Sida

Position Paper

Education, Democracy and Human Rights

Foreword

The purpose of this paper is to facilitate Sida's analysis and dialogue on education and to contribute to developing policy and methods for Swedish development assistance to the education sector. It is intended to establish a common Sida framework for our external dialogue, and to provide a basis for discussions with officials and decision-makers in partner countries as well as in other development agencies. The paper is not intended to provide a blueprint or a set of conditions for all decisions on Swedish development assistance to education, but rather to elucidate some common general principles to guide our future work with our partner countries. The paper is intended to begin a step-by-step process towards realising a vision for which Swedish development assistance is required to strive.

The document is an outcome of the internal project "Democracy, Human Rights and Education in Swedish Education Support"[1]. It was initiated as an input to the process of revising Sida's policy on supporting Education for All. The paper is thus a complement to Sida's overarching policy for Swedish development co-operation in the education sector: "Education for All: a Human Right and Basic Need" (April 2001). The project has been run by the Education Division and has involved participants from other divisions at Sida. The project group has had continuous contact with a number of experts and reference persons around the world, who have contributed commentary, discussion and documentation. Several seminars on issues related to the project have been held. The papers and the conclusions of these seminars and other contributions to the project are available in a separate file.

The point of departure of this document is Sida's action programme for Democracy and Human Rights, and the subsequent Government White Paper on Democracy and Human Rights in Sweden's Development Cooperation. The promotion of democracy and fulfilment of human rights for all a country's inhabitants are considered to be necessary for reducing poverty and thus to be closely linked to Sida's principal goal of poverty reduction. Poverty reduction is the common final objective for Sida's co-operation in all sectors, including the education sector. However, the aim of this paper is not to deal directly with the relation-

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[1] The project group consisted of: Mikael Boström, Ingemar Gustavsson, Annika Nordin-Jayawardena and Hans Persson as Project members. Maria Tegborg and Janet Vähämäki as Project Leaders (Maria in the initial phase and Janet in the final phase) and Malin Ljunggren-Elisson and Robert Carlsson as the Project Secretary.

ship between education and poverty, and therefore various aspects of the role of education in this regard are not discussed.

The relationship between education and democracy has been a recurrent theme in public and academic debates for many years. This paper is based on the premise that there is a close relationship between education, democracy and human rights. It is argued that education is crucial to the develop

ment of a democratic society, a democratic culture and respect for human rights. A commitment to the principles of democracy and human rights has strong implications for the planning, administration and provision of education.

A commitment to education, democracy and human rights also requires changes in Sida's approach to educational analysis, dialogue and financing. Further, a commitment of this kind legitimates and requires increased investment in education. In addition, it refocuses attention on values that have been present in Sida's support to education, but which perhaps have not previously been made explicit and developed fully.

My appreciation and thanks goes to all those who contributed to this position paper and all the related learning opportunities, especially my colleagues Maria Tegborg and Janet Vähämäki who in turns coordinated all the work.

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April 2001

Content

Cover: Ethnic minority school in Laos.

The meaning of
a democracy and
human rights
perspective

A democracy and human rights perspective on education implies that some questions, new and old, are put in focus. Therefore the perspective has implications for:

– *The value-base.* International Human Rights documents give us a normative long-term framework for analysis and action. The education system has an important role in upholding and forming values in society. This also forms an important platform for international development cooperation, partnership and ownership.

– *Roles and responsibilities.* The state has an obligation to provide, protect, promote and recognise the rights of the people. Each individual in society is then viewed as a stakeholder and not an object of charity or investment. Civil society has an important role to complement, and co-ordinate its work with, the state.

– *The way we understand* universal access to *education*, what occurs in education and what results can be expected through education, both for the individual and for the society. The education system, both formal and non-formal, has a central role in promoting and teaching democracy and human rights. Therefore the content and the processes of learning and planning should be developed according to democratic and rights-based principles.

– *Systems of legislation and institutions.* Institutions, legislation, policies and strategies uphold the values of democracy and human rights. In order to fully implement a democratic and rights-based perspective in education, well-functioning systems of legislation, planning, information and statistics are important.

