University of Sao Paulo
Ceremony of the XI UPS Prize for Human Rights

Right to Education and the Pivotal Role of
UNESCO's Convention against Discrimination in Education

by
Kishore Singh
United Nations Special Rapporteur on the right to education

Palácio dos Bandeirantes, Sao Paulo,
10 December 2010
Mr. Gregori, Chairman of the Commission on Human Rights, University of Sao Paulo,  
Professor Rodas, Rector of the University of Sao Paulo,  
Dr Defourny, Representative of UNESCO, and Director of UNESCO Brasilia Office,  
Professor Battistella, Secretary of State of the Rights of Persons with Disabilities,  
Dr. Weiszflog, CEO of the Dorina Nowill Foundation for the Blind,  
Dr Nowill, representing family of the Dorina Nowill,  

Ladies and Gentlemen,  

It is a greater honor to me to participate in this Ceremony for the presentation of the University of Sao Paulo (USP) Award for Human Rights here at the Palácio dos Bandeirantes. I would like to express my gratitude to the USP and also to UNESCO's Brasilia Office for inviting me and giving me the opportunity to say a few words on this occasion. I would like to congratulate the Dorina Nowill Foundation for the Blind, and the representatives of the family of the honoree for their commendable accomplishments with exceptional devotion to the noble cause of promoting the right to education.  

Persistent inequalities in education are a continuing challenge in almost all regions of the world. We are faced with growing disparities in access to education of children from differing socio-economic backgrounds, and falling standards and poor quality of basic education. Though the right to education is established by international human rights treaties that lay down obligations for States for its realization, one witnesses an appalling gap between commitments and reality, between the obligations assumed by States and their fulfilment.  

These challenging tasks call for greater emphasis on inclusive dimensions of the right to education, and on equitable education. We need to bring about equality of opportunity in education, both in law and in fact, so that everyone can enjoy the right to education as a fundamental human right without discrimination or exclusion.  

In this respect, we must recognize the significance of the Convention on the Rights of Persons with Disabilities (2006), which expresses the principle of equality of opportunity in education, and which should guide state action for enabling nearly 650 million people who are disabled to enjoy human rights and to receive education.  

Equality of opportunity and norms and principles which underlay human rights, must be incorporated into domestic legal order. In this respect, it is indeed commendable that Brazil has amended the Constitution to incorporate international human rights treaties, and the Convention on Rights of Persons with Disabilities is the first Convention which has been made part of the Constitution in Brazil.  

If Brazil today is a worldwide example of development in various areas, it is because since its democratization in the eighties, the country is fully committed to the protection and promotion of all human rights – and public authorities at all levels had done important efforts to enhance the protection of human rights.  

The fundamental principle of equality of opportunity in education is an overarching principle, laid down in all UN human rights treaties. It was first established in UNESCO’s Convention Against Discrimination in Education, which was adopted in 1960. This year is the fiftieth anniversary of the Convention, and the recognition of high significance of the Convention and the realization of the right to education which the Convention covers comprehensively raises profile of today’s USP Human Rights Award ceremony. I would like to congratulate UNESCO, and specially, Dr. Defourny, Director of UNESCO Brasilia Office, and
Representative of UNESCO for publishing and disseminating the text of the Convention in Portuguese language.

The Convention has a pivotal role in guiding State action. The normative framework established by the Convention is the cornerstone on which the edifice of the right to education in its various dimensions was developed further in other instruments of UNESCO and of the United Nations. Article 13 of the International Covenant on Economic, Social and Cultural Rights (1966), which covers the right to education comprehensively, was drafted at the suggestion of UNESCO’s Director-General, and draws extensively upon the Convention. The principle of equality of educational opportunities is an overarching principle – it is reflected in almost all United Nations human rights treaties, and is common to the work of all United Nations human rights treaties bodies.

