**

73. As affirmed by Ms. Obong Rita Akpan, Nigeria's Minister for the Status of Women, the education of girls must be a priority if any reasonable progress is to be made.

74. The Special Rapporteur believes that the imbalance in educational opportunities for boys and girls is inconsistent with the priorities set by many Governments in their pursuit of the universal right to education.

75. The following table shows the worldwide gender gap in current primary school enrolment rates:

### Countdown to the year 2005 - Closing the gender gap in primary school enrolments

Reverse gender gap: Lower enrolment of boys					No gender gap, or less than 2% difference					Less than 10% difference in enrolments favouring boys					More than 10% difference in enrolments favouring boys				
Countries	1998		2000		Countries	1998		2000		Countries	1998		2000		Countries	1998		2000	
	Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)
Bahrain	98.0	96.0	96.6	95.2	Argentina	100.0	100.0	99.4	100.0	Algeria	92.0	96.0	96.8	99.7	Burkina Faso	28.0	40.0	29.4	41.6
Botswana	82.0	79.0	86.0	82.5	Bolivia	100.0	100.0	97.1	96.8	Angola	53.0	61.0	35.1	38.6	Central African Republic	43.0	64.0	45	64.3
Cuba	97.0	96.0	<b>96.6</b>	<b>97.9</b>	Chile	87.0	88.0	88.3	89.4	Brazil	96.0	100.0	93.3	100.0	Chad	42.0	68.0	46.7	69.6
Dominican Republic	88.0	87.0	93.3	91.7	China	100.0	100.0	93.0	92.5	Burundi	34.0	41.0	48.7	58.8	Côte d'Ivoire	51.0	67.0	53.6	70.9
Jordan	83.0	82.0	<b>93.9</b>	<b>93.2</b>	Costa Rica	92.0	92.0	91.1	91.1	Comoros	46.0	54.0	52.3	60.0	Djibouti	27.0	37.0	28.4	36.8
Lesotho	64.0	56.0	81.8	75.0	Fiji	100.0	100.0	<b>82.5</b>	<b>86.5</b>	Democratic Republic of the Congo	31.0	33.0	...	...	Ethiopia	30.0	41.0	40.7	52.8
Madagascar	63.0	62.0	68.0	67.3	Kuwait	67.0	68.0	82.4	83.9	Egypt	89.0	95.0	90.3	94.9	Guinea	37.0	54.0	41.5	52.4
Namibia	90.0	83.0	84.5	78.8	Malaysia	98.0	98.0	83.0	83.5	El Salvador	80.0	82.0	...	...	Guinea-Bissau	44.0	62.0	44.5	62.6
Paraguay	92.0	91.0	92.5	91.8	Maldives	100.0	100.0	99.3	98.6	Eritrea	31.0	36.0	<b>37.9</b>	<b>44.0</b>	Iraq	74.0	85.0	85.5	100
Rwanda	92.0	90.0	...	...	Mauritius	93.0	93.0	94.5	94.8	Gambia	57.0	65.0	<b>66.3</b>	<b>71.1</b>	Liberia	35.0	46.0	...	...
Samoa	98.0	95.0	<b>95.4</b>	<b>98.3</b>	Mexico	100.0	100.0	100.0	98.8	Guatemala	80.0	85.0	82.1	86.4	Mali	34.0	49.0	...	...
Swaziland	78.0	76.0	93.6	92.1	Nicaragua	80.0	80.0	81.2	80.3	Indonesia	82.0	86.0	91.5	92.7	Morocco	73.0	85.0	<b>74.4</b>	<b>81.5</b>
United Rep. of Tanzania	49.0	47.0	47.6	45.8	Peru	100.0	100.0	99.7	100.0	Iran (Islamic Rep. of)	78.0	81.0	73.0	74.1	Niger	20.0	32.0	24.4	36.3

