



**Human Rights Council
SOCIAL FORUM**

Promoting Right to Development through Right to Education

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Palais des Nations, Geneva 3-5 October 2011

His Exc. Ambassador Getahun, Chairperson, Social Forum,
Excellencies,
Distinguished Participants,
Ladies and Gentlemen,

I would like, first of all, to express my gratitude to the United Nations Office of the High Commissioner for Human Rights for inviting me to participate in the Social Forum, devoted to the **Right to Development**.

The commitments expressed in the Declaration on Right to Development (adopted by the UN General Assembly resolution 41/128 of 4 December 1986) are not new to the international community: norms and principles expressed in the Declaration are of abiding significance in today's world. The right to development which is a thread that runs through the tapestry of all human rights was affirmed by the World Conference on Human Rights (1993). It is especially important for promoting social progress and better standards of life through international solidarity which are among the core goals of the United Nations.

The 25th anniversary of the Declaration offers an opportunity to reflect on progress made and obstacles encountered and to respond to challenges for the full realization of the right to development. As Special Rapporteur on the right to education, I would like to take this opportunity to underline the particular contribution of the right to education in the realization and promotion of the right to development.

The right to education is indeed pivotal in the pursuit of development and progress towards achieving the right to development. No State desiring to foster development can neglect to invest in education or to undertake concrete measures, at national level, for realizing the right to education.

Allow me to briefly dwell first upon conceptual links between the right to education and the right to development.

I. Conceptual Links between the Right to Education and the Right to Development

Both the right to education and the right to development are universal and inalienable. The World Conference on Human Rights reaffirmed, “the right to development [...] as a universal and inalienable right and an integral part of fundamental human rights [...]”.¹ Similarly, the right to education which occupies a central place in the international law of human rights is universal; it does not admit of any discrimination or exclusion. The right to basic education is an inalienable right of every child – boys and girls alike.

¹ *Vienna Declaration Part I, para. 10, and Part II, para. 72*

Both these rights are also overarching rights. Education is a “human right in itself and an indispensable means of realizing other human rights”.² The right to development is, as Mohammed Bedjaoui characterized it, “alpha and omega” of human rights - a core right from which all other rights stem.³

Like the right to development, the right to education is an individual and a collective right. It has been devised to benefit both individual and society.

The Declaration on the Right to Development recognizes that “The human person is the central subject of development and should be the active participant and beneficiary of the right to development.” (Article 2 § 1).⁴ The right to development is a core right of which both the State and the international community are providers. Similarly, the States are individually and collectively committed to the realization of the Education for All (EFA) agenda, adopted at the World Education Forum (2000), where education as a human right was reaffirmed.

Like the right to education, the right to development lays down obligations of States to cooperate. The Declaration on the Right to Development enjoins upon States “the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development”. (Article 4 § 1).

The international principle of solidarity is common to both the right to education and the right to development. International cooperation and development assistance are especially important in overcoming obstacles in the realization of both the right to development and the right to education. As Nico Schrijver has observed, “Each State must emphasize mutual responsibilities of States to move from political aspirations to practical examples.”⁵ Human rights offer a framework for strengthened accountability and enhanced sustainability in efforts for promoting development by clarifying the duties and responsibilities of developing states, donor states and non-state actors.

With a shared conceptual framework, both the right to education and the right to development are mutually reinforcing in many ways. This is underlined by the Ministerial Declaration resulting from the High-Level Segment of the Economic and Social Council (ECOSOC, July 2011) which *reaffirmed* the right to education and the need for its full realization, recognizing that “education is essential for human development, world peace, just and democratic societies and the promotion of all human rights, including the right to development.”⁶

² General Comment 13 on the right to education (Article 13 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-first session in 1999. E/C. 12/1999/10, 2 December 1999 (par. 1).

³ Mohammed Bedjaoui, “The Right to Development”, in *International Law: Achievements and Prospects*, Mohammed Bedjaoui, (General Editor), Martinus Nijhoff Publishers, UNESCO 1991 (para. 14, p. 1182)

⁴ Declaration on the Right to Development A/RES/41/128, 4 December 1986.

⁵ Nico Schrijver, “Many Roads Lead to Rome: How to arrive at a legally binding instrument on the right to development”, in *Implementing the Right to Development: The role of international law*, edited by Stephen Marks, Friedrich Ebert Stiftung, 2008 (p. 129).

⁶ Ministerial Declaration of the 2011 High-Level Segment of the Economic and Social Council: Implementing the internationally agreed goals and Commitments in regard to education, E/2011/L.28, 5 July 2011.

