Tenth Meeting of the High Level Group on EFA

Text of Intervention

by

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Honorable Ministers of Education,
Excellencies,
Distinguished Participants,
Ladies and Gentlemen,

First of all, I would like to express my deep gratitude to UNESCO for giving me this opportunity to participate in this tenth meeting of the High Level Group on Education for All (EFA). It is a great honor for me to say a few words from the right to education perspective in order to move the EFA forward.

In our quest to overcome marginalization and exclusion in education, and respond to quality imperatives, I would like to emphasize the need and the importance of giving fully effect to the right to education.

As I stated at the eleventh meeting of the Working Group on EFA, all the EFA goals are underpinned by the right to education and States obligations under international human rights treaties. Thus, we must emphasize the need for States to fulfil these obligations, in particular the core obligation of ensuring universal and free primary education for all without discrimination or exclusion. The ability of a family to pay for direct, indirect or hidden costs should never be an impediment to enjoying the universal right to primary education of quality.

In this context, my intervention centres around two main dimensions of the right to education: entitlement; and empowerment. These dimensions are invaluable in imparting dynamism to the process of full realization of the right to education – the recognition of education as an entitlement is the main principle underpinning efforts to guarantee access to education and the recognition of the empowering nature of education underpins the emphasis on the need to ensure quality education.

In the current global context, it is crucial to revitalize the profile of basic education on political agendas by emphasizing the strong linkages between primary education – and other components of basic education – and the right to education. A number of very valuable ideas already highlighted in this meeting deserve special consideration in the efforts to advance measures promoting education for all. The enhancement of legal frameworks is central when we consider the challenges in sustainably ensuring universal access to education.

Universal access to primary education, which is an inalienable right, is a core obligation of States under international human rights treaties. Every child is entitled to this fundamental right. This is an evolving convent, and a notable trend in the enhancement of legal frameworks is that of recognizing basic education as a right.

The right to basic education is a constitutional right in South Africa. Similarly, it is appreciable that many countries have since 2000 modernized legislation in the spirit of EFA thus establishing the right to basic education. Thailand played an exemplary role by elaborating in 1999 a national legislation on 12 years of basic education as a follow up to Jomtien World Conference on Education for All (1990). This has now been extended to 15 years of schooling to cover the secondary education with inclusive approaches in favour of minority students.

Similar developments can be noted in Trinidad and Tobago for proving free primary and secondary education, now being extended to university education. Indonesia, which enacted the Act on National Education System of 2003, provides another example. Other cases include: the Compulsory Free Universal Basic Education Act in Nigeria (2004); the Education Law in Brazil (1996, as amended in 2006) for entitlement to education to all those within 4-17
years of age; the Right of Children to Free and Compulsory Education Act in India (2009); the General Law on Education in Mexico (2003); National Education Law (2006) in Argentina (2006); and Technical and Vocational Education and Entrepreneurship Training (TVET) Act in Zambia (2005). Development of legislative frameworks is also highlighted in Pakistan, Kenya (interesting example for addressing nomadic groups) and Chad (also interesting example for addressing nomadic groups, with a focus on girls).

Experience available is very valuable, and this trend must be encouraged so that education laws are further modernized in other areas such as quality education, financing of education, technical education and vocational training, private providers of education etc.

The recognition of the empowering nature of education is a key reason for the emphasis given on the achievement of basic learning needs and the development of necessary life skills through education. These concepts are at the heart of the World Declaration on Education for All, which was adopted in Jomtien in 1990. Recalling that “education is a fundamental right for all people, women and men of all ages throughout our world”, the World Declaration stipulates in its article 1 that “every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs.” These basic learning needs are further developed within the text.

In our endeavour to combat marginalization and exclusion and to universalize access to primary education, it would be helpful to come back to the vision of Jomtien so that the concept of basic learning needs and imparting basic skills through education can be embodied in laws, national strategies and policies. This would be the most effective way of making education relevant to the development demands of today’s world, and be as well instrumental in pulling children and youth out of poverty by empowering them.