– *Participation of all actors.* The educational systems should recognise the rights of learners, parents, teachers and other stakeholders to influence the decisions that affect them. Participation and freedom of expression are core principles and keys to the realisation of other rights. Decentralisation of the education system is one way of organising this broader participation. However, it is important that empowerment and resources are shared within the system.

– *Priorities and financing.* In the conventions it is stated that the maximum resources available should be allocated to education. This means that priorities and reallocations within state budgets become increasingly important. Priority should not only be given to improving the existing

system, it should also focus on groups outside school. A human rights perspective thus legitimates higher investments in education, by both states and international donors.

– *Swedish development assistance.* It is important to support broad sector programmes where the principles of democracy and human rights can be given prominence, as well as initiatives for change run by governments and civil society.
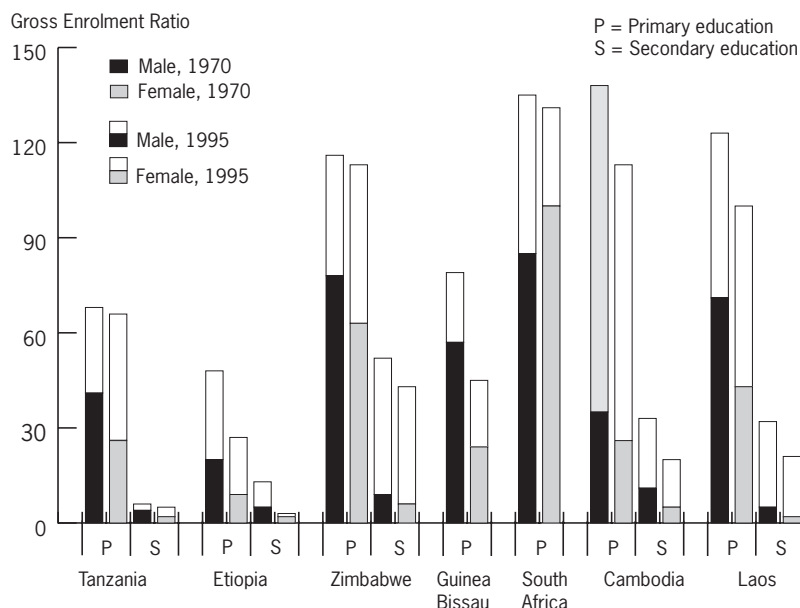
1. Background

The last 35 years have witnessed a process of democratisation throughout the world, starting in Spain, Portugal and Greece in the 1970s, continuing in Latin America and some Asian countries in the 1980s, the revolutions in Eastern Europe and the Soviet Union in 1989–1991, and the coming to power of elected governments in many African countries in the 1990s. Today two-thirds of the world's states have democratically elected governments. Many of these are facing deep social, economic and political problems and cannot be classified as "full" or "consolidated" democracies. In spite of all these problems, more people than ever before now have the legal right to express their opinions, to education, to form trade unions and to participate in the governance of their country.

The broad ratification of Human Right documents during the past 30 years (ie the Convention on the Rights of the Child which has been ratified by all but two nations) give us a valuable international instrument and a common value base. From the time the Universal Declaration on Human Rights was adopted in 1948, the educational landscape has undergone significant changes. In 1948, only a minority of the young people in the world had access to any kind of formal education. Today the majority of the young people go to school and participation in formal education beyond the basic level has expanded. There have been significant improvements in achieving enrolment and participation targets for basic education at all levels of education, including early childhood care and education.

Box 1. Increase in enrolment

- The total number of pupils in primary education (globally) rose from 411 million in 1970, to 599 million in 1990, and to 681 million in 1998.
- In 1998, the least developed countries had an average net enrolment ratio of 82 percent (86 percent for boys and 78 percent for girls), while the corresponding figure in 1990 was 78 percent (82 percent for boys and 73 percent for girls).
- Adult literacy has increased over the last thirty years, from 63 percent in 1970, to 75 percent in 1990, and to 79 percent in 1998 (85 percent for men and 74 percent for women in 1998).

