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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the right to education, Kishore Singh\***

#### **Normative action for quality education**

##### *Summary*

This report is presented pursuant to Human Rights Council resolutions 8/4 and 17/3 and in accordance with the Special Rapporteur's initial report (A/HRC/17/29 and Corr.1) in which he identified the development of norms and standards for quality in education as one of the themes to be examined during his mandate. The report examines national and international norms and standards, as well as policies regarding quality in education. The Special Rapporteur underscores the need to promote the adoption of norms at the national level establishing the right to quality education, consistent with the international legal human rights framework and relevant initiatives at the national, regional and international levels. In conclusion, the Special Rapporteur provides recommendations aimed at promoting quality education.

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\* This document is being submitted late in order to include up-to-date information.

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## I. Introduction

1. This report is presented pursuant to Human Rights Council resolutions 8/4 and 17/3 and to the Special Rapporteur's initial report (A/HRC/17/29 and Corr.1), in which he identified quality in education as one of the emerging concerns to be examined during his mandate.
2. Considerable progress has been made since the World Education Forum in Dakar, in April 2000, with regard to universalizing access to primary school education in the pursuit of the Education for All (EFA) goals. However, this remains seriously compromised by the low quality of education provided. There is widespread concern with quality education and poor learning achievements. This has given rise to a number of international initiatives, and the right to quality education has emerged as a key issue for moving the EFA agenda forward and accelerating progress in achieving education-related Millennium Development Goals 2 and 3.
3. It is essential to promote the right to education both as entitlement in terms of universal access to basic education, and as empowerment in terms of acquisition of knowledge, skills and competencies and their quality.
4. The Special Rapporteur sent questionnaires to States, international and civil society organizations to collect information on norms and standards for quality in education. State responses, contributions from United Nations agencies and civil society organizations as well as information collected through several studies have been highly useful in preparing the report. The Special Rapporteur is particularly grateful to all the States and organizations which responded to the questionnaire and provided valuable information.<sup>1</sup>
5. During the reporting period, the Special Rapporteur undertook a mission to Kazakhstan. He also presented a report to the 66th session of the General Assembly (A/66/269), in which he addressed the issue of domestic financing of basic education. The report detailed human rights obligations for financing education and provided practical examples of national legal frameworks ensuring adequate financing. It also contained an update on education in emergencies, pursuant to General Assembly resolution 64/290 (2010).
6. The Special Rapporteur participated in a number of public events on education, and established collaboration with States, international and non-governmental organizations.
7. In April 2011, he participated in the first Pan-African Conference on Teacher Education and Development (PACTED) in Lomé. On the same occasion, he participated in the Economic and Social Council, Annual Ministerial Review - Regional preparatory meeting for Africa. In June 2011, the Special Rapporteur participated in the meeting, "Tackling violence in schools," organized in Oslo, and gave a keynote address at the

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<sup>1</sup> The following States and organizations responded to the questionnaire as of 30 April 2012: Albania, Andorra, Argentina, Australia, Azerbaijan, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Cambodia, Colombia, Cyprus, Estonia, Ethiopia, Finland, France, Georgia, Germany, Guatemala, Guyana, Honduras, Hungary, Japan, Latvia, Mauritius, Mexico, Monaco, Mozambique, the Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Sweden, Togo, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of); the International Labour Organization (ILO), the NGO Platform on the Right to Education. All responses are available at <http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx>.

conference, “Respecting cultural diversities in quality education of socially and differently disadvantaged children – the situation of the Roma,” held in Bratislava.

8. In July 2011, the Special Rapporteur gave a statement at the Annual Ministerial Review held during the High-Level Segment of the substantive session of the Economic and Social Council, which focused on internationally agreed goals and commitments with regard to education.

9. In August 2011, he participated in the first World Summit of African Descendants, in La Ceiba, Honduras, and emphasized the key role that the right to education can play in the empowerment of Afro-descendants. Participating in the Social Forum of the Human Rights Council in Geneva in October 2011, he stressed the pivotal role of the right to education in promoting the right to development. He also made opening remarks at a parallel event organized by UNESCO in New York in October 2011 for the release of the *Global Education Digest 2011*, focusing on secondary education, the next great challenge.

10. In December 2011, the Special Rapporteur participated in a colloquium devoted to indicators for parents’ participation in education (IPPE) and quality education, organized in Madrid by a European consortium of universities and civil society institutions.

11. In January 2012, as part of a periodic dialogue, the Special Rapporteur exchanged views with the NGO Platform on the Right to Education, on the theme of the present report. In March 2012, he addressed the Right to Education Forum in New Delhi during the NGO Platform’s national consultation on quality education.

## II. Widespread concern with the low quality of education

12. Concerns with the low quality of basic education have been expressed at the international, regional and national levels. Similar concerns have also been expressed consistently by the High-Level Group on EFA, with Governments’ committing to improving the quality of education by moving the EFA agenda forward. In this context, the Global Compact on Learning initiative, for example, is driven by the need to respond to the learning crisis: “Beyond the 67 million children who are not attending primary school in low-income countries, there are countless children who are going through five years of education without learning basic reading, writing and math skills.”<sup>2</sup>

13. Concerns with the low quality of education are underlined in different regions. In the Asia-Pacific region, a recent review of EFA goal 6, to improve the quality of education, noted that many children lack the most basic literacy and numeracy skills. Average student performances in reading and mathematics are near or below basic competency levels set by international standards<sup>3</sup> and concerns are mounting over the perilous state of the quality of education. In Latin America and the Caribbean, a study on guaranteeing the quality of education for all found that “the state of education is replete with great challenges and urgency due to the fact that what is at stake is the present and future of millions of people.”<sup>4</sup> In the Middle East and North Africa, improving quality of education is regarded as one of

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<sup>2</sup> “A Global Compact on Learning: Taking action on education in developing countries,” Event summary, Washington, D.C., Center for Universal Education, The Brookings Institution, June 2011..

<sup>3</sup> “End-of-decade note on EFA Goal 6,” EFA Technical Working Group of Asia Pacific Region, December 2011.

