First World Summit for the People of Afro Decent

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Panel

The Right to Education and Culture

Empowering the Afro Descendants through the Right to Education

by

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Distinguished Participants,
Ladies and Gentlemen,

It is an honour for me to participate in this First World Summit for People of Afro-Descent, organized by the Ethnic Community Development Organization (ODECO), with the support of the Government of Honduras. I would like to thank the organizers to invite me to speak at this panel on the Right to Education and Culture.

The Summit is a landmark in the context of Resolution 64/169 of the United Nations General Assembly proclaiming 2011 as the International Year for People of African Descent. This commendable initiative is also important in reviewing progress made and challenging tasks ahead ten years after the Durban Declaration and the Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001). It gives us the opportunity to reflect over conditions and development perspectives of the people of Afro-descent, who have been victims of historical injustice, and continue to suffer from exclusion, discrimination and poverty.

Many issues are at stake, but of the foremost importance is that of empowering the people of Afro descent through education, with special concern nearly 200 million African and Afro-descendant in the Americas. In that perspective, let me first highlight the importance of the right to education as an internationally recognized right, and of the State obligations for its fulfillment, as laid down by the international human rights treaties.

The right to education is universal and does not admit of any exclusion. Its moral foundations are laid down in the Universal Declaration on Human Rights which states that everyone has a right to education. Article 13 of the International Covenant on Economic, Social and Cultural Rights, which provides for the right to education comprehensively, similarly recognizes everyone's right to education.

Universal right to education in its various dimensions is also established by other United Nations human rights treaties. The right to education for all children is laid down by the Convention on the Rights of the Child (articles 28-30). Article 28 §1 of the Convention in particular stipulates that “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) make primary education compulsory and available free to all. […]” The Convention on the Elimination of All Forms of Discrimination against Women establishes girl's and women's right to quality education and provides that “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education (…)” (Article 10). Similarly, the right to education and training for everyone without discrimination is protected by the Convention on the Elimination of All forms of Racial Discrimination (article 5). Detailed provisions concerning the right of persons with disabilities to education “without discrimination and on the basis of equal opportunity” are contained in article 24 of the Convention on the Rights of Persons with Disabilities. The International Convention on the Rights of Migrant Workers and Members of their Families (articles 30, 43 and 45) also protect the right to education on the basis of equality.

In this international legal framework of the right to education, primacy is given to the right to universal primary education which is an inalienable right, established by the Universal Declaration of Human Rights, and by various international human rights treaties. Every child is entitled to primary education free of cost and this is core obligation of States. The Millennium Development Goals (MDG) 2 for achieving universal primary education by 2015 is clearly underpinned by such obligations. So is the Education for All (EFA) agenda.
Moreover, all boys and girls alike are entitled to education on equal footing in line with the *Convention on the Elimination of All Forms of Discrimination against Women*, and the objectives of the MDG 3.

However, we all know that the EFA agenda is falling behind, and significant gaps remain in attaining MDGs 2 and 3 for universalizing access to primary level education, and ensuring gender parity in access to education. Overcoming persistent inequalities and disparities in education is a continuing challenge being faced by governments. It is, therefore, crucial to engage in the advocacy of the universal right to education as a fundamental human right, with a focus on gender parity since women and girls, who have historically been victims of social injustice and discrimination, can in fact play a vital role in a country’s development. The right to education indeed has pivotal role in struggle against marginalization, exclusion and in poverty reduction strategies, and in advancing the MDGs 1, 2 and 3, as well as the EFA agenda.

Without free and compulsory primary education, those who cannot afford going to school are denied a fundamental right. The ability of a family to pay for direct, indirect or hidden costs should never be the decisive factor for enjoying the right to education. States should comply fully with their core obligations for providing primary education free of cost to every one without exception.

In the advocacy for the right to education, the importance of the State obligations for its fulfillment needs to be emphasized. Such obligations demand full respect for the fundamental principles of non-discrimination and equality of opportunity in education. First established by the UNESCO's *Convention against Discrimination in Education* (1960), these principles are common to almost all United Nations human rights treaties. They are at the heart of the international normative framework for the right to education, and are of paramount importance in guiding States action. The United Nations Committee on Economic, Social and Cultural Rights, which as a human rights treaty body monitors the implementation of this right, has stated that education must be accessible to all, especially the most vulnerable groups, *in law and in fact*. It has also confirmed that “the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status.” Concern with marginalization and exclusion in education is also manifest in the work of various United Nations human right treaty bodies.

