Statement by Kishore Singh
Special Rapporteur on the right to education

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Mr. Chairperson, Excellencies, Ladies and Gentleman,

Today, I have the honour to address the United Nations General Assembly for the first time since my appointment as Special Rapporteur on the Right to Education. I would like to use this initial opportunity to present some of the concerns I will address in the exercise of my mandate. However, before speaking about my aspirations, I must first present the last Report prepared by my predecessor Mr. Vernor Munoz in his final months as Rapporteur.

Mr. Chairperson,

The Report prepared by my predecessor addresses the issue of sex education. In order to prepare his report, Mr. Munoz gathered the knowledge produced by human rights, health and education experts and compiled examples of practical approaches to sex education. The right to education is perhaps the best example of the interdependence and interrelation of all human rights. The obligation to ensure sex education relates to the right to the highest attainable standard of physical and mental health. Moreover, the provision of adequate sex education directly contributes to the advancement of women and to the elimination of various forms of discrimination.

Sex education is not a new matter for human rights mechanisms: The Committee on the Rights of the Child stresses that, as specified by Article 29 of the Convention on the Rights of the Child, education must aim the development of the child’s talents and mental and physical abilities. The same Committee has urged States to integrate sexual education into school curricula, and indicated that the obligation to realize the right to life, survival and development highlights the need to give careful attention to sexuality as well as to the behaviours and lifestyles of children.

In its general comment No. 14, the Committee on Economic, Social and Cultural Rights interpreted the right to health as an inclusive right extending to “access to health-related education and information, including on sexual and reproductive health”. The Committee on the Elimination of Discrimination against Women (CEDAW) has also called upon States to provide sex education in a compulsory and systematic manner in schools, including in vocational training. CEDAW concluding comments recognize sex education as a necessary means of addressing high abortion, adolescent pregnancies and maternal mortality rates.

Public health studies also stress the importance of sex education. Comprehensive sex education is particularly important to prevent HIV/AIDS and other sexually transmitted diseases, especially for groups at risk and persons in particularly vulnerable situations, such as women and girls exposed to gender-based violence.

Mr. Chairperson,

Sex education is a sensitive matter for all societies. The Special Rapporteur noted in his report a worrying lack of sustainable and comprehensive strategies to ensure the adequate inclusion of sex education in educational and health policies. Without access to accurate information, many are exposed to abuse or risky practices that can lead to long lasting consequences to their physical and physiological wellbeing.

My predecessor offers a long list of recommendations for States and other stakeholders to consider how to ensure broader access to adequate sex education. Among other topics, his report recommends the adoption of adequate normative and technical instructions to ensure that age-appropriate, culturally sensitive sex education is provided throughout formal education as well as
through alternative channels reaching those out of schools. The Report emphasizes that sex education must aim beyond the instruction for preventing sexually transmissible diseases but also foster gender equality and respect for diversity.

The report concludes with a call for different stakeholders to continue reflecting on the matter. This work provides us with a reference for these discussions.

Mr. Chairperson, Excellencies, Ladies and Gentleman,

Let me now turn to my own views and aspirations for my term on this important mandate. No one questions that education is a human right. No one questions the central role of education in human development. The importance of education, both as a right and as a means for the enjoyment of other rights is expressed in numerous resolutions.

Yet, estimates indicate over 70 million children, most of them girls, are still out of school today. Even for those who go to school, quality and student learning remain as a serious concern across regions. Why do we still have such a gap between commitments and reality? What are the most relevant steps that should be taken to ensure a more sustainable progress? Those are some of the questions that the mandate of the Special Rapporteur on the Right to Education is called to respond to since it was first established by the Commission of Human Rights in 1998.

Mr. Chairperson:

The core principles of equality and non-discrimination call for specific attention to the right to education of those living in particularly vulnerable circumstances. Ensuring equality of opportunity in education both in law and in fact is an ongoing challenge for States. Eliminating sex, ethnic and rural-urban disparities, for example, requires a combination of measures that have been tested with different levels of success around the world. Thus, one of my concerns as special rapporteur will be to develop a clearer understanding on how human rights instruments can guide efforts to eliminate discrimination and ensure equality of opportunities in the context of education. In particular, I will pay attention to gender equality.

Beyond ensuring universal access to education, much more efforts are required to ensure that the education provided meets reasonable quality standards. Last month, this Assembly reviewed progresses made ten years after the commitments to achieve the Millennium Development Goals. As recognized during the review, fulfilling the right to education requires much more then merely enrolling children in schools. Shortage of qualified teachers, which has assumed alarming proportions, for example, is a crucial reason for the continuing poor standards of education level even among those exposed to formal schooling. In this sense, I also intend to pay attention to the development and implementation of norms for quality education - both for public and private schools - with a focus on improving the conditions of the teaching profession.

It is impossible to realize the right to education without providing adequate financial resources in a timely and efficient manner. We all know that limited resources compromise the achievement of the objectives expressed in the Education for All agenda. The recognition of the right to education implies the optimal use of the resources available nationally and internationally. Therefore, I intend to pay attention to legal and institutional mechanisms that ensure the provision of adequate resources to the education system. I also intend to look at innovative forms of financing education and assess which obligations may arise from the human rights normative framework to guide State action in these areas.
Effective protection of the right to education depends upon its justiciability. States are duty bound to incorporate their international obligations under the United Nations human rights treaties into their domestic legal order. In various countries, Courts have been active in protecting different dimensions of the right to education with important results in practice. Hence, I intend to examine closely at measures adopted to strengthen legal frameworks and enforcement mechanisms - judicial and quasi-judicial – protecting the right to education.

Mr. Chairperson:

Education systems and enabling school management play a central role in the fulfillment of the right to education. The realization of the right to education involves the proper discharge of duties of parents, public servants, private providers and students themselves. In this sense, we must continuously verify if human rights are respected inside the gates of our schools today. Thus, I will pay particular attention to the standards and mechanisms that ensure all educational entities comply with the standards provided by human rights law.

Freedom from violence is another important concern for the exercise of the right to education. The same way schools play a key role in the prevention of violence, violence can undermine education with both teachers and students suffering its consequences. I intend to address this emerging concern in direct collaboration with the Special Representative of the Secretary General on violence against children.

Individuals, entities and communities have the freedom to establish and direct educational institutions. Private, religious or community institutions provide a significant portion of education systems around the world. In this context, I intend to pay particular attention of standards and mechanisms that, respecting the freedom to establish educational institutions, ensure all non-public educational entities comply with the goals and standards provided by human rights law.

Finally, my predecessor reported in 2008 on the relevance of education in the context of emergencies. I was happy to learn that this Assembly recently decided to request me to prepare an update to his report identifying remaining challenges. On this matter, I am decided to fully benefit from the work and the partnerships developed by my predecessors, and notably the work and support of partners such as the Inter-Agency Network for Educations in Emergencies.

Mr. Chairperson:

Open discussions with member States both in the General Assembly’s Third Committee and at the Human Rights Council are probably the most important references to guide the work of special procedure mandate holders. Thus, I thank you once again and look forward to beginning my mandate with the exchange of views we will have this afternoon.