Box 2. Statistics from a sample of Sida's partner countries

Gross Enrolment Ratio

P = Primary education
S = Secondary education

- ■ Male, 1970
- ☐ Female, 1970
- ☐ Male, 1995
- ☐ Female, 1995

Source: UNESCO Statistical Yearbook, 1998.

Box 3. Enrolment in primary educaion in some regions

Gross Enrolment Ratio, %

- ■ Latin America and the Caribbean, M
- ● Latin America and the Caribbean,, F
- ■ Southern Asia, M
- ☐ Sub-Saharan Africa, M
- ● Southern Asia, F
- ☐ Least Developed Countries, M
- ○ Sub-Saharan Africa, F
- ○ Least Developed Countries, F
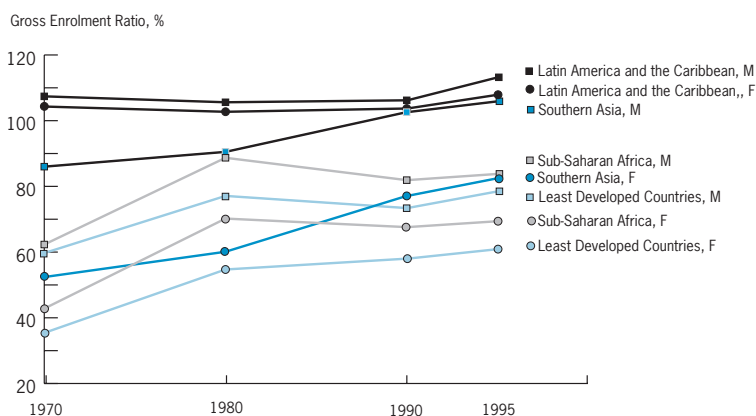
Gross Enrolment Ratio: Total enrolment in the respective level of eduction, regardless of age, expressed as a percentage of the population of the age group which officially corresponds to that level of education. Source: UNESCO Statistical Yearbook, 1999. This implies that sometimes the enrolment could exceed 100% due to the fact that more children than the appropriate age group are included (both younger and older children).

The target of Education for All (EFA) is more attainable today than it was a decade ago. Countries have new policies, legislation and resources to pursue one or more of the EFA targets. Today there is greater involvement by NGOs, community groups and parents in decision-making, and in the provision of education. There have also been significant improvements in information about education and in the analytical and evaluative capacity of goverments and international agencies (EFA Assessment). A closer look at statistics by region, country, urban-rural areas, gender, or social strata indicates, however, that progress has been uneven in many respects. Increased enrolment and retention have been adversely affected by wars, conflicts, economic crises, and severe budgetary cuts. Per capita expenditure on learners has decreased significantly in some of the poorest and most highly indebted countries, where the universalisation of education had previously made a great deal of progress, for example in Tanzania and Zambia. In addition, increases in gross enrolment ratios have not always been accompanied by improvements in quality.

Box 4. Exclusion from the right to education

- There are still around 130 million children who are deprived of their right to basic education; two thirds of them are girls.
- Among the world's adult population some 800 million, most of them women, are illiterate.
- One third of all children who enrol never complete primary school.
- Many of those who complete primary education do not acquire the an ticipated essential skills and knowledge.
- Only 10,3% ofthe children in least developed countries continue to secondary level (15,1% boys and 5,3% girls) and 1,0% to tertiary level (1,6% male and 0,3% female).
- Less than two percent of children with disabilities are included in formal education.
- There are around 250 million working children. Work is many times the reason for why children are hindered to go to school.
- Children and adults in emergencies and post-conflict situations are many times excluded from education.

Unicef, 2000 and Unesco 1999

The reasons for why learners are denied equal educational access can be due to the fact that:[2]

- Governments may not provide the necessary physical infrastructure and learning resources for learners (particularly for functionally disabled learners)
- Governments may not make provision for specific learners' needs such as curricula in minority languages
- Education systems rarely take into account the specific needs and requirements of the excluded groups, for example to enable working children to make a successful transition from work to formal education.
- Girls may be denied educational opportunity due to discriminatory attitudes and practices in society, sexual harassment or the location of schools
- Indirect and direct costs of education are beyond the reach of many poor parents
- Parents believe that education is not relevant for their children. This can be due to distrust of the education system because of their own bad experience
- Inflexible educational approaches, such as timetables, do not take harvesting periods into account
- Violence at school, such as corporal punishment, has the effect that children do not want to attend school
- The quality of teaching is poor and/or there is a high rate of teacher a bsenteeism
- Children have to work to support themselves and/or their family.