<sup>4</sup> “The State of education in Latin America and the Caribbean: Guaranteeing quality education for all,” A regional report, reviewing and assessing the progress towards EFA within the framework of the Regional Education Project (EFA/PRELAC)-2007, UNESCO (Santiago, 2008), p. 6.

the most important and urgent challenges for the future.<sup>5</sup> In sub-Saharan Africa, an analysis of 21 countries found that 22-24 year-olds with five years of education had a 40 per cent chance of being illiterate.<sup>6</sup> Testing conducted by the Southern Africa Consortium for Monitoring Educational Quality (SACMEQ) showed that in some countries, less than 10 per cent of students reached the standards expected in the curriculum.<sup>7</sup>

14. Similarly, regional gatherings are resulting in further commitments to promote quality in education. A regional workshop of the second Forum of the Asia Pacific Parliamentarians for Education (FASPPED), organized in Teheran in 2011, proposed guidelines for strengthening various aspects of quality in education.<sup>8</sup> The Doha Declaration on quality of education in the Arab World<sup>9</sup> provides a regional platform for improving the quality of education in the Arab region. The need to increase access to education, improve its quality and relevance and ensure equity is the underlying thrust of the Second Decade of Education for Africa (2006-2015) and the Framework for Action. The “need for all children to have equity of access to quality education, regardless of geographical location, resources, gender, ethnicity and ability, in order to equip them to interact effectively in a global community” is also underlined by the Commonwealth of Education Ministers.<sup>10</sup> The Memorandum on quality education, signed at the 54th session of the Conference of Ministers of Education of French-speaking countries (CONFEMEN), examined quality in all its dimensions, along with the appraisal of the Programme for the Analysis of Education Systems (PASEC).<sup>11</sup>

15. At the country level, concerns with quality education come to the fore in the wake of international assessments of students’ performance.<sup>12</sup> The Programme for International Student Assessment (PISA) of the Organisation for Economic Co-operation and Development (OECD), a triennial survey to evaluate education systems worldwide, which tests 15-year-old students’ performance in reading, mathematical and scientific literacy, and benchmarks a country’s performance against that of other participating countries, is well known. Other international assessments have a similar focus, except for PASEC, mentioned above, which provides a broader conceptual and comparative evaluation framework.

### III. A holistic conceptual framework for quality education

16. Concerns regarding quality in education often focus on low levels of learning achievements, assessed in terms of knowledge, skills and competencies, and have

<sup>5</sup> “Arab Regional Agenda for Improving Education Quality (ARAIEQ),” Concept note, UNESCO Beirut, July 2011.

<sup>6</sup> “Beyond the conceptual maze: The notion of quality in education,” UNESCO ERF Thematic paper, No. 2, July 2011, p. 3.

<sup>7</sup> “Standards for quality in education: Experiences from different countries and lessons learnt,” Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 2011, p. 28

<sup>8</sup> “Quality education, a key instrument in the recognition of sustainable development goals,” Report of the Regional Workshop on the Role of Education in Meeting Challenges of the Contemporary World, UNESCO-FASPPED, Teheran, 19 June 2011.

<sup>9</sup> Doha Declaration, Ministerial Colloquium on Quality of Education, Doha, 21-22 September 2010, organized in partnership by ALECSO, Qatar Foundation and the World Bank.

<sup>10</sup> Kuala Lumpur Communiqué, 17th Conference of Commonwealth Education Ministers, Kuala Lumpur, 2009.

<sup>11</sup> Actes de la 54e session ministérielle de CONFEMEN, Dakar, Novembre 2010, pp. 55-67.

<sup>12</sup> For instance, the national thrust to raise quality in education in response to the 2001 PISA results in Germany; see “Standards for quality in education” (see footnote 7 above).

implications for a conceptual framework<sup>13</sup> concerning quality education. Knowledge and skills in reading, mathematics and scientific literacy, predominant in quality appraisals, is no doubt crucial. Its conceptual moorings lie in the “basic learning needs” as defined in the World Declaration on Education for All (1990) and reaffirmed at the World Education Forum (2000). This is emerging as a priority in national education development strategies.

17. The concept of “basic learning needs” includes skills in technical education and vocational training as an important component of basic education, and as an integral part of generalized secondary education.<sup>14</sup> Learning achievements in technical education is emerging as a priority for development and for evaluations of quality in education.<sup>15</sup>

18. Achieving knowledge and skills in mathematical and scientific literacy and languages should not be treated as being an exclusive reference for the quality of education.<sup>16</sup> Universally recognized human rights values and democratic principles should be embedded in every education system. The acquisition of knowledge about human rights values should be at the forefront of any discourse on quality education.

19. Many countries<sup>17</sup> stress the importance of humanist values in education. Education is invaluable for creating a better world by promoting the values of a culture of peace, mutual understanding and international solidarity, and its achievements in this regard denotes its quality. Overall, there can be no task nobler than giving every child a better future, and quality education is indispensable in serving this cause.

20. The concept of the “four pillars of education” (learning to know, learning to do, learning to live together and learning to be)<sup>18</sup> provides the basis for a broader conceptual understanding of quality education. A well-qualified, motivated and well-looked-after teaching force is another central aspect of this holistic conceptual framework. Quality hinges upon giving teachers the necessary ability to impart knowledge, values and skills, and upon valorizing their status. Moreover, quality education cannot be successfully

<sup>13</sup> “Beyond the conceptual maze: The notion of quality in education” (see footnote 6 above).

<sup>14</sup> The Education Development Plan in Brazil states that the National Program for the Integration of Vocational Education should guide the integration of secondary education in the State and federal secondary education systems. The system of technical education and vocational training in Switzerland and Germany also deserve special consideration.

<sup>15</sup> Regarding technical education and vocational training, see, *inter alia*, Bahrain, Belgium, Mauritius, Poland and Slovakia. The main objective of the Vocational Training Service (DBO) in Belgium is to create the best possible qualification and development opportunities for students/ participants in vocational education, as part of the concept of lifelong learning. National guidelines on vocational education in Poland are also noteworthy.

<sup>16</sup> The European framework of key competences for lifelong learning identifies learning to learn and social and civic competences as important and linked, along with the need to develop indicators for European Union member States to measure progress made. The development and measurement of these competences invoke and require values which promote democracy and human rights. See also Bryony Hoskins and Ulf Fredriksson, “Learning to learn: What is it and can it be measured?” JRC Scientific and Technical Reports, European Communities, 2008. The objectives of education in many countries show comparable approaches; for example, the objective of the Universal Basic Education Programme in Nigeria is to “ensure the acquisition of appropriate levels of literacy, numeracy, communicative and life skills as well as the ethical, moral and civic values needed for laying a solid foundation for life-long learning”.

<sup>17</sup> See responses to the questionnaire by Colombia, France, Greece, Portugal, Tunisia and Uruguay. In France, education imparts values including humanist culture; in the Russian Federation, the principles laid down in the Education Law include “the humanistic nature of education” and the “public character of education.”

<sup>18</sup> “Learning: The treasure within,” Report to UNESCO of the International Commission on Education for the Twenty-first Century, Highlights, UNESCO, 1996, p. 12.

imparted without adequate infrastructure and facilities and a school environment in which teachers, parents and communities are all active participants in school life.

21. Thus, a holistic conceptual framework of quality education comprises: (i) a minimum level of student acquisition of knowledge, values, skills and competencies; (ii) adequate school infrastructure, facilities and environment; (iii) a well-qualified teaching force; (iv) a school that is open to the participation of all, particularly students, their parents and the community. It is relevant to underline that quality in education cannot be achieved without provision of adequate resources to respond to quality imperatives.

22. Quality basic education which is crucial to “nation-building”<sup>19</sup> constitutes a hallmark of the fulfilment of the right to education in the true sense of the term.

## **IV. The right to quality education and standards**

### **A. International normative framework**

23. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child establish that education should be aimed at the full development of the human personality and the sense of its dignity. Article 26 of the Declaration clearly states that education must be “directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” Article 13 of the Covenant specifies that education “shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.” Article 29 of the Convention on the Rights of the Child goes further in stipulating that education must develop respect for human rights, the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own. Education must prepare the child for responsible life in a free society.

