Statement

by

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SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION

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Mr. Chairperson, Excellencies, Ladies and Gentleman,

Today, I have the honour to present my first report to the United Nations General Assembly since I assumed my functions as Special Rapporteur on the Right to Education in August 2010. My report addresses State obligations under human rights law for providing resources for the realization of the right to education and securing sustainable investment in education. The report also provides an update on education in emergencies, pursuant to the General Assembly resolution 64/290.

Mr. Chairperson:

Lack of adequate investment in education is a major constraint on the realization of the right to education today. Prospects for achieving by 2015 the Millennium Development Goals of universal primary schooling and eliminating gender disparity at all levels of education are bleak on account of dearth of resources. Public expenditure cuts as a consequence of the recent global financial crisis may further affect spending on education.

It is, therefore, essential to emphasize the importance of the State obligations to ensure financing of education as laid down by numerous international human rights instruments. These obligations are also constantly recalled by United Nations human rights treaty bodies.

Human rights standards do not prescribe specific mechanisms for financing education, but they do establish principles that must guide development of laws and State policies. In accordance with the principle of progressive realization, investment in education must be driven by the consideration of the need to ensure the continued expansion of this sector. The same principle implies that there is a strong presumption of impermissibility of any retrogressive measures – something that must be recalled particularly in periods of financial crisis. Above all, States must comply with their core obligation to ensure the provision of primary education free of charge for all as a priority. They must also adopt and implement a national educational strategy that includes provision for secondary and higher education.

We all know some States, especially the least developed, face important financial and technical constraints and are not able to achieve education for all targets without assistance by international community. Human rights standards do not ignore this fact and provide a framework for international assistance and cooperation.

Mr. Chairperson:

Experiences in a number of countries show us that it is possible to ensure better investment in education through the adoption of appropriate legal instruments. My report provides several examples of instruments that can promote and protect financing of education and points to the steps to be taken by States to guarantee sustainable investment in education.

Constitutional provisions on financing education provide a firm basis for developing national legislation and education policies. Such provisions exist in various countries, in different forms - such as a minimum percentage of tax revenues or of national budget or of GDP, which should be devoted to education. Constitutions in other countries make financing of education a national priority.
As mentioned in my report, national legislation has been modernized in many countries as part of Education for All process, along with a legal framework for financing education, especially basic education. In this respect, let me recall that the UN Committee on Economic, Social and Cultural Rights has underlined the importance of national legislation for giving effect to State obligations for achieving, inter alia, the right to education.

Enhanced investment in education is essential for moving forward the Education for All agenda. This is also of critical importance, given the central role education plays in accelerating progress towards the Millennium Development Goals.

Finally, my report highlights some key concerns which deserve to be addressed, notably overcoming persistent inequalities in education and mitigating marginalization and exclusion. Maximum resource allocation for education, and their equitable utilization should be central to education development strategies.

In conclusion, my report offers a set of recommendations. It calls upon States to establish national legal and policy frameworks protecting investment in education. Such instruments can be a bulwark in upholding the right to education.

The establishment of an internationally accepted norm, whereby a certain minimum percentage of GNP (4-6 percent) or of national budget (15-20 percent) is allocated to education may be valuable in providing the basis for further developing national legal and policy frameworks. My report also calls upon States to devise strategies to increase resource allocation, including by broadening the tax base.

Education does not often receive the priority it deserves in terms of national budget allocations. Thus, my report recommends that officials working on budgeting must be sensitized about the key importance of the sector. National experiences promoting education budgets and investment in education could be exchanged between countries in a comparative perspective. Besides, international organizations such as UNESCO and UNICEF should be encouraged to continue to provide technical assistance in this regard.

Finally, my report emphasizes the need to enhance investment in quality education. In fact, I believe a paradigm shift is required in responding to quality imperatives, which remains a daunting challenge. To that end, thematic report I propose to present to the Human Rights Council will focus on norms for quality education.

Mr. Chairperson:

Pursuant to General Assembly resolution 64/290, my report also contains an update to the report presented by my predecessor in 2008 on education in emergencies. The update I prepared with the support of a network of organizations working on this subject education underlines the challenges that remain: Available estimates show that around 28 million children of primary school age in conflict affected countries are currently out of school; 875 million school children live in high seismic risk zones and hundreds of millions more face regular flood, landslide, extreme wind and fire hazards, and slow onset disasters.

Based on the operational parts of the resolution 64/290, my report presents remaining challenges, along with recommendations to safeguard education in emergencies.
First, it is crucial to make education a real priority for humanitarian work and to ensure adequate funding. Despite increased recognition of the importance of education in emergencies by the international community in recent years, funding remains limited, unpredictable and marked by short termism.

We must be clear: emergency situations do not entail suspension of State obligations to take all appropriate measures to ensure the realization of the right to education to all the persons in their territories, including non-nationals, refugees or internally displaced groups. Thus, including education among humanitarian priorities – and ensuring funding support - is not a choice, but an obligation.

Second, schools must be better protected from attacks. As recently reported by the Secretary-General, attacks against schools are a significant concern and a growing trend. Such attacks will persist as long as there is no accountability and punitive mechanisms for those who perpetrate them. The adoption of the resolution 1998/2011 by the United Nations Security Council enabling its Monitoring and Reporting Mechanism (MRM) to give specific consideration to attacks against schools should increase international attention to these situations. Capacity of national and international mechanisms monitoring and responding to situations where education systems are targeted by those involved in armed conflict must also be enhanced.

Third, schools must be better prepared for natural disasters. Schools can play a crucial role in preparing communities to be more resilient in episodes of natural disasters, but to do so, their structures must be adapted and their staff trained to minimize the harm natural disasters may eventually cause. Thus, my report calls for specific attention to the education sector in the development of overall disaster risk reduction (DRR) strategies.

Fourth, in all efforts promoting education in emergencies, specific attention must be paid to the situation of vulnerable groups. Obstacles to schooling encountered in periods of normalcy have deeper impact in situations of emergency. Neglecting discrimination and structural inequalities in education during emergencies can aggravate marginalization. Efforts to ensure gender parity in education are particularly relevant in this context.

Fifth, attention must be paid to quality education. Resource constraints faced in periods of emergencies do not justify overlooking basic requirements to ensure quality such as availability of qualified teachers and of adequate education materials, and improved child-friendly environments.

Finally, my report underlines the need for improved assessment of education in emergencies. Limited data on education in emergencies continues to undermine the capacity to fully assess various education needs and to design and evaluate necessary measures. States, international and non-governmental organisations providing support to education in emergencies should work on the development of a common framework for the assessments of education needs in contexts of emergencies.

Mr Chairperson, Ladies and Gentlemen,

Allow me to say while concluding my statement that financing education in times of normality or during emergencies is an essential step for the promotion of human
development; it is integral to the fulfilment of fundamental human rights obligations with direct impact on the lives of individuals and societies. Ensuring optimal resources for the realization of the right to education is all the more important, since the enjoyment of this right is essential for the exercise of all other human rights. Education is indeed the best investment a country can make for the sake of its own future.

Thank you.