It is clear that the Afro-Descendants’ children are entitled to full educational opportunities and any kind of discriminatory practices, or any form of exclusion violates human rights law. Socially and culturally marginalized and disadvantaged groups, especially children from poor households, should be equitably treated with a view to making them full beneficiaries of the right to education. This is also the philosophy underlying the EFA agenda. In today's multicultural societies, it is essential to ensure that no one is excluded or discriminated against in education and that the provision of education is fully respectful of equality of opportunity.

Social and cultural barriers and unequal opportunities prevalent in the access to education remain one of the most serious difficulties of national educational policy. What is at stake is to close the attainment gap between pupils from some ethnic groups, and to ensure equality in educational opportunities for the children from differing socio-economic background, and born with certain advantages or disadvantages.

In this respect, it is pertinent to recall the conclusions and recommendations of the forty-eighth session of the International Conference on Education (2008) which underlined the need to guarantee “equal access of all levels of society to learning opportunities so as to implement the principles of inclusive education.” Considering that inclusive education is the key to building inclusive societies, the Conference recommended that States “address social inequity
and poverty levels as priorities as these are major obstacles to the implementation of inclusive education policies and strategies.”

Guiding factor behind such strategies should be to give every one everywhere the opportunity to achieve and maintain an acceptable level of learning. For children from social, cultural and ethnic groups or families that do not offer favourable conditions for the development and education of their children, the remedial measures call for equity in education and a set of positive measures. Such temporary special measures may be a suitable action in cases of longstanding or historical and persisting forms of discrimination. They may be justifiable until full equality of treatment is reached. States should thus devise promotional measures aimed at ensuring equal access by the children of the Afro descents to education. These include the grant of scholarships and subsidies for schoolbooks and for travel expenses to attend school and other support measures to increase their school attendance.

International conventions provide normative framework for such positive measures which is valuable in guiding state action. Articles 3 and 4 of the UNESCO’s Convention against Discrimination in Education contain provisions covering “matter of school fees and the grant of scholarships or other forms of assistance to pupils.” Similarly, Article 13 of the International Covenant on Economic, Social and Cultural Rights includes “an adequate fellowship system” among its provisions on the right to education. Acceding to the United Nations Committee on Economic, Social and Cultural Rights, the requirement that ‘an adequate fellowship system shall be established’ should be read with the Covenant’s non-discrimination and equality provisions; the fellowship system should enhance equality of educational access for individuals from disadvantaged groups.

Our reflections should, therefore, accord prime importance to questions related to overcoming limitations and obstacles in ensuring equality of opportunity and non-discrimination in the exercise of the right to education by all Afro-descents. Some of these have been mentioned in the reports submitted to UNESCO for the seventh consultation on the measures taken for the implementation of the Convention and the Recommendation against Discrimination in Education. More generally, the United Nations Committee on Economic, Social and Cultural Rights has, for example, identified various obstacles to access to education, ranging from the costs of schooling, to the limited availability of schooling, including dearth of teachers, in rural areas, as well as language barriers or administrative impediments, such as the request of proof of permanent residency status. The right to education of all Afro-descents must be respected and fulfilled, having regard to the fundamental principles of non-discrimination and equality of opportunity in education.

Ensuring the enjoyment of the right to basic education is not only about ensuring access to education, but also ensuring quality in education. While responding to demands for wider access to education, quality should not be sacrificed. Experience shows that because of poor quality of education, despite progresses made in making education accessible, learning outcomes are frequently below acceptable levels. Education should meet minimal quality standards. Qualified teachers are sine qua non for imparting education of quality. Lack of quality in education undermines future job prospects of students, thus affecting the possibilities to overcome poverty and the achievement of other developmental goals. Thus, special consideration should be given to the empowering role of quality education in efforts aimed at imparting life skills and meeting basic learning needs. This is the concept underlying the World Declaration on Education for All (1990), which stipulates that “(...) basic education services of quality should be expanded and consistent measures must be taken to reduce disparity.” (article 3). Unequivocal political commitment is needed so that the children of Afro-Descent, in particular those living in poverty, are not relegated to the most disadvantaged schools, deprived of quality education. What is at stake is not only to
universalize access to basic education, but also to ensure success in education. I hope that the World Summit will lead to innovative programmatic and institutional approaches to promoting the right to quality education of the children of the Afro descendants.