24. States’ obligations to ensure quality education for girls is further expounded in the Convention on the Elimination of All Forms of Discrimination against Women, which establishes women's right to education, both as entitlement and as empowerment. State parties thus have an obligation to ensure, on the basis of equality of men and women, access to education at all levels and in all its forms, including “access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality” (art. 10 (b)).

25. The UNESCO Convention against Discrimination in Education (1960), the first legally binding international instrument in the field of education, makes explicit reference to the obligation to ensure quality in education: “the term ‘education’ refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given” (art. 1, para. 2). States have an obligation to lay down a uniform framework of quality standards applicable throughout the country. The Convention provides the basis for combating disparities in education and ensuring equal opportunities which involve ensuring quality for all. For example, the establishment or maintenance of separate educational institutions for pupils of the two sexes shall not be deemed to constitute discrimination if the institutions offer equivalent access to education,

<sup>19</sup> General Assembly resolution 65/183, United Nations Literacy Decade: education for all.

provide a teaching staff with qualifications of the same standard, as well as school premises and equipment of the same quality (art. 2 (a)).

26. The UNESCO-ILO Recommendation concerning the Status of Teachers (1966) provides a comprehensive normative framework on teachers' status, including their responsibilities, career advancement opportunities, security of tenure and conditions of service.

## **B. Work of human rights treaty bodies**

27. The Committee on Economic, Social and Cultural Rights recognizes quality as a key component of the right to education: "education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights."<sup>20</sup>

28. In their dialogue with States parties, human rights treaty bodies further concretized State obligations and political commitments to ensure quality of education. The Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights developed different indicators to measure whether, and if so how, States comply with the quality requirement. The treaty bodies have expressed concern about under-resourcing of schools, class sizes and teacher/pupil ratios, proportion of untrained teachers and their impact on the quality of education received.<sup>21</sup> In terms of monitoring the teaching and learning process, the Committee on the Rights of the Child noted the narrow content of education provided within schools and the lack of supervision of their curricula.<sup>22</sup> The treaty bodies also used students' learning outcomes, such as low literacy rates, as indicative of limitations of the quality of education provided.<sup>23</sup>

## **C. International political commitments**

29. The international legal framework concerning the right to quality education is complemented by international political commitments. The World Declaration on Education for All (Jomtien, Thailand, 1990) and the follow-up Dakar Framework for Action, adopted at the World Education Forum in Dakar, in April 2000, both recognize quality of education as a crucial component in the global movement to achieve Education for All. The Dakar Framework explicitly affirms that quality is at the heart of education.<sup>24</sup> Goal 2 of the Framework commits States to provide primary education of good quality, while Goal 6 states that all aspects of education quality should be improved "so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills." The Committee on Economic, Social and Cultural Rights has underlined the legal implications of the Framework for Action and its linkage

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<sup>20</sup> See the Committee's general comment No. 11 (1999), para. 6.

<sup>21</sup> See, for example, CRC/C/15/Add.225, para. 55; CRC/C/MDV/CO/3, para. 81; E/C.12/IND/CO/5, para. 41; E/C.12/LVA/CO/1, para. 55; E/C.12/1/Add.47, para. 17; E/C.12/1/Add.65, para. 17; E/C.12/1/Add.68, para. 47.

<sup>22</sup> CRC/C/15/Add.221, para. 64.

<sup>23</sup> CRC/C/15/Add.223, para. 62; E/C.12/1/Add.74, para. 28; E/C.12/1/Add.75, para. 32.

<sup>24</sup> Notes on the Dakar Framework for Action: Education for all: Meeting our collective commitments (Paris, 23 May 2000), para. 40.

with articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights regarding the right to education.<sup>25</sup>

30. In the outcome document of the high-level meeting to review the progress of the Millennium Development Goals, States explicitly commit to ensuring quality in education, by providing equitable educational and learning opportunities for all children and ensuring quality education and progression through the school system.<sup>26</sup>

31. Similarly, the ministers participating in the High-Level Segment of the Economic and Social Council in 2011 recognized that “providing quality education for children, youth and adults helps to develop the knowledge and skills that people and countries need to flourish, and that additional measures are required to improve the quality of education and to ensure positive learning outcomes for all.”<sup>27</sup>

## V. International initiatives to promote quality in education

32. A number of United Nations specialized agencies have developed indicators and benchmarks to measure and promote quality in education. UNICEF developed a framework for rights-based, child-friendly educational systems and schools to help fulfil the rights of children and provide them with an education of good quality.<sup>28</sup>

33. In 2002, the Global Partnership for Education, comprised of donors and developing countries, was launched as the Education For All Fast Track Initiative (FTI) to ensure accelerated progress towards universal primary education by 2015 and other EFA goals. The initiative proposes indicative international standards, such as an average pupil-teacher ratio of 40:1; annual instruction time of 850-1,000 hours and an average teacher salary of 3.5 x GDP per capita.<sup>29</sup>

34. A comprehensive approach to quality education is reflected in the Memorandum on quality education and the Framework for Action adopted by the 54th Ministerial session of the Conference of Ministers of French-speaking countries (CONFEMEN) in 2010. The Memorandum emphasizes education as a social programme, construes “quality” around key principles for making education systems better performing and focuses on the following elements: curriculum, educational material, teaching personnel, national languages, decentralization, resource mobilization, partnerships and evaluation.<sup>30</sup>

35. The Council of Europe is currently developing a recommendation on the right to quality education for adoption by the Council of Ministers. This new instrument can enrich existing regional and national norms and principles in the field of education. Also, the European Commission has developed 16 quality indicators relating to education to assist

<sup>25</sup> Meeting organized in cooperation with UNESCO in follow-up to the Committee’s day of general discussion on the right to education (articles 13 and 14 of the Covenant) and to the World Education Forum, (2000) (E/2003/22 - E/C.12/2002/13) pp. 75-84.

<sup>26</sup> “Keeping the promise: United to achieve the Millennium Development Goals,” adopted by the General Assembly in resolution 65/1 of 16 September 2010, para. 71.

<sup>27</sup> Ministerial declaration of the 2011 High-Level Segment of the substantive session of the Economic and Social Council, “Implementing the internationally agreed goals and commitments in regard to education,” para. 9.

<sup>28</sup> See [http://www.unicef.org/lifeskills/index\\_7260.html](http://www.unicef.org/lifeskills/index_7260.html).

<sup>29</sup> Education for All – Fast Track Initiative Framework: Accelerating progress towards quality universal primary education (Washington, D.C., 2004), annex 1.

<sup>30</sup> See Mémorandum sur la qualité de l’éducation, Actes de la 54e session ministérielle de CONFEMEN, Dakar, Novembre 2010.

efforts to improve the quality of education within national education systems and to monitor progress.<sup>31</sup>

36. The Inter-Agency Network for Education in Emergencies (INEE) developed Minimum Standards for Education for a variety of different stakeholders, aimed at ensuring quality in coordinated humanitarian response that meet the educational rights and needs of people affected by disaster. They include standards relating to access, a secure learning environment, teaching and learning, and education policy.<sup>32</sup> In his report to the General Assembly in 2011 (A/66/269), the Special Rapporteur also highlighted the importance of paying attention to quality in education provided in the context of emergencies.