II. Overarching Principle of Equality of Opportunities

Both the right to education and the right to development embody the *fundamental principle of equality of opportunities*. The *Declaration on the Right to Development* confirms that “equality of opportunity for development is a prerogative both of nations and of individuals who make up nations”. Article 8 of the Declaration establishes this overarching principle. The importance of this principle is reflected in the reports of the Working Group on the Right to Development.

The principle of equality of opportunity in education permeates almost all United Nations human rights treaties, and is recognized as being fundamental to the full realization of the right to education. Thus, it enjoins upon States parties to these treaties the international obligations of permanent nature for promoting and protecting the right to education without discrimination.

III. Fulfilment of the Right to Education and Enjoyment of the Right to Development: Primary Responsibility of States

The Declaration on the right to development recognizes “State responsibility” towards its citizens: “States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.” (Article 3 § 1). The Declaration stipulates that “Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.” (article 10).⁷ Article 8 § 1 of the *Declaration* which gives expression to the role of States for the realization of the right to development deserves to be quoted fully: “States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, *education*, health services, food, housing, employment and the fair distribution of income”.

Similarly, States have primary responsibility for the realization of the right to education. General Comment 13 on the right to education (Article 13 of the International Covenant on Economic, Social and Cultural Rights), elaborated by the United Nations Committee on Economic, Social and Cultural Rights enumerates the core content and obligations related to the right to education, and indicates that States have the principal responsibility for the direct provision of education, with *core obligations* clearly related to the principles of non-discrimination and of equality of opportunity. Fulfilling international legal obligations is a determinant factor in achieving the right to education. Their effective enforcement is dependent upon how the State obligations under existing instruments are incorporated into national legal systems.

⁷ Declaration on the Right to Development A/RES/41/128, 4 December 1986.

The importance of national commitments to education, “recognizing that each country has primary responsibility for and ownership of its own economic and social development (....)”⁸ is also reaffirmed by the Ministerial Declaration resulting from the High-Level Segment of the ECOSOC, mentioned above.

IV. Empowerment through Education and the Right to Development

The right to education as *entitlement* is intimately linked with the right to education as *empowerment*. Education is of key importance for empowering individuals in today’s societies, characterized by rapid social and economic change. Its empowering role in imparting basic life skills prepares an individual for participation in democratic life, and is invaluable for social development. Education thus contributes in multiple ways to the progress towards the right to development. As the Agenda for Development (1994) put it, “Education that is both broad-based and flexible can be a driving force for progress in all dimensions of development: political, economic, environmental and social”.⁹

Over last decades, a wide consensus has emerged on the necessity to scale up the support to education systems across the world, as evidenced by the joint commitments to achieve the Education for All (EFA) goals contained in the Dakar Framework of Action, and inclusion of education related goals among the Millennium Development Goals (MDGs). It is also widely recognized that increased domestic and international investment in education is fundamental to boosting progress towards the achievement of all MDGs.

Development is central to the objectives of the African Union, and remains its foremost priority. That the right to education must be anchored in the development process is its underlying thrust. The New Partnership for Africa’s Development is a catalyst for mainstreaming the right to development at the national level, along with international level action and support in line with the Declaration on the Right to Development.

The pursuit of the right to development in its interface with the right to education also emerged as a major concern at the First World Summit of Afro Descent, organized in Honduras in August 2011.

The Declaration on the Right to Development also reflects core requirements for a more sustainable progress. Education and learning lie at the heart of approaches to sustainable development.¹⁰ The UN General Assembly Resolution 59/237 on the Decade of Education for Sustainable Development (DESD, 2005 – 2014) invited “Governments to consider the inclusion of measures to implement the principles and aims of the Decade in their respective

⁸ Ministerial Declaration of the 2011 High-Level Segment of the Economic and Social Council: Implementing the internationally agreed goals and Commitments in regard to education, E/2011/L.28, 5 July 2011.(para. 38).

⁹ “Development and International Economic Cooperation: An Agenda for Development”, Report of the Secretary-General, A/48/935, 6 May 1994 (para.116).

¹⁰ While reaffirming education as a fundamental human right, the participants in the World Education Forum stated that education “is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalisation.” (para. 6 of the Dakar Framework for Action, 2000).

educational strategies and action plans by 2005." The Decade is a far-reaching undertaking whose overall goal is to integrate the principles, values, and practices of sustainable development into all aspects of education and learning. Efforts aimed at ensuring education for sustainable development are indeed integral to the right to development.