Other reasons might be the entrance regulations laid down by the school, for example refusing access on account of the health status of the child, the absence of registration certification or on the basis of entry tests or residential location. Another reason for exclusion might be the pregnancy of the girl child (see example in Box 5).

All these factors have a great adverse effect on certain groups of learners: those from impoverished backgrounds, girls, the disabled, those in rural areas, and those from ethnic minority groups. Thus, while

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[2] The Committe of the Rights of the Child have concluded that some of these factors are the main reasons that contribute to low enrolment, and high drop-out or retention rates.

increased access to educational opportunities can be noted in several countries, the gains have not benefited all members of society equally. Nor does the teaching-learning sit uation seem to have changed dramatically over the years. The rights of all people to education and their rights in education have not yet been fulfilled.

Box 5. Exclusion of a pregnant girl in Colombia

A 16-year old Colombian girl was suspended from school because she became pregnant. According to the school regulations, pregnancy was penalised by suspension from school, giving them separate alternative to education to a lesser extent. The Colombian Supreme Court decided on the constitutionality of this practice in 1998.

The Court noted that the decision of a woman to become pregnant and to give birth is part of her fundamental right to the free development of her personality. Public authorities may not interfere with this right in any way. The Court further stated that under no circumstances can the pregnancy of a learner constitute a reason to interfere with the learner's right to education. Therefore, school regulations may not define pregnancy as behavioural misconduct. The Court emphasised that not even educational institutions with a particular ethical or religious philosophy may use their religion or philosophy to interfere with the right to education of a pregnant learner.

The Court held that even if suspension from school and the re-routing of pregnant girls into separate education did not imply a definitive loss of the right to education, it implied the provision of instruction to the pregnant schoolgirl in conditions which were stigmatising and discriminatory in comparison with other learners. The stigmatisation and discrimination implied in the suspension from school transformed the separate instruction into a disproportionate burden which the learner had to bear solely because she was pregnant. In the opinion of the Court, this amounted to punishment. The Court concluded that converting pregnancy – through school regulations – into a ground for punishment violated the fundamental rights to equality, privacy, free development of personality, and to education.[3]

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[3] T-656, 11 November, 1998, Colombia Supreme Court.

2. Analytical framework

This chapter provides an analytic framework for understanding the concepts of Human Rights, Democracy and Education and how they are inter-related and, thus, provides an analytical framework for Swedish development assistance in the field of education.

2.1   Definitions of Human Rights and Democracy

In this paper human rights and freedoms, consisting of civil, political, economic, social and cultural rights, are seen as universal, indivisible, and interdependent. They are defined through a set of 50 Conventions and Covenants and some 50 Human Rights Declarations, whose articles become binding on a country when ratified by its government.

Human rights are mainly rights vis-à-vis the state, implying restrictions on its operations, as well as obligations on the state to protect all its citizens, women, men and children, against violations and to ensure them enjoyment of their rights. Two operational dimensions of human rights are:

1) The legal human rights framework comprising formal processes and institutions which constitute the formal rule system for human rights observance, and

2) A broad knowledge and recognition in society of the values of tolerance, non-discrimination and respect for human dignity as reflected in human right documents.

As with human rights Sida identifies two important dimensions of democracy:

1) Democracy as a set of laws and institutions, and

2) Democracy as a set of cultural values and social relationships.

In the legal or institutional sense of the concept, democracy is a form of government, involving the formal and universal participation of the adult citizenry of a country in the free choice of its representatives, who rule within the framework of a constitutional state backed up by the rule of law.

The sustainability of the democratic institutions is dependent on the development of a cultural or societal democracy, i.e. a political culture of egalitarian co-existence expressed through relations of tolerance, willing-

ness to compromise, respect for the differences between public and private life, and participatory opportunities in all institutions of the state and civil society.