However, despite the widespread recognition of the importance of equality of opportunity in education, this is a continuing challenge, as the results of the Seventh Consultation of Member States on the measures taken for implementation of the Convention and the Recommendation against Discrimination in Education demonstrated. Unequal opportunities manifested in the access to quality education remain one of the most serious difficulties of national educational policy. Even in countries where educational opportunities are in general widely available, inequalities remain in the ability of all social groups to fully avail themselves of such opportunities. What is at stake is to close the attainment gap between pupils from some ethnic groups, and to ensure equality in educational opportunities in fact for the children from differing socio-economic background, and born with certain advantages or disadvantages.

Overcoming inequalities in education necessarily calls for greater emphasis on respecting the right to education in its inclusive dimensions. Inequalities in educational opportunity are often more pronounced in countries facing severe resource constraints and caught in widespread poverty. Educational and social policies must be tailored recognizing the centrality of education in people’s lives, and its empowering role in eradicating extreme poverty and hunger. Children from socially and economically disadvantaged and marginalized groups who remain deprived of their right to basic education, should be provided financial and pedagogic support in a spirit to mitigate inequities.

It is a pleasure for me to say that the Government of Brazil submitted in 2006 a good report to UNESCO on measures taken for the implementation of the Convention. This report candidly admits the obstacles which exist and which must be overcome for eliminating discrimination and disparities in education – including, for example the continued exclusion of African-Brazilians. It recognizes the need for intensifying action by way of promotional measures and schemes and financial support to those who remain underserved or even deprived of education, including in the former slave areas - Quilombos.

Committing to human rights means that all government efforts are guided by the core principles of equality and non-discrimination – and we all know Brazil had and still has a long way to go in all that relates to the very high levels of social and economic inequality. Inequality is the main threat to development in Brazil. The investment in social protection in Brazil is today a very good example of its commitment to eliminate extreme poverty. But Brazil still faces important challenges in areas such as the elimination of racial discrimination and inequities, with clear discrepancies of life expectancy, education and income levels between white and black. Regional differences are also remarkable with Brazilians that are away from the main developed areas still facing great challenges with regard to access to education, water, sanitation and health care, for example.
In face of such daunting challenges in Brazil and elsewhere, the Convention against Discrimination in Education and the United Nations human rights treaties should guide actions by States. The Convention seeks not only to eliminate discrimination in education but also to adopt positive measures to promote equality of opportunity and treatment in that field, and has been recognized by UNESCO’s Executive Board as a key pillar of the Education for All Campaign (EFA). Its effective application can be a lever in pushing forward the EFA agenda.

Moreover, the Convention and core treaties such as the Covenant on Economic, Social and Cultural rights provide leverage in responding to quality imperatives. The Convention is the first legally binding instrument which recognizes the importance of norms regarding the quality of education. Normative action as a follow up to the Convention can provide basis for ensuring minimum educational standards. Development and application of norms for standards and quality education - both for public and private schools - with a focus on improving the conditions of the teaching profession and measuring learning outcomes must be a priority concern in national level action in order to ensure quality imperatives throughout education systems.

Development cannot be sustainable if it is not firmly anchored by the promotion and protection of human rights, and the right to education is essential for socio-economic development and exercise of all other human rights. However, the right to education is far from being realized, as nearly 70 million children still remain deprived of this right. There is, therefore, need for greater advocacy and campaign for the fulfillment of the State obligations for the right to education.

Today is human rights day, and on this day, we must renew our pledges to protect and defend human rights, which express universal values and are firmly anchored by the principles of equality and non-discrimination. Promoting the right to education is central for the promotion of all human rights. In that spirit, it is crucial to promote the adoption of effective measures that secure education for all without discrimination or exclusion.

The University of Sao Paulo in cooperation with other human rights defenders can make significant contribution to reflections on all these critical issues, with greater emphasis on the core responsibility of governments for the realization of the right to education in an endeavour to bring it at the forefront of the actions and concerns of the global partnership for development, and to build a better world for present and future generations.

Thank you.

***