Reverse gender gap: Lower enrolment of boys					No gender gap, or less than 2% difference					Less than 10% difference in enrolments favouring boys					More than 10% difference in enrolments favouring boys				
Countries	1998		2000		Countries	1998		2000		Countries	1998		2000		Countries	1998		2000	
	Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)		Girls (%)	Boys (%)	Girls (%)	Boys (%)
Uruguay	92.0	92.0	<b><u>90.8</u></b>	<b><u>90.0</u></b>	Qatar	85.0	86.0	...	...	Lao People's Dem. Rep.	73.0	79.0	78.1	84.7	Papua New Guinea	78.0	91.0	<b><u>79.7</u></b>	<b><u>87.5</u></b>
Zimbabwe	91.0	90.0	<b><u>79.6</u></b>	<b><u>79.6</u></b>	Sri Lanka	100.0	100.0	...	...	Lebanon	77.0	79.0	86.1	86.9	Senegal	54.0	64.0	<b><u>59.9</u></b>	<b><u>66.3</u></b>
					United Arab Emirates	82.0	83.0	87.3	86.0	Mauritania	58.0	62.0	61.8	66.2	Togo	78.0	99.0	82.3	100
					Vanuatu	100.0	100.0	89.2	89.6	Mozambique	37.0	45.0	50.1	58.7	Yemen	44.0	77.0	49.2	84.2
					Venezuela	88.0	88.0	88.9	87.1	Oman	65.0	67.0	64.5	64.8					
										Philippines	97.0	99.0	93.4	92.1					
										Saudi Arabia	57.0	61.0	55.5	62.8					
										Sierra Leone	55.0	60.0	...	...					
										Sudan	42.0	50.0	44.7	54.0					
										Syrian Arab Rep.	89.0	96.0	93.7	98.9					
										Thailand	76.0	78.0	84.1	86.7					
										Tunisia	96.0	99.0	98.6	99.7					
										Zambia	72.0	74.0	65.2	65.8					

*Note:* The data have been collected by the UNESCO Institute for Education as part of the monitoring process of Education for All (2001 and 2003/04 and 2003/04 Monitoring Report on Education for All, UNESCO/EFA, Paris, [www.unesco.org/education/efa](http://www.unesco.org/education/efa)). Figures refer to 1998 and 2000 estimates.

**Countries in bold underlined could be moved from category taking into consideration changes that occurred from 1998 to 2000.**



76. “25 by 2005 Girls’ Education Campaign”, an acceleration strategy initiated by the United Nations Children’s Fund (UNICEF), aims specifically to complement existing strategies to achieve gender parity by 2005, especially in the 25 countries (8 in West Africa) which are experiencing the greatest difficulties in meeting the target, namely Afghanistan, Bangladesh, Benin, Bhutan, Bolivia, Burkina Faso, Central African Republic, Chad, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Guinea, India, Malawi, Mali, Nepal, Nigeria, Pakistan, Papua New Guinea, the Sudan, Turkey, United Republic of Tanzania, Yemen and Zambia.<sup>13</sup>

77. In some countries the challenge appears to be the need to push ahead with the inclusion of women, not just by making education available but also by adapting the education on offer to suit the specific needs of women, girls and teenagers: curriculum, participation and family support. The Special Rapporteur believes that these issues also tie in with the debate about democratization, poverty and unemployment.

78. Thanks to the valuable work of the Arab Institute of Human Rights, progress has been made towards clarifying outstanding issues with a view to eliminating all forms of discrimination against women in the family and society,<sup>14</sup> although in many cases pronouncements by the State authorities have not been reflected in laws to guarantee and promote human rights, nor in the ratification of regional human rights conventions and treaties.<sup>15</sup>

79. The need to promote national policies and programmes to boost family income, thus enabling girls to attend school, has also been stressed. Removing the costs of schooling is one way of encouraging girls to attend school, but other methods are required too, for example employing female teachers, building and improving health facilities, ensuring community support, according parents visible and useful roles in the school environment, and establishing a connection between auxiliary health services and educational programmes.<sup>16</sup>

80. Regarding the establishment of urgent intersectoral action plans to promote the right of pregnant girls and teenage mothers to have access to and remain in education, the Special Rapporteur wishes to highlight the experiences of the Department of Education in South Africa, which recently launched a handbook for pregnant students<sup>17</sup> designed to protect their right to education.