Sida sees democracy and human rights as two separate but mutually reinforcing concepts: Respect for human rights is largely a prerequisite of democratisation and a democratic decision-making process reinforces the protection of human rights. For example, there will be no universal participation in political life unless all citizens have the right to express and disseminate opinions, to form and join organisations and to arrange meetings, and people's rights will not be safeguarded unless there is widespread popular participation in the political and administrative processes.

The relationship between Democracy and Human Rights
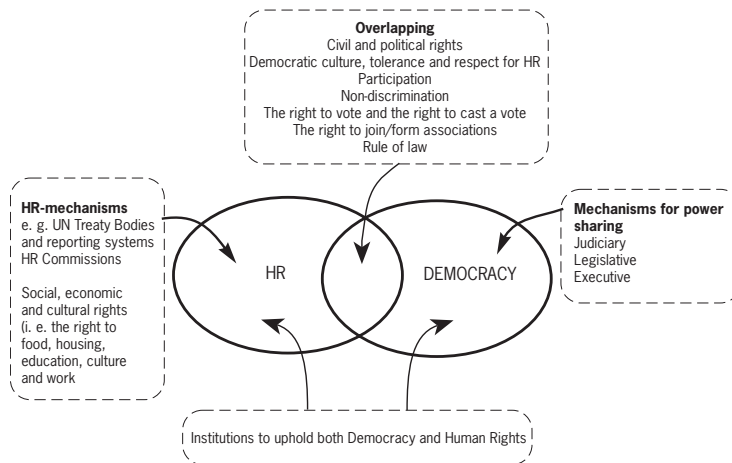
The picture shows us that the definitions of democracy and human rights have their own mechanisms for power sharing and reporting etc. but that the overlapping themes are common for both definitions. Both have upholding institutions, in government and civil society. The potential conflict between democracy and human rights lies in decisions taken in a democratic way may which may contradict the objectives in the Human Right documents.

Furthermore, for the purpose of this paper it is important to point out that democracy is seen as a dynamic process that takes place not only in popular participation in its formal manifestations i.e. general elections and the execution of power by the institutions of representative democracy. The democratic process is equally contingent upon a vibrant and pluralistic civil society and its organisations. It may consist of trade unions and other formal or non-formal associations; all of which help to develop a culture of democracy. A pluralistic society, as indicated above, has to rest on some commonly shared and basic values. These are expressed in the Human Rights Conventions. The Swedish position is that these values are universal. Therefore they should form the basis of all development co-operation, including Sweden's support to the education sector.

This paper emanates from the idea that there is a close interrelationship between education, democracy and human rights. This idea is based on the assumption that education may favour the development of a democratic society, a democratic culture and respect for human rights. It is also based on the assumption that the principles of democracy and human rights may have strong implications for how education is planned, administered and carried out.

2.2 Education viewed from a democracy perspective

For more than a century the interrelationship between democracy and education has been a central theme in debates in many disciplines and fields of study. One commonly held belief is that education can and should foster a set of values and ethics that protect and promote a democratic culture. The clearest expression of this in education has been in 'citizenship' or 'civic education' and in subjects such as social studies. In this perspective it is assumed that a key aim of any education system is to prepare young learners to become full and effective members of a democratic society. It is obvious that this is not true for all countries but there is a general consensus that education is the key to sustaining conditions for democracy in society. Education thus plays an instrumental role in creating in learners a sense of citizenship and a commitment to democratic values. However, the question of whether this is the case in practice remains. It is clear that, in many countries, the promotion of democracy in education does not necessarily lead to active and critical citizens who are involved in nurturing a culture of tolerance and respect. It could be argued that the instilling of democratic values in education creates necessary but not sufficient conditions for democracy. Other complementary conditions which promote democracy are needed such as the belief in participation and democratisation in all spheres of human action.

Another argument underpinning the relationship between education and democracy is that, at the macro-level, education strengthens democracy and economic development. In the 1950s and 1960s the modernisation theory tried to show that general socio-economic development, measured as GNP per capita, urbanisation, level of education, etc. would bring about an overall transformation of "undeveloped" or "backward" societies which, in turn, would lead to a political change in these societies from authoritarian to democratic rule.

