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Statement by Kishore Singh
Special Rapporteur on the right to education

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Mr. President, Excellencies, Ladies and Gentlemen,

Today, I have the honour to address the United Nations Human Rights Council for the first time since my appointment as Special Rapporteur on the right to education. I take this opportunity to present my report on equality of opportunity in education and the report on my recent mission to Senegal.

My first report is devoted to the theme of equality of opportunity in education, as I believe that the core principles of non-discrimination and equality deserve priority attention in any analysis on the enjoyment of the right to education.

Ensuring equality of opportunity in education is a continuing challenge that States face, as is evidenced by the work of the United Nations human rights treaties bodies and by the experience in implementing UNESCO's Convention against Discrimination in Education. The enjoyment of the right to education is severely limited by the phenomena of marginalization and exclusion. Recent Education for All Global Monitoring Reports shows that the progress towards the EFA goals is being undermined by the failure of Governments to tackle persistent inequalities. Moreover, a recent review on the Millennium Development Goals points out that progress is fragile and uneven across regions and among population groups. There are about 67 million children of primary school age who are out of school, while another 71 million adolescents remain deprived of basic post-primary education, of which the majority are girls.

In face of these challenges, my report analyses State obligations under international human rights law relating to equality of opportunity in education. It indicates that non-discrimination and equality of opportunity in education are clearly anchored in most of the core human rights treaties. These treaties enjoins upon States parties international obligations of a permanent nature for promoting and protecting the right to education, without discrimination or exclusion, in a way that fully respects equality of opportunity in education.

Mr President,

Given the centrality of the principles equality and non-discrimination, international human rights mechanisms have developed important guidance with regard to the establishment of legal and policy instruments to ensuring equal opportunities in education.

- The Committee on Economic, Social and Cultural Rights, in its general comment No. 13, indicates that States have the principal responsibility for the direct provision of education, with core obligations clearly related to the principles of non-discrimination and of equality of opportunity.

- The Committee on the Rights of the Child has recognized the need for identifying and giving priority to marginalized and disadvantaged groups of children.

- In its General Recommendations concerning specific groups, the Committee on the Elimination of Racial Discrimination has specially addressed issues of access to education, and special measures to ensure inclusion of communities that face discrimination.
• General Recommendation No. 25, elaborated by the Committee on the Elimination of all forms of Discrimination Against Women has specified that temporary special measures are necessary, not as an exception to the prohibition of discrimination, but as a central part of a strategy to achieve substantive or de facto equality between women and men.

Understanding and removing obstacles that impede the enjoyment of the right to education by all are urgent challenges for the entire international community. Progress towards Education for All and Millennium Development Goals 2 and 3 requires fully embracing equality of opportunity in education in the formulation, implementation and evaluation of education policies.

In this regard, national legal frameworks must be enhanced. My report highlights how equality of opportunity and equal access to education are guaranteed in the constitutions of several countries in various regions. Additionally, education laws modernized in many countries also provide for equality of opportunity in education. Some countries have enacted laws specifically addressing the principles of non-discrimination and equality of opportunity in education. Such developments deserve special consideration as they provide a solid framework for action. The enforcement of equality of opportunity in education by judicial and quasi-judicial mechanisms is also crucial in safeguarding entitlement to education.

Mr. President,

Addressing inequalities in education requires a clear understanding of the multiple and intersecting sources. Direct and indirect costs for accessing primary education often result in children from poor households being deprived of schooling, when providing free primary education is a core obligation of States and an inalienable right of every child. Lack of education in mother-tongue or native languages can be a source of exclusion for minorities and migrants.

Given the broad sources of inequalities in education, it would be impossible to elaborate an exhaustive analysis of measures adopted with the declared aim of promoting equal opportunities in education. The report provides an illustrative overview of key factors affecting equality of opportunity in education, as well as some initiatives designed to counter barriers - physical, financial, cultural or linguistic - to achieving de facto equality of opportunity in education.

Human rights standards establish a firm foundation for elaborating national legal frameworks and for formulating, implementing and evaluating policy initiatives at the national level. In this spirit, I elaborated some key recommendations in my report:

First, States must ensure adequate legal protection to the right to education. A strong legal and regulatory framework for public and private education systems grounded in the principle of equality of opportunity provides the essential basis for the establishment of an entire range of programmes and policies aiming at ensuring equality of opportunity.