V. Challenges in Achieving the Right to Education in a Development Perspective

The high-level task force on the implementation of the right to development has underlined the importance of operationalizing the right to development by its mainstreaming into development programmes.¹¹ Challenging tasks in achieving the right to education are reflected in the Ministerial Declaration resulting from the High-Level Segment of the ECOSOC, (July 2011). The Declaration expresses the "determination to develop and strengthen comprehensive, multisectoral approaches towards improved educational outcomes and educational equity among and within countries."¹² Recognizing education as a key to achieving the Millennium Development Goals (MDGs); it calls for "stronger integration of education-sector planning with that for broader development objectives, at both national and international levels."

Concerns with the EFA agenda which is falling behind are well known. According to estimates available, in spite of progress made towards EFA, nearly 69 million children remain deprived of their fundamental right to basic education. One witnesses unprecedented disparities in access and quality as the demand for education grows and what is on offer becomes more diverse. Overcoming existing disparities and inequalities in education is a daunting challenge.

Besides, poor quality of education is becoming a serious concern. Universal right to education means more than simply ensuring all people get enrolled into primary schools at the least. It implies ensuring good quality in education. Thus, while deploying efforts to meet demands to broaden access to education as part of the in EFA process, foremost consideration should be given to quality, without which education remains devoid of its empowering role.

The Ministerial Declaration issued at the High-Level Segment of the ECOSOC (July 2011), mentioned above, *expressed concern* about "insufficient progress and persistent educational inequities among and within countries." It is pertinent to recall that the Declaration on the Right to Development recognizes the need for *effective measures* to be "undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all *social injustices*." (Article 8 § 1 of the *Declaration*). This is of critical importance to give impetus to MDG 3 on gender parity in access to education at all levels, and "take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in line with the

¹¹ The Report of the high-level task force on the implementation of the right to development on its sixth session, Geneva, 14–22 January 2010.

¹² Ministerial Declaration of the 2011 High-Level Segment of the Economic and Social Council: Implementing the internationally agreed goals and Commitments in regard to education, E/2011/L.28, 5 July 2011 (para. 38).

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979).

As regards progress towards MDGs in general, it is uneven across regions, with serious gaps widening in least developed countries in Sub-Saharan Africa and parts of Asia. The consequences of the global financial crisis further impair progress making even more difficult for families to overcome the poverty trap.

Over the past 20 years, inequality has increased both within and across countries – thus showing how centrality of inequality and poverty in human development framework has become critical.¹³ In spite of progress made, the objective of making the right to development “a reality for every one” as set out in the United Nations Millennium Declaration,¹⁴ remains a daunting challenge. The right “to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” remains as a distant reality for too many people in the world today.

- A number of experiences of rapid economic development around the globe were unfortunately not translated into improvement for the daily lives of people living in poverty. These experiences suggest that promoting sustainable development requires much more than simply stimulating economic activities;
- Narrow development policies focusing on financial and economic goals alone have in some occasions even resulted in increased poverty and inequality, malnourishment and unemployment, and threats like environmental degradation;
- Poor people, women, children, minorities, indigenous peoples, migrants, refugees and persons with disabilities are often left behind from economic booms. Ensuring equal opportunities to them in education is essential to offer them better possibilities of enjoyment of economic development and social integration.

How can the recognition of the right to education and the right to development help to change the current trend of rising inequalities and disappointing results regarding the MDGs and EFA goals?

Aligning development strategies with human rights norms and principles would enhance chances of succeeding in goals such as the MDGs and the EFAs as it implies, among other things, paying serious attention to the core principles of non-discrimination and equality in the formulation and implementation of policy decisions. This is essential to avoid that economic progress continues to leave untouched those who are living in miserable conditions.

It should also be emphasized that education contributes to improving health and sanitation, consolidating democracy and conserving the environment. Education also plays a role in promoting solidarity, in preventing violence and conflict, and building peace. It is through

¹³ Human Development Report 2010 – Summary – UNDP, 2010 (p. 1).

¹⁴ Resolution 59/185, The Right to Development”, adopted by the General Assembly, A/RES/59/185, 8 March 2005.

education that an individual maximizes his/her potential and acquires knowledge, competence and skills.