81. In addition, as a result of outreach efforts by the Latin American Committee for the Defence of Women’s Rights (CLADEM), the Special Rapporteur has learned of Law No. 19979 that was recently adopted in Chile, which stipulates that pregnancy and motherhood are no bar to enrolling or remaining in educational establishments, and of Law No. 220 in Puerto Rico, which establishes a charter of pregnant students’ rights.

82. The relationship between the human right to education and sexual and reproductive rights is obvious in many areas and in very diverse ways, especially considering the impact that educational activities have in instilling shared responsibilities in young men and women.

83. In this context, the Special Rapporteur on the Right to Health, Mr. Paul Hunt, has listed in one of his reports (E/CN.4/2004/49) some of the reasons why the right to health ought to

include the right to education and the right to information: (a) Sexual and reproductive ill health gives rise to nearly 20 per cent of diseases among women and 14 per cent among men, and (b) 6,000 young people aged between 15 and 24 years become infected with HIV daily.

84. It is a matter of concern that in many countries that have made notable progress in school enrolment, students still do not have a guaranteed right to receive an education in responsible sexuality.

### **C. Migrants' right to education**

85. The Special Rapporteur is particularly interested in the status of migrants' right to education, given that refugee situations, displacement, asylum and migration occur in all parts of the world and are becoming more and more common.

86. Additionally, the Special Rapporteur proposes to work with the relevant organizations to determine the educational needs of such persons and identify national and international responses since, as pointed out by Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants (E/CN.4/2004/76), the educational profiles of migrant workers are very diverse: many have an advanced education, some have rudimentary schooling, and others are illiterate.

87. Although in his initial mandate the Special Rapporteur has decided to give priority to primary and secondary education, bearing in mind the need to work rationally, he nevertheless considers that adults' right to education needs to be clarified, since the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified by 34 States) says only that each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment,<sup>18</sup> whereas the World Declaration on Education for All says that basic education should be provided to all children, youth and adults (without discriminating against migrant workers).

88. In the near future the Special Rapporteur plans to initiate a detailed inquiry into certain migrant children's right to education in Europe, and to examine the failure of the educational system to cater for migrants forced from their homes as a result of armed conflicts or extreme poverty.

89. The right to education of second-generation migrant populations is a further challenge for the community of nations, because it tests the capacity for integration proclaimed by certain government policies.

90. In this connection, the study of the situation in the Netherlands conducted by Maurice Crul<sup>19</sup> highlights the fact that migrant communities tend to concentrate in a few (usually deprived) urban areas owing to a lack of effective government policies. The study reveals that Turkish and Moroccan children underachieve in primary school because their second language, Dutch, is deficient, given that the teaching of Dutch as a second language and appropriate training for teachers only really began in the 1990s.

91. The Special Rapporteur wants to document direct references to the educational needs of migrants and the obstacles they face and to prepare an up-to-date overview of the status of migrants' education.

#### **D. The right to education of persons with different capacities**

92. The Special Rapporteur will combine research with fieldwork in comparing the effectiveness of laws and government policies designed to eliminate all forms of discrimination.

93. As a conceptual framework, the Special Rapporteur considers it appropriate to use the term "persons with different capacities" so to avoid adding to the underestimation implicit in other appellations that obscure the real abilities of individuals in this category.

94. Likewise, he takes the view that the concept of "disability as an obstacle to the right to education" treats people as victims and fails to impose obligations on the education systems which are the first to exclude them, but which also have the power to adapt the environment to the needs of persons with different capacities and the best interests of children and young people.

#### **E. Indigenous populations' right to education**

95. The right to education of indigenous communities and individuals not only implies the opportunity to shape a proactive, sensitive body politic by drawing on their own experience, but also a requirement that other groups respect their autonomy.

96. The Special Rapporteur supports indigenous peoples' right to develop their own educational proposals (especially now that the indigenous question is starting to become an urban issue), taking account of human rights and their inherited sense of self-esteem, in a setting of thoroughgoing equity and equality.