37. The concept of quality is also at the centre of the Global Compact on Learning initiative to provide quality education to all and to ensure that all children, particularly the most marginalized, have access to quality learning opportunities.<sup>33</sup>

## VI. National legal and policy frameworks for quality in education

38. The right to quality education is provided for in national legislation in many countries, effectively demonstrating how international obligations can be reflected in the domestic legal order. In some countries, the right to quality education is a constitutional right.<sup>34</sup>

39. Quality in education is an emerging concern in recent reforms of national education systems. These reforms often include the adoption of laws and decrees that set specific rules and regulations for the promotion of quality in education.

40. One of the first experiences establishing legislation on quality education was in the United States of America, where a series of reports highlighting poor learning outcomes in schools<sup>35</sup> in the 1980s led to a number of initiatives at state levels, using standards to secure quality in education. At the national level, this movement culminated in the adoption of the No Child Left Behind Act in 2001, which sets national standards and establishes measureable goals for quality in education.

41. In China, article 3 of the Compulsory Education Law (amended in 2006) stipulates that State policy on education shall be implemented and quality-oriented education shall be carried out to improve the quality of education. China's National Education Plan (2010-2020) sets improvement of quality in education as one of its main tasks, stipulating State standards for quality along with a policy framework to guarantee it.

42. Brazil's National Education Law (9394/1996) establishes standards for quality, such as a national syllabus basis for fundamental and secondary education, as well as teacher education requirements. This is in line with article 212 of the Brazilian Constitution which establishes that the Federal Government shall organize and govern the education system in

<sup>31</sup> European Commission, "European Report on quality of school education, sixteen quality indicators," Report based on the work of the Working Committee on Quality Indicators, May 2000.

<sup>32</sup> INEE, "Minimum standards for education: Preparedness, response, recovery," 2nd edition, 2010.

<sup>33</sup> A Global Compact on Learning, Center for Universal Education, Brookings Institution, 2011.

<sup>34</sup> For example, the Constitution of Morocco (July 2011) recognizes the right to modern education (art. 31); the Constitution of the Philippines (1987) states that "the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all" (art. xiv); the Constitution of Thailand also establishes everyone's right to receive fundamental education of quality (sect. 43).

<sup>35</sup> "A Nation at risk: The imperative for educational reform," Report of the National Commission on Excellence in Education, United States of America, 1984.

order to ensure “the equalization of educational opportunities and a minimum standard of quality of education.”

43. In India, the Right of Children to Free and Compulsory Education Act (2009) provides for compulsory education to “ensure good quality elementary education,” and establishes quality standards. In the course of the implementation of the Act, a series of specific quality standards for schools were developed. These standards are compulsory and carry legal penalties for schools failing to meet the standards.

44. Indonesia’s Law on the National Education System (2003) establishes the State’s obligation to provide quality basic education to all. Pursuant to the Law, national standards were set, laying down minimum criteria for quality to be met by all schools in the country. These standards refer to a number of issues, including learning content, learning process, teacher qualification, school facilities and school management. Implementation of the Law is subject to periodic review (every 5 to 6 years) for improvement and adjustments.

45. In Monaco, norms and standards for quality in education are established by Law No. 1.334 (2007). In line with the Law, policies for quality of education are defined annually in the Government programme for the sector, and educational inspections are carried out in public and private institutions in order to monitor implementation.

46. In Bosnia and Herzegovina, the principles and standards for education are defined in the Framework Law on Primary and Secondary Education (art. 21).

47. Uruguay’s national law on education establishes that a fundamental objective of national education policies is ensuring lifelong quality learning for all, through both formal and informal education.<sup>36</sup> The Republic of Korea<sup>37</sup> and Mozambique<sup>38</sup> have both adopted specific rules and decrees on quality education.

48. Some countries have institutions dedicated to the establishment and promotion of quality standards. In Nigeria, the Federal Ministry of Education and the Universal Basic Education Commission (UBEC) put in place norms and standard for quality in basic education. In Qatar, the Supreme Education Council (SEC) plays a key role in the promotion of education reform and has as its aim achieving quality and fostering educational creativity.

49. A number of additional national initiatives focus on the improvement of quality. In Ethiopia, the National Education Sector strategy introduced measures to enhance quality at all levels of education. In parallel, the country implements a General Education Quality Improvement Programme (GEQIP) which includes measures to promote and to establish indicators for monitoring quality in education. In Togo, national norms for quality education were established in parallel to a “minimum package” of essential elements to assist the functioning of an educational establishment. In France, the “common base of knowledge” defines seven major competencies for pupils to master at the end of compulsory education. The Programme for ambition, innovation and success (ÉCLAIR) offers support to enhance the capacity of schools to respond to specific needs of students in elementary, junior (collège) and senior (lycée) secondary levels.

<sup>36</sup> Uruguay, General Law of Education, Law no. 18.437 (2008), art. 12.

<sup>37</sup> In the Republic of Korea, the guidelines and minimum standards for primary and secondary school facilities are set forth in the Rules on the Establishment and Operation of High Schools, art. 3 (school buildings); art. 3.2 (complex facilities); art. 4 (sites of school buildings); art. 5 (playgrounds); art. 6 (school sites).

<sup>38</sup> In Mozambique, Decree 29/2009 establishes goals aimed, for example, at improving primary pupils’ learning competences in reading, writing, numeracy.

## VII. Main elements addressed by national norms and standards for quality in education

50. As outlined, States have developed a variety of instruments to promote standards for quality in education, sometimes with technical assistance,<sup>39</sup> ranging from laws to policies and programmes. Below are examples of initiatives addressing some specific components of quality in education. They are by no means exhaustive.

### A. Physical environment

51. A rights-based, child-friendly school requires a healthy, hygienic and safe learning environment, with adequate water and sanitation facilities and healthy classrooms.<sup>40</sup> Overall norms for the construction and modernization of school buildings are also relevant in this regard.

52. The physical environment requirements can include aspects such as the presence of basic facilities (sanitation, separate toilets for girls, ramp for persons with disabilities) and adequate infrastructure (lighting, acoustic, safety and security, communication facilities). Facilities and equipment in schools must be appropriate in terms of instruction needs, health and sanitation, safety and management.<sup>41</sup> Specific norms are required for infrastructure for technical and vocational education.<sup>42</sup>

53. A number of States have regulations outlining the necessary infrastructure for schools. In India, for instance, according to the Right of Children to Free and Compulsory Education Act, schools must have an all-weather building, with separate toilets for boys and girls, along with a kitchen, clean water for drinking and a playground with a secure boundary wall. In South Africa, the Government has developed a School Infrastructure Performance Indicator System along with norms and quality interventions required to support an equitable, modern, high-quality education system to help track progress and identify intervention requirements.<sup>43</sup>

### B. Class size and pupil-teacher ratio

54. Class size and pupil-teacher ratio is another important indicator of quality of education. Overcrowded classrooms undermine quality education in many developing

<sup>39</sup> For instance, in Sri Lanka, educational standards were developed with technical assistance from the World Bank, the Asian Development Bank, UNICEF and UNDP; see *Standards for Quality in Education: Experiences from different countries and lessons learnt*, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), 2011, p. 58.

