EFA agenda from a human rights perspective

by

Kishore Singh,
United Nations Special Rapporteur on the Right to Education

Eleventh Meeting of the Working Group on EFA

UNESCO HQ, Paris

2-3 February 2011
Her Excellency Madame Irina Bokova, Director-General of UNESCO,  
Mr Qian Tang, Assistant Director-General for Education, UNESCO,  
Excellencies,  
Distinguished Participants,  
Ladies and Gentlemen,

It is a great honor for me to participate in this eleventh meeting of the Working Group on Education for All (EFA), and I would like to express my deep gratitude to UNESCO for giving me this opportunity to say a few words on EFA agenda from a human rights perspective.

The international community's commitment to the Education for All (EFA) is well known. However, one witnesses an appalling gap between commitments and reality. What is at stake is the full realization of the right to education which is an internationally recognized right. States have accepted clear obligations when ratifying international human rights instruments that establish this right. These obligations were further highlighted when governments expressed their political commitment to the realization of the right to basic education for all at the World Education Forum (2000). EFA goals clearly correspond to various provisions for the right to education that are detailed in well known international human rights treaties that exist over decades:

- Free and compulsory primary education, which is inalienable right of every child, is a core obligation under all international human rights treaties;
- Continuing education and literacy is underpinned by article 13 of the International Covenant on Economic, Social and Cultural Rights, which provides for the right to education comprehensively;
- The obligation to ensure early childhood care and education is also expressed by the Convention on the Rights of the Child, a treaty almost universally ratified;
- The obligation to eliminate gender disparities and achieve gender equality in education is clearly spelled by the Convention on the Elimination of All Forms of Discrimination against Women.

Thus, it is always important to remind that the EFA process must be guided by human rights law. The use of the human rights frame imparts strength and legitimacy to this process. The recognition of the right to education and the fulfillment of connected State obligations is crucial to the implementation of the EFA agenda. Such obligations also flow from UNESCO's Convention against Discrimination in Education which covers the right to education comprehensively and which has been recognized by UNESCO’s Executive Board as a key pillar of the EFA.

Based upon legal obligations under international instruments, normative action at national level must be intensified to secure education for all. The Dakar Framework for Action, adopted at the World Education Forum, though not legally binding, has a normative character. Full consideration should be given to its normative implications.

The adoption of a human rights perspective to the EFA process implies, among other things, a careful screening of national legal instruments that frame educational systems and policies in countries. The right to education should be central to a 'reinvigorated vision' of the EFA agenda, going beyond 2015. National 'legal frameworks' must be improved with a view to ensure a stable and permanent response to key challenges being faced today on accounts of poor quality of education, decreasing public investment in education, alarming shortage of qualified teachers and failure of governments to overcome persistent inequalities in education etc.

Groundwork for such 'legal frameworks' exists in the form of national legislation on education which has been developed in many countries as part of the EFA process, and which establishes the right to basic education. 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, regulating private providers of education etc.

Allow me in that spirit to highlight some key areas in which 'national legal frameworks' could be further developed, and normative action intensified:

First, responding to quality imperatives in education: Development of minimum norms and standards - applicable both in public and private schools - is essential. Such norms are required with respect to conditions of teaching personnel, teacher-student ratio, education infrastructure, textbooks, learning outcomes, etc. in keeping with obligations for quality education in the Convention against Discrimination in Education, as also in the Recommendation on the Status of Teachers.

Second, overcoming persistent inequalities and growing disparities: This is a continuing challenge, and normative action must be intensified for giving full effect to the fundamental principle of non-discrimination and equality of opportunity in education which is common to core United Nations human rights treaties. The promotion of equality requires a focus on inclusive approaches, and the adoption of positive measures such as affirmative action and social protection schemes, targeting disadvantaged and vulnerable groups to ensure their access to education.

Third, ensuring gender-parity: As a follow up to the Ministerial Declaration at the 2010 High-Level Segment of the ECOSOC for supporting "legislative developments," specific laws for women's empowerment through education within the framework of the Convention on the Elimination of All Forms of Discrimination against Women should receive high consideration. This can provide leverage in accelerating progress towards the MDG No. 3: to promote gender equality in access to primary and secondary education and empower women.

Fourth, regulating private providers of education: A good legal framework is also required to regulate private education in conformity with human rights law, while also preserving public interest in education, and sanctioning abusive practices.

Fifth, addressing 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. State have obligations under human rights law to provide resources to ensure the progressive implementation of the right to education. The recommendations made consistently by the High Level Group on EFA in this respect express political engagement for normative action for financing education. In this respect, existing provisions for public funding for education, especially basic education, in constitution, national legislation and educational policies must be taken into account.

The human rights perspective should also be at the centre stage in monitoring the progress towards EFA, with emphasis on accountability. The work of the UN human rights treaty bodies that periodically assess and make recommendations regarding the fulfillment of the right to education can greatly contribute to ensure follow up to EFA commitments. Moreover, the monitoring of the EFA can be made integrated with the implementation of the Convention against Discrimination in Education. We must clearly recognize the need to continuously bridge the efforts of EFA and the work of all human rights mechanism. National human rights institutions, ombudspersons, research institutions, civil society organizations and NGO's all have an important role in advancing EFA.

Allow me, while concluding, to say how important it is to keep in sight the centrality of the right to education for all human rights. It is indeed essential to ensure that the EFA process is guided by human rights law, bringing the right to education and State responsibility in forefront in the EFA agenda. Thus, I look forward to the discussions in the next two days. I am sure they will help us to better understand concrete steps that could be taken to advance the EFA agenda with a focus on full realization of the right to education.
Thank you for your attention.