As a reaction to the many deviant cases found, it was later argued that a high level of socio-economic development seemed to be neither a necessary nor a sufficient condition for democracy. In the modified versions of the modernisation theory, education was one of the factors explaining the many deviant cases. Countries with a low level of socio-economic development could become democracies through providing their citizens with general access to education and to news media[4]. This access to, and spread of, reading and writing increase the chances of extensive political participation and a high degree of public contestation in political life.

Today, most scholars and analysts dealing with the issue of democratisation have shifted the focus of study from structural conditions to the functions of political institutions and the choices, decisions and interplay of political actors. What is interesting, however, is that the degree of education still tends to stand out as one of the most important socio-economic variables when it comes to explaining the level of democracy[5]. In one such study Axel Hadenius concludes:

"Yet, it is not primarily the economic factors (….) which are interesting in this context. The crucial point for a political change in the said direction chiefly comprises those attributes which pertain to popular education. Here in turn one component rises above the mass, namely the proportion of literates among the population. With reference to the development of democracy, this seems to be the central factor in the modernisation process." (p 90–91)

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[4] Pre-industrial Sweden is mentioned by Dahl as one example

[5] The fact that education is the decisive "modernisation factor", however, does not mean that the connection between this factor and democracy is strong compared to other types of variables. It is interesting to note that in, for example, Hadenius's final analysis factors such as trade relations, type of economic system (capitalism), religion (Protestantism) and military expenditure come out as stronger explanatory factors than education (literacy).

The conclusions to be drawn from this macro perspective are, firstly, that research into conditions for democracy shows fairly evidently that socio-eco-nomic development is important, though not crucial, for democracy. Poor and rural countries can also become democracies. Secondly, among the socio-economic variables, education obviously plays a particular role. Poor countries that allocate a large part of their very scarce resources to schools and universities stand a much better chance than other poor countries of developing and consolidating democratic forms of governance. (See appendix 1 for figures on the relationship between Education and Democracy)

2.3   Democracy and Education
         viewed from a rights perspective

The interrelationship between education and democracy becomes even clearer when the issue is looked at from a human rights perspective. A key question is how do rights, such as the right to education, contribute to democracy or, conversely, how does democracy contribute to the fulfilment of these same rights?

At the most basic level, economic and social rights have both direct and indirect effects on democracy. They have direct effects in that they ensure minimum equality of access to civil and political rights for all citizens. Any significant denial of the necessities of life (such as education or employment opportunities) involves a diminution of citizenship for those so denied, both in itself, and by impairing their capacity to engage in civil and public life on the same terms as others. Thus, social and economic rights should be seen as necessary conditions for citizens to exercise their civil and political rights.

In addition to this direct effect, lack of respect for, and failure to protect, economic and social rights results in enormous costs for society and therefore has a negative effect on democracy. In a society where many people are socially and economically excluded, the quality of life for all is diminished, through the loss of security to property and person (higher levels of crime, violence etc) which might require higher levels of state police and military intervention in society. Furthermore, the failure of a democratic government to protect these rights tends to erode its popular support resulting in a loss of legitimacy of the democratic institutions themselves.

The right to education thus constitutes a key condition for the survival of a democratic political system. The protection of this right is necessary to make political and civil rights accessible to all citizens and crucial, at least in the long run, to uphold the legitimacy of the democratic institutions by guaranteeing a certain quality of life for all.

The opposite question to the one discussed above is also relevant in this context: Is democracy a condition for the exercise of economic and social rights? One argument is that there is an economic cost for democracy that poor nations cannot meet. Governments in democratic countries have difficulties in acting decisively in the long term economic interests of society since they are under constant pressure from organised interest and electoral considerations. Authoritarian regimes are insulated from popular demand and pressure, and might be able to pursue a sound economic policy which creates the conditions for economic growth as is argued in the case of the 'Asian Tiger economies'.