I. Some Practical Examples

Empirical studies have demonstrated the powerful impact of education both at macro and micro economic levels:

- Variations in numbers of years of schooling and the quality of learning have a quantifiable impact on economic growth: analysis of indicators in 50 countries between the years 1960 and 2000 suggest that each additional year of schooling raises the average annual Gross Domestic Product between 0.37% and 0.58%.
- At individual level, it was estimated that a single year of primary school increases the wages people earn later in life by 5% to 15%, and each additional year of secondary school by 15% to 25%.
- Studies have also shown the returns to investing in girls' and women's education: an extra year of primary school boosts girls' eventual wages by 10 to 20% and an extra year of secondary school by 15 to 25%.¹⁵

Even though there is almost a consensus on the need to ensure State investment in education sector, a legal frame is a crucial requirement for sustainable political and financial support – efforts to promote expansion of education opportunities may fail if they are not well anchored by a legal framework that not only ensures the right to education on a basis of equal opportunities, but also guarantee continued State investment in this strategic sector.

VII. Poverty Reduction Strategies: Role of Education

The MDG 1 on poverty reduction should be viewed in its nexus with the right to development, which embodies the principle of solidarity, and of which both States and the people are beneficiaries. The United Nations Millennium Declaration (A/RES/55/2) expresses the commitment by the international community to "making the right to development a reality for everyone and to freeing the entire human race from want." The Outcome Document resulting from the 2010 MDG Review Summit accordingly recognizes the importance of respecting, promoting and protecting all human rights, including the right to development. It states further that this is an integral part of effective work towards achieving the MDG's.

Such endeavour is best with enormous challenges. In spite of some advances made, an estimated 1.4 billion people were still living in extreme poverty, as is underlined by the UN Secretary-General's report (2010) reviewing global progress towards the MDGs. Poverty is an affront to humanity and its elimination is the biggest development challenge of our times. Poverty is also the greatest obstacle to the enjoyment of the right to education as well as the

¹⁵ Innovating in Financing Education 2+3=8, – Report of the Writing Committee to the Task Force on Innovative Financing for Education: Innovative Financing to Fund Development, 2010 (p. 11).

right to development. At the same time, it is through education that the poverty reduction strategies can be effectively implemented. Education is one of the key instruments for putting an end to the inter-generational transmission of poverty.

The MDG 1 on commitment of the international community to reduce poverty, especially, extreme poverty, is thus inseparable from the MDG 2 - universalizing primary education. Unless coordinated and greater efforts are deployed to accelerate progress towards these two goals, inequalities may widen. The achievement of nationally and internationally agreed targets for poverty reduction will be missed and inequalities between countries and within societies will widen, if progress towards MDG 1 is not accelerated. In accelerating such progress, education plays a central role, as expressed in the Outcome Document resulting from the 2010 MDG Review Summit, mentioned above.

Even if primary or basic education were to be accessible free of cost, such access cannot be universalized effectively unless much needed financial support in the form of grants and bursaries is provided to the children who are victims of exclusion, in particular those who are victims of extreme poverty. Such affirmative action and promotional measures have normative basis in international human rights conventions. Article 13 of the International Covenant on Economic, Social and Cultural Rights provides for “an adequate fellowship system” among its provisions on the right to education.

In a larger perspective, human rights, including in particular the Declaration on Right to Development, offer a more solid frame for action that not only enhance chances of a more sustainable progress, but reduces the probability that only a minority enjoys benefits of education and of economic progress. Indeed, human rights instruments provide the foundation that is essential to ensure that everyone benefit from development.

The Way Forward

Challenging tasks in the realization of the right to education and the right to development are common, even as both these rights are mutually reinforcing: overcoming inequalities and doing away with exclusion and marginalization. Empowerment through education is indeed essential for giving effect to the right to development.

Clearly, the goals of EFA or MDGs 2 and 3 are not attainable unless permanent support is guaranteed to the enjoyment of the right to education. In the current global context, it is also crucial to revitalize EFA agenda, by emphasizing the strong linkages between primary education – and other components of basic education – and the other MDGs. As already mentioned, achieving the MDG's will rest upon reinforcement of the central role that basic education plays. It is, therefore, of utmost importance to raise the profile of education on the UN Development agenda, and recognize central place of education in the global partnerships.

While concluding, let me underline the importance of basic principles of “**equity and social justice**”, as reflected in the United Nations Millennium Declaration (A/RES/55/2). These principles are invaluable in imparting dynamism to the process of full realization of the right

to development. They also deserve to be kept in sight in a reinvigorated vision of the MDGs, going beyond 2015.

I hope, the discussions in this Social Forum will help us to further underline the message that development cannot be sustainable if is not anchored by human rights. I also hope that our deliberations today would show us the way forward for sharpening our focus on promotion of the right to quality education for all, and in that spirit, on measures and actions so much needed to make the right to development a reality for all.¹⁶

Thank you.

¹⁶ Social Forum, A/HRC/RES/16/26, 14 April 2011.