97. This special consideration obliges States, pursuant to article 29, paragraph 1 (d), and article 30 of the Convention on the Rights of the Child and the Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (ILO), to work harder to inculcate respect for cultural diversity, empowering population groups that are discriminated against and extending public education efforts among social groups that practise discrimination, in such a way that neither rights nor responsibilities are watered down.

#### **F. The right to education of persons belonging to minorities**

98. The Special Rapporteur plans to give consideration to minority populations, particularly the religious, racial and linguistic minorities whose right to education is restricted or denied. Accordingly, he wishes to promote appropriate education that respects these groups' beliefs and origins within a human rights framework.

99. To ensure these populations' right to education, efforts must be made to devise solutions that will enhance inclusive education while respecting diversity and intercultural sensitivity.

100. Discrimination on religious grounds has been extensively documented, and there are many examples of hostility encountered by those who are out of step with the dominant culture. They are treated as second-class citizens with fewer rights and privileges, or their patriotism is questioned, or their contribution to society is ignored.<sup>20</sup>

101. Marginalization on ethnic grounds is also reflected in and sustained by education systems. In some cases, the disparity is such that the proportion of students from some ethnic groups who successfully complete secondary education exceeds 70 per cent, while the proportion of students from disadvantaged ethnic groups in the same country barely exceeds 50 per cent. There can be equally striking gaps between the proportion of students from some ethnic groups who are considered suitable for higher education (upwards of 30 per cent) and the comparable proportion of students from other ethnic groups (less than 20 per cent).<sup>21</sup>

### **III. QUALITY OF EDUCATION**

102. The Special Rapporteur believes that the problems encountered in enforcing the right to education are due in part to a reluctance to consider this right as a space in which human rights converge, especially in the case of cultures that are discriminated against and subject to social and economic domination.

103. Unwillingness to let education function in accordance with its basic purposes results in denial of the human right to education, because knowledge not built upon personal development that is respectful of human rights is inferior knowledge.

104. In other words, education that proceeds from and is rooted in human rights is vital to proper character development. In turn, character development strengthens self-esteem and dignity and promotes the formation of knowledge, abilities, skills and values enabling individuals to advance peacefully towards the realization of universal human rights.

#### **A. Human rights education as a prerequisite for quality**

105. For years there have been moves to integrate human rights more closely into education systems, in the belief that this process helps to produce a type of education that can improve living conditions and bring about universal enjoyment of human rights.

106. Mindful, however, of the true purposes of education, the Special Rapporteur is of the view that the integration process must involve education *as a whole*, not just isolated parts of the curriculum.

107. The Special Rapporteur therefore maintains that the right to a quality education implies a need to direct learning processes and the entire school environment and infrastructure towards the development of knowledge, abilities and skills within a body politic primed to respect dignity and the higher values of humanity, diversity, peace, solidarity and mutual cooperation.

108. Quality cannot be reduced to a matter of quantifiable efficiency; rather, it encompasses the depth of human commitment to the present and future generations.

109. This is why the Special Rapporteur stresses the importance of moving education closer to human rights. The just completed United Nations Decade for Human Rights Education (1995-2004) provided an opportunity to devise a comprehensive framework for the application of human-rights-based approaches. A similar opportunity was offered by the recommendations in the report of the United Nations High Commissioner for Human Rights on the mid-term global evaluation of the progress made towards the achievement of the objectives of the United Nations Decade for Human Rights Education (A/55/360).

110. The Decade got a lukewarm reception from States: by 31 July 2000, only 35 Governments had sent back completed questionnaires to the High Commissioner. In 2004, at the request of the Commission on Human Rights, the High Commissioner submitted a report on achievements and shortcomings of the Decade and on future United Nations activities in this area (E/CN.4/2004/93). In the non-governmental sphere, however, a multitude of initiatives, programmes and projects were devised and the principles of the Decade were enthusiastically promoted, with excellent results.

111. Both the mid-term evaluation of the Decade and the principles governing national plans of action for human rights education (A/52/469/Add.1, 20 November 1997) set out organizational and operational principles and guidelines for education which, far from turning human rights into a subject or discipline in the curriculum, aim to transform what schools do into human-rights-based teaching.