<sup>40</sup> See UNICEF Life skills page, available at [http://www.unicef.org/lifeskills/index\\_7260.html](http://www.unicef.org/lifeskills/index_7260.html).

<sup>41</sup> In Japan, the school building must, at the minimum, contain the following facilities: i) classrooms (ordinary, special and others); ii) a library and a nurse's office; iii) a staff room (see responses to questionnaire).

<sup>42</sup> In Mauritius, as per the Mauritius Qualifications Authority (MQA) (Registrations) Regulation 2009, criteria for registration of any vocational training institution include accessibility and environment of premises, workspace per trainee, lighting and ventilation, proper fire exit, toilets for males and females, electricity, water points and telephone, common area for learners, minimum level of hygiene and sanitation, physical condition of building, safety, resource centre/library, laboratory, workshop, kitchenette (sect. 4 (a)).

<sup>43</sup> Jeremy Gibberd, "South Africa's School Infrastructure Performance Indicator System," PEB Exchange 2007/6, OECD 2007.

countries. Reducing very large class sizes helps teachers to perform better, and pupils to learn more.<sup>44</sup> Norms sometimes lay down instructional time to be given to students at various grades of schooling, along with working days for teachers as part of their duties.<sup>45</sup>

55. This indicator has been used by countries either in the form of a legal instrument with mandatory compliance or as a target or goal. In India, the Right of Children to Free and Compulsory Education Act provides a maximum pupil-teacher ratio of 40:1 for grades 1 to 5, and 35:1 for grades 6 to 8 at the elementary level, with specialist teachers for science, mathematics, languages and social studies, and a head teacher for any school with more than 100 students. In Finland, the Ministry for Education and Culture recommends 20-25 pupils per class for grades 1 to 6; in Serbia, class size is 25 pupils maximum; while in France, average class size is 22.7 pupils. The Republic of Korea aims to bring its pupil-teacher ratio down to the OECD average by 2020, and in Qatar, the goal is to reach a pupil-teacher ratio of 13-15:1.

56. Norms for pupil-teacher ratio and class sizes cannot be implemented unless requisite teaching personnel is available (see below).

### C. Normative framework for the teaching profession

57. The quality of education received is heavily dependent on the qualifications and motivation of teachers. Hence, the adoption of a normative framework for the teaching profession is also extremely important.

58. Shortage of qualified teachers is a worldwide phenomenon and the International Task Force on Teachers for EFA promotes the teaching profession and improving related policies. The critical shortage of qualified teachers assumes alarming proportions, particularly in sub-Saharan Africa.<sup>46</sup> In this regard, UNESCO has established the Teacher Training Initiative for sub-Saharan Africa (TTISSA). Furthermore, the Pan-African Conference on Teacher Development (PACTED) was initiated in 2011 with the aim of providing a comprehensive policy analysis on the teaching profession. At the national level, there are additional examples of targeted initiatives, such as the Nigerian National Strategy for Teacher Quality Development, which aims to improve the quality of teaching and learning in public and private schools.

59. The teaching profession is not attractive enough and often does not enjoy social esteem, and this undermines teachers' morale and motivation. Enhancing career development perspectives for teachers is crucial. In this regard, the UNESCO-ILO Recommendation concerning the Status of Teachers (1966)<sup>47</sup> provides a basis for developing national laws applicable to all teachers, in both private and public schools.

60. Standards ensuring good working conditions for teachers, such as providing a clear teaching-career structure, including evaluation, training and progression, and ensuring

<sup>44</sup> Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART), Report of the Tenth session held in Paris, 28 September – 2 October 2009.

<sup>45</sup> Ibid.

<sup>46</sup> See Aidan Mulkeen, "Teachers in Anglophone Africa: Issues in teacher supply, training and management," World Bank, 2010, p. 38: in many countries less than 20 per cent of basic teachers have the necessary qualifications to teach mathematics.

<sup>47</sup> The Recommendation concerning the Status of Teachers recognizes that "advance in education depends largely on the qualifications and ability of the teaching staff in general and on the human, pedagogical and technical qualities of the individual teachers" (art. 4).

adequate salaries, were adopted in several countries. In Germany, for example, teachers have either civil servant or public service employee status, which guarantees a very high level of employment security. China's Teachers Law (1993) recognizes the Government's responsibility to take measures to strengthen professional training of teachers, improving their working and living conditions and raising their social status (art. 4). Further examples exist in many countries, including Argentina, Colombia, Indonesia, Latvia, the Philippines and Poland.

61. Further examples of different types of measures focusing on improving the quality of the teaching workforce are provided below.

### **Teachers' qualifications**

62. States usually have standards that lay down the minimum qualification or experience required to enter the profession. Minimum eligibility in terms of qualifications for the teaching profession should include at least a university degree, and it should be obligatory for State authorities to deploy only qualified and trained teachers in schools.

63. In Portugal, several legal decrees establish a Master's degree as the minimum qualification for entering the teaching profession for all levels of basic education, including preschool education.<sup>48</sup> To qualify as a teacher in Albania, a candidate must have a Master's degree in education, one year of professional training and must have passed the State Examination for Teachers.<sup>49</sup> In France, initial training equivalent to a Master's degree in a university is necessary for a teaching position. In Nigeria, the minimum teaching qualification is the Nigeria Certificate in Education (NCE). Minimum eligibility qualifications for entry into the teaching profession have also been laid down in the United Kingdom of Great Britain and Northern Ireland and in Finland, including specific training prior to deployment in the schools.

### **In-service teacher training**

64. In-service training for teachers is a permanent requirement, not only to cover gaps in their qualification, but also to ensure their capacities are adapted to new demands. Training must emphasize pedagogical skills and subject mastery. Training may also enhance teachers' capacity to work with new information technologies. In Germany, training is regulated by the Standards for teacher training (2004) and the Common content requirements for subject-related studies and subject-related didactics in teacher training (2008). Regular in-service teacher training has also been reported in the Republic of Korea, Senegal and Uzbekistan.<sup>50</sup>

### **Working conditions and professional development prospects**

65. The working conditions of teachers remain generally poor, with limited incentives and career development perspectives. On account of very low salaries, teachers often seek to raise extra income by offering private tuition (exerting pressure on students or parents) and/or by doing side jobs. The Committee on Economic, Social and Cultural Rights noted this common concern.<sup>51</sup> UNICEF similarly recognizes the importance of enhancing teacher capacity, morale, commitment, status and income so as to ensure a rights-based, child-friendly school environment that promotes effective learning.<sup>52</sup> As previously mentioned,

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<sup>48</sup> Response to the questionnaire - Portugal.