Another argument is that popular pressure has a limited impact on the development of public policy in 'capitalist' democracies where the economic and social rights of the majority assume less importance than

the profit-seeking motive of the economically dominant groups in society. In order to provide the majority of the people with their rights to education, health care, food, work, housing etc, the economic and political system needs to be radically changed and capitalism prevented from being re-installed, the argument goes. This can only be done through the elimination of the rights which make the capitalist democracy possible, namely civil and political rights.

Both arguments suggest that there is a trade-off between economic and social rights and political and civil rights. Historically, however, the record has shown that there is no such trade-off. Right-wing authoritarian regimes have not been particularly keen on using the expanding cake to protect the economic and social rights of the many. And why should they, given the theory of self-interest upon which their economic policies are ideologically motivated? As for the left-wing authoritarian regimes, the guarantee of social and economic rights has not proven to be much of a guarantee when chronic economic stagnation and consumer shortages have set in.

Our conclusion from this discussion is that it is only through openness, accountability, distribution of power, political competition and processes of consultation that possibilities are created for the citizens to question and challenge the distribution of the gains of economic growth. In other words, democratic governance does not necessarily guarantee economic and social rights but makes it more possible that such rights are fulfilled. And, when these rights are fulfilled, the better the chances are that a democratic political system will develop and survive.

2.4   Education as a human right

Emphasising education as a basic human right shifts the focus from simply concentrating on the contribution that education can make to economic development. The focus on education as a fundamental human right is that the internationally agreed Human Right treaties form a common platform for enshrining equal rights to education for all. In this perspective the individual in society is viewed as a stakeholder with rights and not an object of charity or investment. In this perspective the individual is empowered with rights to challenge the state to meet his/her right to education. By signing international conventions, the state and its institutions have a legal and moral obligation to recognise, promote, provide and protect the rights of the people. This implies that the state has an obligation to ensure that all people are informed about their rights. The introduction of the human rights perspective also shifts the focus for international development agencies (see chapter 5).

The following Human Rights treaties are given priority in the Swedish Government White Paper on Human Rights and Democracy in Development Cooperation and are the main global HR documents relevant to the right to education:

– The Universal Declaration on Human Rights, UDHR, 1948
– International Covenant on Civil and Political Rights, ICCPR, 1966
– International Covenant on Economic, Social and Cultural Rights, ICESC, 1966
– Convention on the Elimination of All forms of Discrimination against Women, CEDAW, 1979
– Convention on the Rights of the Child, CRC, 1989 6.
– International Convention on the Elimination of All Forms of Racial Discrimination, ICEARD, 1965

Of these documents all but the Universal Declaration on Human Rights are legally binding and have a special committee/treaty body in the UN system, and all countries that have ratified the conventions are obliged to report regularly to the committees/ treaty bodies. There are also other legally binding treaties relevant to the right to education (see annex 2).

The Convention on the Rights of the Child (CRC) is the most widely ratified convention and is the most progressive when it comes to the purpose of education. The Convention has been proven to be useful to get countries to submit reports to the Committee on the Rights of the Child which is a useful instrument for understanding the situation of children in various socio-cultural contexts. (See appendix 3 for a wider explanation of the CRC).

The effectiveness of treaties must also be viewed in light that they are not legally binding unless they are explicitly incorporated in national legislation and the mechanisms for implementation and monitoring progress that are applied to countries that default on agreed commitments.

In addition to various legal treaties, there are a number of important decisions and fora which promote the notion of education as a human right. Sida endorses the "The Dakar Framework of Action on Education for All", adopted in Dakar in April 2000 which is a follow-up of the Jomtien conference, 1990. The framework provides an important complement to the legally binding Human Rights treaties and for co-operation in the education sector with partner countries. The six goals adopted in Dakar and the expanded vision for education expressed in the Jomtien Declaration are appended. (Appendix 3)

Other documents from World Conferences also form an important basis for the international commitment to education (Appendix 2). Specific mention must be made of Agenda 21, endorsed in Rio, 1991, which forms a basis for Education for Sustainable Development, the Salamanca Declaration, 1994, on education for children with special needs and the Beijing conference on Women, 1995, which declares the importance of education for girls.