Second, comprehensive policies that recognize and address multiple forms of inequality and discrimination must be adopted. A sustainable expansion of education opportunities for all may not be achieved unless policies and programmes focus on various types of barriers and
aim at eliminating various obstacles encountered in bringing about de facto equality of opportunity in education.

Third, States must ensure adequate allocation of resources where they are needed most. It is clear that education systems can only operate with sustainable and predictable financial support. It is well known that resources are scarce in too many countries, thus it is particularly relevant to ensure that the specific needs of those who are victims of marginalization and exclusion are prioritized.

Fourth, support must be given to mechanisms promoting the enforcement of the right to education. Independent national human rights institutions, for example, can greatly contribute to identifying inequalities and addressing relevant situations of violation of the right to education.

Mr. President, Distinguished Delegates,

I am here also to present my report on the visit I undertook to Senegal in January this year. I must begin this by thanking the Government of Senegal not only for providing very good support to my visit, but also for sharing detailed information to assist the finalization of my report in a very short period of time before this session.

Senegal has played a leading role in the promotion of international commitments to ensure the right to education. Thus, I was happy to learn that the country achieved important advances in expanding access to primary education and ensuring parity between boys and girls. However, challenges persist as an important number of children still remain out of schools and illiteracy is still a reality for part of the population.

While the Government of Senegal should be applauded for its commendable progress towards meeting MDGs 2 and 3, it, nevertheless, faces the daunting challenge of responding to quality imperatives in education. Quality of educating is seriously compromised by several factors, such as poor infrastructure and educational faculties, a dearth of manuals and learning material and, above all, a lack of well-trained, qualified teachers. Quality of education, therefore, remains a central concern.

Earnest attention needs to be given to making teaching profession attractive as a career path, while ensuring the deployment of well-qualified teachers in both public and private schools, with adequate prospects for career development. In my visits to schools in Dakar and in the region of Diourbel, I witnessed the great efforts of teachers and students working in overcrowded class rooms, as well as the challenges faced by those in schools with inadequate access to transportation and water and sanitation.

I also noticed in my visit that private schooling is on the rise in Senegal. With the expansion of this sector, it is crucial to establish effective mechanisms to regulate the establishment and functioning of private schools, guaranteeing that they conform to both international and domestic the norms and standards, and ensuring accountability in cases of malpractice or abuse.

I was happy to confirm that the bulk of resources supporting the education sector are ensured by the Government budget. The proportion of State budget allocations to education
significantly increased over the last years, indicating Senegal’s recognition of the right to education. Yet, permanent attention is required to ensure this support does not diminish in the future and that resources are always well targeted and spent in a timely manner.

Technical and professional education is an area that deserves special consideration in order to impart the basic skills required to the demands of industry and economy. Technical and professional education is clearly underfunded today. Better investment in this sector could play an important role in broadening work opportunities for many Senegalese. It is essential to encourage students to pursue a baccalaureate in the science stream. Furthermore, the demand for university education is growing. Additional support is required to ensure the expansion of higher education, while fostering academic excellence.

Finally, I dedicated specific attention to the situation of religious schools operating at the community level, known as daaras. I was alarmed by the situation of children who are exposed to insalubrious conditions and obliged to beg in order to enrol in some of these schools. The exploitation of children in these schools is not only unacceptable, according to human rights standards, but also is incompatible with religious values. Thus, I was glad to learn about Government efforts to modernize daaras and to establish a national legal framework for reforming them. I hope greater efforts will be deployed to ensure law protecting children from abuse to be enforced without delay.

Mr. President, Excellencies, Ladies and Gentlemen,

We all know that the right to education is all the more important, as it is not only a human right in itself, but also essential for the exercise of other rights. As indicated in my annual report, I intend to address a broad range of issues throughout my mandate, paying particular attention to the role played by education in the promotion of development and the eradication of poverty.

Interacting with governmental and non-governmental organizations directly implementing and evaluating education policies is essential for the fulfilment of my mandate as Special Rapporteur. Since my appointment, I have made efforts to establish regular dialogues not only with Member States, but also a broad range of stakeholders within the UN system, including UNICEF and UNESCO, as well as the academic community and civil society.

I look forward to my first dialogue opportunity with this Council today, not only to discuss the content of my reports, but also to further elaborate on additional concerns I hope to address in future activities.

Thank you.