<sup>49</sup> Response to the questionnaire - Albania.

<sup>50</sup> Response to the questionnaire - Uzbekistan.

<sup>51</sup> See the Committee's concluding observations, E/C.12/KHM/CO/1 (2009).

<sup>52</sup> See UNICEF Life skills page, available at [http://www.unicef.org/lifeskills/index\\_7260.html](http://www.unicef.org/lifeskills/index_7260.html).

the UNESCO-ILO Recommendation concerning the Status of Teachers (1966) provides the most comprehensive guidance to secure adequate working conditions for teachers. Adequate salaries are essential to ensuring that the teaching profession becomes more attractive. Better emoluments can increase teachers' readiness to accept deployment in rural and remote areas. National laws can contribute to improving salary scales. In Ecuador, for instance, teachers' salaries were doubled after the adoption the Law on Intercultural Education (2008).

### Teaching methods

66. Quality of education depends on the dynamics of the teaching/learning process, including the use of instructional manuals and the teacher's pedagogical skills. New pedagogical approaches which are child-friendly as well as inspiring and motivating are necessary. Teachers need to be able to motivate students, develop their critical thinking, and nurture moral values.

67. Assessing the pedagogical performance of teachers and establishing objective criteria in this regard is particularly challenging. States have taken some measures, including producing guidelines or codes of conduct<sup>53</sup> for teachers, ranging from prohibiting certain behaviour to expressing expectations of professional conduct. Portugal's teacher evaluation model, which assesses the pedagogical performance of teachers and their contribution to fulfilling the school's mission, including the pedagogical relationship with pupils, can serve as an example.<sup>54</sup> In Ontario, Canada, a regulation pursuant to the Education Act requires teachers to demonstrate commitment to advance pupils' learning and achievement, as well as to their well-being and development.<sup>55</sup> Other measures, such as prohibiting private tuitions and taking disciplinary action in case of teacher absenteeism, may also be covered under codes of conduct.

## D. National curriculum content and standards

68. Laws and policies in many countries require the national curriculum to establish common core competencies with uniform standards countrywide. Ministries of education and other national education authorities often frame the national curriculum according to which pedagogical materials for schools are developed.<sup>56</sup> In the Republic of Korea, for example, the Elementary and Secondary Act provides for the Minister of Education, Science and Technology to determine the basic matters concerning the standards and contents of the common curriculum, and schools are required to use textbooks approved and authorized by the Ministry. In Russia, the Education Law (amended in 2005) stipulates a mandatory minimum content for basic education syllabi, and provides for a "single State educational standard" (arts. 7 and 9), as does the National Basic Curriculum in Guatemala. In Australia, all pupils should be taught on the basis of agreed curriculum content,

<sup>53</sup> Response to the questionnaire – Guyana; see also Government of Uganda, Teacher's Code of Conduct.

<sup>54</sup> "Teacher Evaluation: A conceptual framework and examples of country practices," OECD, December 2009, p. 34.

<sup>55</sup> Ontario, Canada, Education Act, Regulation 99/02, Teacher Performance Appraisal, available at [http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_020099\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_020099_e.htm).

<sup>56</sup> Responses to the questionnaire - Azerbaijan, Finland and Greece; in Finland, the National Board of Education draws up the National Core Curriculum. The education providers then draw up local curricula based on the National Core Curriculum.

regardless of their circumstances, the type of school they attend or the school location.<sup>57</sup> In France, a national education programme set by the State is mandatory for both public and private schools, while in Mauritius, the guidelines for curriculum development are set out in the document entitled “Towards a Quality Curriculum: Strategy for Reform,” of September 2006.

## **E. Evaluation of learning achievements**

69. The assessment of students’ performance and achievements provides an important indicator of the quality of education. According to the EFA Global Monitoring Report 2008, most governments have focused on measuring academic knowledge (sciences, languages, maths), literacy and numeracy through regular State examinations and international assessments.<sup>58</sup> National learning assessments may include monitoring of subject-specific achievements; standards-based assessments according to grade or age; school-based assessments of pupil progress, based on tests or performance;<sup>59</sup> and external public examinations at major system transition points, such as from primary to secondary education or end of secondary education.<sup>60</sup> International assessments of students’ achievements or basic skills are also widely used.<sup>61</sup>

70. The EFA Global Monitoring Report 2005 notes that many approaches in the economic tradition have assumed that there is a workable analogy between schools and factories, in the sense that a set of inputs to schooling is transformed by teachers and pupils into a set of outputs in a fairly uniform way. However, attempts to assess the extent to which changing the mix of inputs affects the outputs, so as to identify the most cost-effective policy levers for quality improvement, have often proved inconclusive.<sup>62</sup> Human rights cannot be subjected to a cost-benefit analysis. Provision of the right to quality basic education, free of cost for all, is a core obligation of States and should not be compromised at any cost.

71. The Special Rapporteur considers it preferable to use the terms “assessment” or “performance evaluation,” which are also referred to in national legislations and policies in many countries, rather than “input-output” model. Notably, the OECD-PISA is a system of assessment of students’ performance.

### **National Assessments**

72. In Mexico, the National Evaluation of Scholastic Achievements in Schools (ENLACE) tests the competences and academic achievements of students in basic education nationwide. In Germany, the Standing Conference of Ministers of Education and Cultural Affairs adopted a comprehensive strategy for education monitoring, including

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<sup>57</sup> The Australian Curriculum, Assessment and Reporting Authority (ACARA) oversees the development of a national curriculum, as well as manages assessment and reporting at the national level.

<sup>58</sup> EFA Global Monitoring Report 2008, p. 225.

<sup>59</sup> In Slovakia, education standards can be divided into performance standards (level of mastery of knowledge, skills and abilities) and content standards (scope of knowledge and skills required).

<sup>60</sup> EFA Global Monitoring Report 2008, p. 67.

<sup>61</sup> In addition to OECD-PISA and PASEC already mentioned, well-known international tests include Trends in International Mathematics and Science Study (TIMSS) and Progress in Reading Literacy Study (PIRLS). The major regional assessments are Laboratoria Latinoamericano de Evaluación de la Calidad de la Educación (LLECE) in Latin America, the Southern African Consortium for the Measurement of Education Quality (SACMEQ) in Southern Africa.

<sup>62</sup> EFA Global Monitoring Report 2005, pp. 20 and 228.

evaluation of lifelong learning achievements. In this context, it was also recognized that assessments on the effectiveness of teaching and learning in the classroom must be made in parallel to the measurement of student achievements.

73. In Brazil, the Education Development Plan (2011) establishes links between “quality, equity and empowerment”<sup>63</sup> and provides a quality indicator for assessing student performance. In Serbia, achievement standards are a set of education results for each level, cycle, type of education, educational profile, grade, subject and module. In Honduras, the Social Pact for Quality Education, launched within the ambit of the Law to Strengthen Public Education and Community Participation, includes strategic initiatives for improving academic performance with time-bound targets.<sup>64</sup> In Mauritius, the Education and Human Resources Strategy Plan (2008-2020) includes the development of a national assessment initiative. In Slovenia, the Council for Quality and Evaluation (2008) is responsible for assessing students’ progression in basic and general secondary education through national examinations and certification. In Cyprus, the Centre for Educational Research and Evaluation (2008) monitors progress and assures quality in education.