112. The World Programme for Human Rights Education, the initial phase of which begins this year, continues and complements the efforts already undertaken. The Special Rapporteur thus proposes to follow the implementation of plans of action and ensure that their goals are as fully achieved as possible.

113. The phased implementation of a plan of action must be accompanied by regional and local assessments and the provision of technical and economic resources for those countries that require them. The momentum given to this undertaking by the United Nations High Commissioner for Human Rights has been noteworthy.

114. At the regional level, the Special Rapporteur wishes to highlight the work of the Inter-American Institute of Human Rights in charting the progress of human rights education. In December 2004 the Institute published the third Inter-American Report on Human Rights Education, which deals with changes in the training or refresher training of serving teachers and the vocational training of future teachers. Its work in developing indicators is ground-breaking and is a potential starting point for the incorporation of indicators on the right to education into the future activities of United Nations bodies.

## **B. Education policies and classroom reality**

115. To stimulate and support initiatives to move education towards the aims stated in international human rights instruments, it is necessary to study the impact of education policies on classroom reality and to promote changes in school procedures (the educational environment, administration, the curriculum and the student-parent community).

116. From the standpoint of the values that motivate learning and underpin a quality education (for example, the ability to live in a democracy and be an active citizen), the requirements of students and teachers (both players in the learning process) must be identified, as must the adjustments that are needed to remedy failings in the ability of the school system to meet those requirements.

117. The exercise of democratic citizenship, for example, is not dictated by orders or instructions from the education authorities, but grows out of the atmosphere in the classroom and the school, the forum in which students are encouraged and permitted to express their views, appreciate the freedom to think for themselves and respect the views of others. The right to education includes this practice of liberty.

118. To identify the extent of student freedom and opportunity to participate in the life of the classroom, Fernando Reimers has compiled a useful table indicating how often teachers give their pupils the chance to express their views.

#### **How often teachers give pupils the chance to express their views**

Country	Never	In some lessons	In most lessons	In every lesson	No response
	Percentage				
Argentina	8	22	20	45	5
Brazil	5	22	27	44	2
Chile	6	22	23	48	1
Mexico	2	17	24	52	5
Peru	3	17	26	49	5
Germany	11	25	27	35	1
Canada	5	20	31	42	1
Republic of Korea	15	40	27	16	1
Spain	8	27	26	37	1
United States of America	7	20	25	41	7
France	10	28	27	34	2
Japan	10	27	28	31	5
OECD average	7	24	29	38	2

*Source:* Fernando Reimers, *La buena enseñanza, la formación de ciudadanía democrática y las reformas educativas en América Latina*, Harvard University, 2003.

#### **IV. SECURITY AND THE RIGHT TO EDUCATION IN EMERGENCY SITUATIONS**

119. The Special Rapporteur also believes that security in schools forms part of the human right to education. Security means not only physical, psychological and moral safety but also a right to be educated without interruption in conditions conducive to the formation of knowledge and character development.

120. It is for this reason that emergencies are threats, embracing as they do a wide range of possibilities such as natural disasters, armed conflicts and situations of occupation. Violence within schools, extreme poverty and the violent exclusion of girls are other threats to security in education. Unfortunately, there is no record or constant monitoring of the worldwide impact of emergencies on schools, but the Special Rapporteur believes it must be very serious.

121. The Inter-Agency Network for Education in Emergencies has made commendable efforts to develop minimum standards for emergencies, but has not been able to do so in a human rights framework.

122. The Special Rapporteur has viewed with concern situations in which schoolchildren have suffered, such as the murder of three students by a fellow-student in Argentina, the deaths of hundreds of pupils and teachers at Beslan school in North Ossetia, or the lack of precautions that led to the deaths of 70 children at the Lord Krishna school in New Delhi when fire broke out in the school kitchen on 16 July 2004.

123. Armed conflicts such as those in Iraq, Guinea and the Sudan are extreme situations in which schools also pay the price of bloodlust and ordinary people lose their children.