Also with regard to quality, national level normative action for quality education is highly significant. For instance, in the Philippines where the Constitution carries provisions on quality education, a magna carta of teachers for improving their career development is under discussion. In India, the schedule to the Right of Children to Free and Compulsory Education Act, 2009, contains quality norms useful for monitoring of learning outcomes; assessment and evaluation. In China, education reconstruction through the Short and Medium Term Education Plan (2010-2020) focuses on equity and quality. In South Africa, the interrelationship between access, quality and equity is recognized.

Availability of learning material is an important consideration in advancing the goals of EFA. In this sense, the provision of free text books to all primary and secondary education in Bangladesh as also distribution of text books in Morocco, with emphasis on equal opportunities in education; and textbooks for grade 1-3 in mother tongue in South Africa, is encouraging.

The development and implementation of minimum norms and standards is essential to ensure achievement of quality imperatives in education. This is in line with the obligations to guarantee quality education as established by the Convention against Discrimination in Education and the Recommendation on the Status of Teachers. In this process, special consideration should be given to the recognition of the status of teachers and their career development.

Public investment in education is another key area discussed during this meeting. Allow me in this respect to recall that human rights in general carry the obligations for States to provide resources for giving effect to the obligations – including the obligations related to the provision of education. Obligations to ensure education are all the more important as the education is not only a human right in itself, but it is also an essential element for the exercise of all other human rights.
In order to address the critical issue of decreasing public investment in education, development of *legal and policy framework* for mobilizing maximum domestic resources for education and their judicious utilization must be promoted. The development of such a frame is very much in line with recommendations made consistently by the High Level Group on EFA. Considering there are already important experiences on this regard, it would be very useful to identify and exchange innovative approaches.

Practical examples are provided by several countries that adopted legal provisions for public funding for education, (in particular for basic education). Thus, constitutional provisions exist for 18 percent of federal budget, and 25 percent of budget of provinces for education in Brazil or 20 percent of national and regional budget allocation for education in Indonesia. The National Education Act in Thailand (1999) authorizes the State and local bodies to levy educational taxes as appropriate. Other examples can also be cited, for instance, law in Argentina (attributing 6 percent GDP to education by 2010) or in Mexico (also attributing 8 percent GDP to education). In India, 3 percent levy on all taxes has resulted in a huge increase of resources for education. China proposes to raise further resources through 2 percent value added tax for education.

The recognition of the overarching human rights principles of equality and non-discrimination is central to ensure the judicious utilization of public resources in education. Poverty and social exclusion remain the major barriers to achieving the EFA. The use of direct financial support (through fellowship schemes, conditional cash transfers, or social assistance support for children at school age, for example) can be incentive in enlarging access to education. For instance, India and China have introduced scholarships for poor students, including free textbooks.

Affirmative action and promotional measures are highly important in addressing educational needs of the economically and socially marginalized, and the poor. Such measures may be suitable in cases of longstanding or historical and persisting forms of discrimination. They have a normative basis in international human rights conventions and in UNESCO’s Convention against Discrimination in Education, which lays down the criteria of 'merit or need' with respect to "grant of scholarships or other forms of assistance to pupils.” (Article 3 § c). Similarly, 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.

Allow me, while concluding, to say that a human rights perspective on EFA provides firm grounds for national level action in moving the EFA agenda ahead; it can be a lever in accelerating progress and enable us to bridge the *appalling gap* between commitments and reality which we witness.

In line with human rights provisions, national legal frameworks can and must be improved with a view to ensure a stable and permanent response to key challenges being faced today such as the poor quality of education, the alarming shortage of qualified teachers, the decline in public investment in education, and the failure to overcome persistent inequalities in education, especially gender-based inequalities. It is indeed commendable that China proposes to review entire gamut of legislation in the process of implementation of the short and medium term education plan.

In that spirit, I look forward to our collective endeavor for advancing the EFA agenda. And I underline that framing this endeavor by the recognition of education as a human right will greatly contribute with greater and more sustainable outcomes.

Thank you for your kind attention.