74. Assessment of students’ performance must be comprehensive in looking into quality in all fields of education, including, a priori, knowledge and understanding of human rights principles and values; competencies and skills in technical and vocational education and training; as well as knowledge and skills in mathematical and scientific literacy and languages.

#### **Evaluations for the transition to a different level of schooling**

75. The Special Rapporteur considers it crucial to monitor and assess students’ learning achievements on a regular basis, with a rigorous performance evaluation prior to transition from primary to secondary education. Automatic promotion to the next grade, irrespective of students’ learning achievements, can perpetuate, even aggravate, the poor quality of education.

76. Most countries have well established systems for periodic assessment of students transitioning to another level of schooling:

- In France, pupils’ reading competencies are evaluated every five years. At every grade in the primary and junior secondary (collège) levels a continuous system of evaluation of the common knowledge base and competences established by the official curriculum is applied ;
- In Egypt, Ministerial Decrees No. 255 (2005) and No. 278 (2007)<sup>65</sup> establish a comprehensive evaluation of four grades of basic education;
- In Guyana, the Caribbean Examination Council (CXC) administers a national assessment at Grade 9, and another assessment at the end of the secondary cycle (Caribbean Secondary Education Certificate);
- In India, year-end examinations have been replaced with a Comprehensive and Continuous Evaluation (CCE) system.

<sup>63</sup> “The Plan for the Development of Education: Reasons, principles and programs,” Brazil, Ministry of Education, July 2011, p. 14.

<sup>64</sup> “Pacto social por una educación de calidad - primera etapa: 2011-2014,” Honduras, Government of National Unity, May 2011.

<sup>65</sup> “Development of education in Egypt, 2004-2008,” National Report, Egypt, Ministry of Education, p. 15, available at [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/egypt\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/egypt_NR08.pdf).

- In the Republic of Korea, the National Assessment for Educational Achievement (NAEA) is conducted for grades 6, 9 (3rd year of middle school), and 11 (2nd year of high school).
- In Nigeria, a National Assessment of Learning Achievements in Basic Education (NALABE) is conducted every three years.
- In Qatar, the Supreme Education Council conducts annual student evaluations from grades 4 to 12.

## **F. Participatory school management and respect for human rights**

77. Management plays a central role in ensuring schools remain inclusive and safe environments, free from violence and sexual harassment, and work in tandem with the community. Rules and regulations governing school management should ensure that the community, parents, teachers and pupils have a voice and role in the management of schools, and in finding ways and means to improve the quality of the school environment. This is acknowledged in the UNESCO-ILO Recommendation concerning the Status of Teachers (1966), which specifies that there should be close cooperation between the competent authorities, organizations of teachers, employers and workers, and parents, as well as cultural organizations and institutions of learning and research, for the purpose of defining educational policy and its objectives (para. 10 (k)).

78. “Education systems that lack a strong, clear respect for human rights cannot be said to be of high quality.”<sup>66</sup> In order to nurture quality education, school environments must respect and promote human rights and mutual understanding.<sup>67</sup> Schools can play a central role in the prevention of violence and the promotion of a culture of peace as long as internal practices are guided by strict adherence to human rights principles. Quality education can never be ensured if school systems ignore situations of gender inequality or discrimination against particular groups on ethnic or cultural grounds.

## **G. Monitoring and inspecting schools**

79. Regardless of the type of standard imposed, States need to implement a monitoring system that examines and measures compliance and progress. As indicated by one UNESCO study, “the number of countries that initiate a process of reorganizing and strengthening supervision services is increasing every year.”<sup>68</sup> In many countries, national institutions are entrusted with the implementation of monitoring standards, including the Institute for Quality Development in the Education System (Germany); the State Service of Quality Education (Latvia); the Institute for Educational Evaluation and Learning Assessments (Mexico); the Qualifications Authority for Technical and Vocational Education (Mauritius); the Education Standards Agency (Uganda); and the Office for Standards in Education (OFSTED) (United Kingdom), to mention but a few examples.

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<sup>66</sup> EFA Global Monitoring Report 2005, pp. 223-224.

<sup>67</sup> Many countries, for example, Austria, France, Italy and Morocco, attach importance to imparting human rights values through education. In Uruguay, all education establishments must construct learning space for collective knowledge, socialization and integration and for promoting human rights.

<sup>68</sup> “Reforming school supervision for quality improvement, Module 1, Supervision: a key component of a quality monitoring system,” International Institute for Educational Planning, UNESCO, 2007.

80. Public authorities should ensure monitoring and accountability in all situations where standards are not met. If standards are to be effectively implemented, the concerned stakeholders, including teaching personnel, parents and pupils, must be aware of them and actively involved in compliance.

81. Prevalent teacher absenteeism bears evidence to the slackness regarding the inspection of schools. Public authorities should tighten monitoring and inspection in order to control this lacuna with disciplinary measures. Some additional aspects deserve special consideration in quality inspections, such as: (i) the way human rights values are promoted in schools; (ii) the overall interaction with parents and the community; (iii) the promotion of dialogue with teachers on child-friendly teaching and learning.

## **VIII. Challenges in implementing norms and standards for quality in education**

### **A. Promoting quality in education and ensuring equality of opportunities**

82. Quality in education is inextricably linked with equality of opportunities. Challenges are huge in this regard, as overall socio-economic inequalities between rich and poor are rampant, both within and among countries. These inequalities are reflected in persistent quality disparities in education provided to different segments of the population. Thus, one of the main objectives of education systems should be “to ensure quality education, with equal opportunities,” as affirmed by the National Education Law in Argentina.<sup>69</sup>

83. Quality education will remain elusive so long as education systems practise marginalization and exclusion. Bringing about de facto equality of opportunity in education necessitates an equity-based approach to education. Through education laws and policy, States need to give particular consideration to the educational needs of economically and socially marginalized groups, such as those living in poverty, ethnic and linguistic minorities, children with disabilities and indigenous children. In this regard, Human Rights Council resolution 17/3 urges States to give full effect to the right to education by ensuring adequate legal protection and addressing multiple forms of inequality and discrimination in education through comprehensive policies. An example of an inclusive approach is provided by Spain’s Organic Education Law (2006), which centers around the fundamental principle of quality of education for all students, combined with equity and equal opportunities.<sup>70</sup>

84. In this context, attention must be paid to ensure that the adoption of quality standards for education does not further penalize schools in poorer and marginalized neighbourhoods. National or international assessment of students’ performance, for example, should not adversely affect the fate of students and schools in marginalized pockets of society.<sup>71</sup> Some ranking exercises might result in favouring well-served schools in wealthier areas and reinforcing stigmatization of schools in poorer areas. Such exercises

<sup>69</sup> Law No. 26.206 (art. 11).

<sup>70</sup> See *A Quality Education for All and Shared by All*, Spain, Ministry of Education and Science, 2004.