124. Finally, military occupations are another appreciable curb on the human right to education, the most egregious example being the Israeli-Palestinian conflict. In the view of the International Court of Justice, the construction of the wall in occupied Palestinian territory is a violation of international law and impedes the enjoyment of various human rights, including that to education.<sup>22</sup>

## V. CONCLUSIONS AND RECOMMENDATIONS

**125. The work of the Special Rapporteur's predecessor should be followed up, continued and supplemented as a consistent way of continuing to monitor, disseminate, protect and promote the human right to education.**

**126. The slogan "moving education closer to human rights" seeks to consolidate the position of education within human rights, allowing education its natural role as a place where all human rights converge and can be learned.**

**127. Among the obstacles to realizing the right to education, it is clear that school fees cannot be considered in isolation from the trammels of the patriarchal system and structures of social deprivation; it is thus necessary to work with Governments and organizations to find alternatives and thereby promote a model of educational development that aims to realize all human rights rather than preserving the utilitarian character of education.**

**128. The matter of educational funding is still pressing, which is why States must press on with the establishment of national priorities so that education is given more weight. In addition, the concern shown by the President of the World Bank for the content and quality of education is acknowledged and appreciated. This is an area where the human rights dimension can inject clarity and consistency.**

129. **The Special Rapporteur recommends that the World Bank conduct an investigation to determine whether the failure to incorporate a human rights perspective, and specifically the right to education, into its policies and guidelines is an inhibiting factor in the social and economic impact that it seeks to achieve through its actions and loans.**

130. **By its very nature and the consequences of breaching or failing to respect it, the right to education is justiciable, as evidenced by growing jurisprudence in national and international courts. To ensure that this right is enforced across the board, improvements in existing legal protection schemes are therefore needed.**

131. **The Special Rapporteur recommends the use of national and regional justice systems to press for the right to education to be implemented and to make progress in ensuring its justiciability.**

132. **The view that diversity is the cornerstone of education is a corollary of the right not to be discriminated against and the right to appropriate education, one which transcends any written instruction and makes an increasingly strong case for the inclusion of groups and individuals who are discriminated against, especially girls and teenage girls.**

133. **Sporadic progress in combating discrimination against pregnant girls must continue and be supplemented by the inclusion in education systems of teenage mothers who have not completed their studies.**

134. **The Special Rapporteur invites the Committee on the Rights of the Child, in cooperation with the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), to consider the possibility of developing or updating model guidelines for the protection of the right to education of teenage mothers and pregnant girls.**

135. **Efforts to promote the right to education of migrants, persons with different capacities, indigenous peoples and minorities feature specifically in the Special Rapporteur's plans. Persuaded of the benefits of an approach that combines research and fieldwork, he considers the active participation of civil society in learning about its rights and exercising its responsibilities to be crucially important, since exclusion is reflected and magnified in the school environment.**

136. **The Special Rapporteur has interpreted his mandate as a chance to expedite improvements in the quality of education, proceeding from the premise that knowledge not built upon personal development that is respectful of human rights is inferior knowledge.**

137. **For this reason, emphasis must be placed on the possibility of developing quantitative indicators to identify needs and guide the action that must be taken to progress in realizing the human right to quality education.**

138. **The Special Rapporteur invites UNDP and UNICEF to assist him in developing indicators on the right to education, and not solely on the status of education, with a view to their subsequent use and incorporation in their reports.**



139. **The Special Rapporteur intends to stimulate and support initiatives to move education towards the aims stated in international human rights instruments, and will accordingly seek to study the impact of education policies on classroom reality.**

140. **The Special Rapporteur recommends that UNESCO develop and validate an analytical tool for determining to what extent the aims of education as stated in international human rights instruments are attained in educational activities and the classroom.**

141. **The Special Rapporteur recommends that UNICEF and UNESCO mount a global watch on emergencies in education so as to quantify their impact and identify what steps should be taken to mitigate and prevent them.**

#### Notes

<sup>1</sup> Véase su Observación general N° 1 (2001): Propósitos de la educación (CRC/GC/2001/1).

<sup>2</sup> Puede consultarse en: [http://www1.worldbank.org/education/pdf/EFAcase\\_userfees.pdf](http://www1.worldbank.org/education/pdf/EFAcase_userfees.pdf).