Documents prepared for this Summit have evoked higher levels of poverty, exclusion, racism and discrimination from which the African descendant communities and people continue to suffer as a result of marginalization and exclusion, intolerance and growing problems related to their status as race or ethnicity.

Poverty emerges as a key factor in the limitation of opportunities and ultimate exclusion from education systems, given the multiple deprivations it entails. Education is indeed a powerful lever in pulling children out of poverty and in empowering them. The central role it plays in elimination of intergenerational transmission of poverty needs special emphasis. The MDG 1 on poverty reduction is inseparable from the MDG 2 for universalizing primary education and from MDG 3 for ensuring gender parity in education. Unless coordinated and greater efforts are deployed to accelerate progress towards these goals, the achievement of nationally and internationally agreed targets for poverty reduction will be missed and inequalities between countries and within societies may widen. Poverty is an affront to humanity and its eradication is the biggest development challenge of our times. The magnitude of the challenge is indicated by the fact that the number of people victims of extreme poverty in the world surpasses one billion.

It is thus earnest to recognize the centrality of education in people’s lives, and its empowering role in ‘eradicating extreme poverty and hunger’. Much greater emphasis needs to be placed on the right to education which is the central to the action aimed at promoting all MDGs. Fundamental changes are required in the provision of education equitably in a spirit to mitigate inequities based, inter alia, on ethnicity, social origin, wealth etc. Quality education must become accessible to all the children from socially and economically disadvantaged and marginalized groups and especially from poor households, who remain deprived of their right to basic education in today’s learning societies.

Much greater understanding of the key importance of the right to education in providing leverage for social transformation is needed. Education can foster greater understanding and respect for diversity of the heritage and culture of the people of Afro-Descent in a spirit of respect for the richness of linguistic and cultural diversity. It can also promote integration and social cohesion, and shared values and solidarity. Indeed, the right to education is invaluable in restoring the dignity of the people of Afro-descent. Moreover, we must constantly bear in mind that both the individual and the society are its beneficiaries. Education development strategies to that end should respond to legitimate expectations of current and future generations.

Our deliberations should show the way forward with a collective vision and strategy for development of the Afro-descent by empowering them through the right to education. This requires reinforced political engagement with greater emphasis on the core responsibility of governments in an endeavour to bring the right to education at the forefront in national development strategies.

All stakeholders, including education authorities and administrators, civil society organizations, parent and community associations and all other concerned partners should, therefore, be mobilized with firm engagement to embark upon concerted action in advancing the right to education. At the same time, it must be ensured that education systems and enabling school management which play a central role in the fulfilment of the right to education are responsive to the needs and aspirations of the children of the Afro descents. In
case of any violation, the right to education must be safeguarded; upholding public interest in education and its sanctity must be preserved.

While concluding, let me underline the importance of basic principles of “equity and social justice”, as reflected in the United Nations Millennium Declaration (A/RES/55/2) adopted by the UN General Assembly. These principles are invaluable in closing the ‘development gap’ characterizing the people of Afro-descent. They also deserve to be kept in sight in a reinvigorated vision of the MDGs, going beyond 2015.

I hope, the World Summit which is generating so much enthusiasm and expectations would be followed up with firm commitments in an equally enthusiastic spirit, and create a momentum to put premium on the right to education of all children of the Afro-descent – both as entitlement in terms of access and as empowerment in terms of quality. Indeed, the right to education deserves to be accorded paramount importance since it is not only a human right in itself, but also essential for the exercise of all other human rights. I also hope that in the wake of the Summit, the right to education will be at centre stage in building a better world for present and future generations of the Afro-descent.

Thank you.