<sup>71</sup> In the United States of America, under the No Child Left Behind Act of 2001, schools are judged on whether they make adequate yearly progress (AYP) according to results of standardized tests in key subjects such as reading and language, arts, maths. Each state then publishes this information for parents and other interested stakeholders, on a school-by-school and district-by-district basis.

might also cause schools to reject underperforming children<sup>72</sup> and further exacerbate marginalization. Provisions in the UNESCO Convention against Discrimination in Education are highly pertinent in this respect.

## **B. Enhancing national investment for quality education**

85. In many developing countries, budgetary provision for the improvement of quality in education is low, as the quasi-totality of the education budget is dedicated to regular maintenance costs and salaries. Quality is particularly undermined by the fact that investment in essential areas, such as development of pedagogic materials and school facilities, remains neglected. Provision of adequate resources for education is essential to the fulfilment of State obligations to ensure quality education. As the Special Rapporteur stated in his report to the General Assembly (A/66/269), a paradigm shift is required in public expenditure on education to respond to quality imperatives. Quality education targets, based on benchmarks in terms of class-size, teacher-student ratio, text books, school building and amenities, as well as deployment of qualified and trained teachers, can provide a basis for determining financial requirements. States must also ensure that the allocation of resources among schools is fair and equitable, and that schools in marginalized and remote areas receive added support to enable them to become better performing.

## **C. Regulating private providers of education**

86. Exploding demands for education have led to an exponential growth in the number of private schools, which need to be regulated. Quality norms and standards should be uniformly applicable to all schools – public and private alike – throughout a country.<sup>73</sup> A comprehensive and sound regulatory framework for controlling private schools and ensuring their conformity with norms and standards is required.<sup>74</sup> Effective sanctions in case of abusive practices by private schools are necessary.<sup>75</sup> As the International Commission on Education for the Twenty-first Century stated, policy-makers must “face up squarely to their responsibilities” and not leave it to market forces or some kind of self-regulation to put things right when they go wrong.<sup>76</sup> In this respect, it is pertinent to bear in mind that as regards parental choice in education in schools other than those established by the public authorities, this must “conform to such minimum educational standards as may be laid down or approved by the State.”<sup>77</sup>

## **IX. Recommendations**

**87. Poor quality of education constitutes a severe limitation on the fulfillment of the right to education. Quality in education is crucial to “nation-building”<sup>78</sup> and**

<sup>72</sup> “School evaluation for quality improvement,” An ANTRIEP report, Kuala Lumpur, Malaysia, edited by Anton De Grauwe and Jordan P. Naidoo, Paris UNESCO, 2004, p. 12.

<sup>73</sup> In Romania, public and private schools follow the same procedures and observe the same standards.

<sup>74</sup> Examples have been provided by Uganda and Bangladesh in recognizing the establishment of private schools, EFA Global Monitoring Report 2008, p. 105.

<sup>75</sup> As regards private education, the National Education Law (Law 9394/1996) in Brazil provides for conformity with general norms and quality as evaluated by public authorities.

<sup>76</sup> “Learning: The treasure within,” Report to UNESCO of the International Commission on Education for the Twenty-first Century, Highlights, UNESCO, 1996, p. 29.

<sup>77</sup> International Covenant on Economic, Social and Cultural Rights, art. 13, para. 3.

<sup>78</sup> General Assembly resolution 65/183.

individual empowerment. Thus, considerations on the quality of education should be central to reflections on the steps to be taken in the post-EFA phase, with a focus on innovative and equitable education systems. In this process, a holistic conceptual framework for quality, already outlined, must be embraced.

88. Widespread concerns on quality in education call for strengthening national legal frameworks with a view to establishing and reinforcing standards for quality in education. To that end, the Special Rapporteur would like to make the following recommendations:

(a) **Develop and strengthen national legal and policy frameworks for quality education:**

- States have the primary obligation to ensure the right to quality education. As such, they should accord high priority to the development and strengthening of education laws and policies aimed at ensuring quality education for all, paying foremost attention to the empowering role of the right to education;
- States should ensure that all public authorities responsible for designing and implementing education policies at local and national levels conform to quality norms and standards;
- National human rights institutions, where they exist, as well as the judiciary, are vital to monitoring initiatives in this regard and to safeguarding the quality of education;
- Parliamentarians also play an important role in promoting national debates on quality in education, developing legal frameworks and monitoring State practices;

(b) **Adopt norms and standards for quality for the entire education system:**

- States must ensure that norms and standards for quality education are uniformly applied in the country and cover the entire education system. No field or discipline of education should be neglected in this process. It should be ensured that norms are in line with human rights principles and that all schools, whether public or private, function in conformity with such norms and standards;

(c) **Implement quality assessments with a promotional spirit:**

- Quality assessments should be driven by a promotional spirit, with emphasis on creating equitable educational and learning opportunities for all, rather than further marginalizing poorly endowed schools in remote areas. Based on the findings of national-level assessments of students' performance, States should support those regions and schools which perform poorly and are falling behind, in an endeavor to promote more equitable education systems. Affirmative action and positive measures should be stepped up to enable all those who are victims of social exclusion and poverty to enjoy their right to quality education;

(d) **Improve teacher's qualification and working conditions:**

- States should develop a comprehensive normative framework for the teaching profession, applicable to both public and private schools. In recognition of teachers' key role in providing quality education, this should contain norms for the qualification of teachers, their status and

career development, while providing incentives to make the teaching profession more attractive and valued;

- (e) **Ensure financial resources for quality education:**
- Promoting quality education is a permanent challenge, and national investment therein should be a priority. States should ensure the necessary resources for the fulfillment of their obligation to ensure quality education. States could, as a matter of norm, set aside at least 20-25 per cent of national budget allocations to education for improving quality in education, over and above the recurring expenditure on education. States should also devise necessary policies aimed at resource mobilization for quality, when regional and local bodies are responsible for basic education;
- (f) **Focus on the right to quality education for women's empowerment:**
- States should pay particular attention to the quality of education offered to girls and women. Emphasis should be placed on giving concrete shape to the provisions laid down in the Convention on Elimination of All Forms of Discrimination against Women;
- (g) **Enhance international technical assistance to Governments:**
- International entities, such as UNESCO, UNICEF and the World Bank, should be encouraged to continue their work in providing policy advice, support services and technical assistance to Governments in their efforts to respond to quality imperatives. UNESCO could develop guidelines for the establishment of standards for quality education;
- (h) **Encourage further debate in international human rights bodies:**
- In view of the crucial role of quality education in nation-building, further debate on the right to quality education at the global level must be encouraged. The organization of a thematic discussion under the auspices of the Human Rights Council could go a long way in giving impetus to national action for achieving quality education;
  - The United Nations human rights treaty bodies – in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women – should pay enhanced attention to quality in education in order to further emphasize State obligations in this regard;
- (i) **Support research and reflection on quality in education:**
- Further research and reflections on the requirements for quality in education should be promoted by universities and education research centres. Civil society organizations should also contribute to this process by monitoring the situation of education and promoting initiatives that foster quality in education.
-