<sup>3</sup> Véase Ivy Benson, *The Ghanaian Chronicle*, 1° de octubre de 2004.

<sup>4</sup> PNUD, *Informe sobre Desarrollo Humano 2003*, pág. 94.

<sup>5</sup> Barbara Bruns, Alain Mingat y Ramahatra Rakotomalala, *Achieving Universal Primary Education by 2015: A Chance for Every Child*, Banco Mundial, Washington D.C., 2003, pág. 5.

<sup>6</sup> *Ibíd*, pág. 5.

<sup>7</sup> *Ibíd*, pág. 4.

<sup>8</sup> *Ibíd*, pág. 13.

<sup>9</sup> Raff Carmen, *Desarrollo Autónomo*, Heredia (Costa Rica), Editorial Universidad Nacional (EUNA), 2004, pág. 83.

<sup>10</sup> Discurso del Sr. James D. Wolfensohn, Presidente del Banco Mundial, ante la Junta de Gobernadores, Washington D.C., 3 de octubre de 2004.

<sup>11</sup> Convención sobre los Derechos del Niño, art. 29 *c*.

<sup>12</sup> *Ibíd*, art. 30.

<sup>13</sup> UNICEF, *Estado Mundial de la Infancia 2004*, pág. 4.

<sup>14</sup> Conferencia sobre derechos humanos, currícula y libros de texto en la educación secundaria, Instituto Árabe de Derechos Humanos, Beirut, 27 y 28 de febrero a 1° de marzo de 2003.

<sup>15</sup> Taller regional sobre educación en derechos humanos en los sistemas educativos de Estados del Golfo, Instituto Árabe de Derechos Humanos, Doha, 15 a 19 de febrero de 2004.

<sup>16</sup> Algunas de estas sugerencias fueron registradas en "Equidad de género: las metas de desarrollo del Milenio", Banco Mundial, 2003.

<sup>17</sup> El informe de la Comisión de Derechos Humanos de Sudáfrica puede consultarse en: [http://www.sahrc.org.za/4th\\_esr\\_chap\\_7.pdf](http://www.sahrc.org.za/4th_esr_chap_7.pdf).

<sup>18</sup> Véase también Antoine Pécoud y Paul de Guchteneire, "Migration, Human Rights and the United Nations; an Investigation of the Obstacles to the UN Convention on Migrant Workers' Rights", *Global Migration Perspectives*, N° 3, Comisión Mundial sobre las Migraciones Internacionales, UNESCO (agosto de 2004).

<sup>19</sup> Maurice Crul, "The accessibility of education for migrants' children of the Second Generation in the Netherlands, paper for the international Metropolis Conference, 22-26 November 2001 in Rotterdam", Institute of Migration and Ethnic Studies (IMES), Universidad de Amsterdam. El texto puede consultarse en: [http://www.international.metropolis.net/events/rotterdam/papers/19\\_cru12.htm](http://www.international.metropolis.net/events/rotterdam/papers/19_cru12.htm).

<sup>20</sup> Véase, por ejemplo el informe del proyecto "A Civil Society Initiative in Curricula and Textbooks Reform Project", Sustainable Development Policy Institute, Islamabad, 2003. Puede consultarse en: <http://sdpi.org>.

<sup>21</sup> Véase "Public high school graduation and college readiness rates in the United States", *Education Working Paper*, N° 3, Manhattan Institute for Policy Research (septiembre de 2003). El texto puede consultarse en: [http://www.manhattan\\_institute.org/html/ewp\\_03.htm](http://www.manhattan_institute.org/html/ewp_03.htm).

<sup>22</sup> Opinión Consultiva de la Corte Internacional de Justicia sobre las consecuencias jurídicas de la construcción de un muro en el territorio palestino ocupado, de 9 de julio de 2004. El texto puede consultarse en: [www.icj-cij.org/icpwww/idocket/imwp/imwpframe.htm](http://www.icj-cij.org/icpwww/idocket/imwp/imwpframe.htm).

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