Governments that have ratified the Human Right treaties should also include the right to education in their constitutions and policy statements. The conventions are constantly interpreted and put into practice through country reports to UN committees, the committees' comments on these reports, national legislation and policies, and jurisprudence. This is illustrated by the following diagram:

2.5. A framework for a democratic and HR perspective on education
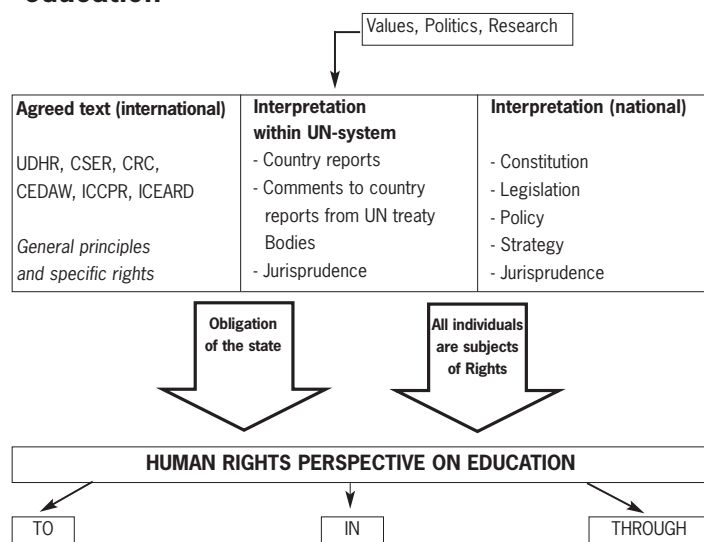
One way of understanding the notion of education as a human right is to analytically distinguish between the right to education, the operation of rights in education, and the outcomes of a rights approach to and in education[6]. The conceptual model that we use is based on three dimensions: the right to education, the rights and democracy in and through education.

TO	IN			THROUGH
	FRAMES	PROCESS	RESULT	
Education should be guaranteed directly to everyone, without discrimination.	Structure Governance Curricula Teachers Resources	Pedagogy. Methods of teaching and learning. Content of learning	Effects for individual: Changed attitudes and values. Acquisition of skills, competences and abilities.	Effects for society: Shared democratic values and commitment.

Areas of action
Framework as stated in conventions

Can be measured with indicators, monitored and evaluated

The right to education expresses the right an individual possess in society and the state obligation to guarantee this right directly. The right should be provided equally and no one should be denied the right as a result of discriminatory regulations and practices. To realise this right the question of financing and setting priorities is vital. The obstacles to the fulfilment of this right and possible strategies that may overcome them are discussed in Chapter 3.

Rights *in* education conceptually refer to the necessary frameworks such as curricula, democratic governance structures and equal provision of resources in the education system etc. that are needed in the creation of an educational process of teaching and learning which guarantees the individual the benefits of the right, for example the acquisition of skills, competencies and abilities needed to live a meaningful life. The question of rights in education discussed in Chapter 5.

The right to education and rights in education are important for the outcomes and effects on society obtained through education. This refers to the potential benefits of shared democratic values and commitment in a society with active, critical and socially responsible people. It is important to note, however, that there are many other factors (family life, gender, culture etc) than school that can influence the outcomes and effects on society.

The Conventions give us a framework when it comes to the right to education and the frames and the process in education. These aspects can be directly influenced ie. there is an area of action for influence from governments and donor agencies. This can be done with financial and political commitment, a clear and explicit educational policy framework and an effective process of implementation. All these aspects have an impact on the results and the outcomes obtained through education both at individual and societal level, which we cannot influence directly. Therefore an ongoing monitoring and evaluation framework that measures the three dimensions is crucial in order to ensure effective realisation of rights.

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6   The conceptual model is drawn from the work of Verhellen (1989) but adapted to the context of this paper.

3. The right to education

As indicated above, the right to education is stated in several international human rights treaties and agreements. The most fundamental HR document is the Universal Declaration of Human Rights (UDHR) where it is stated that everyone has the right to education. This has been reaffirmed in most international human rights agreements. However, in practice this right is not fulfilled in many countries for various reasons, for example lack of financial resources. Scarce resources have the effect that difficult priorities have to be made by government and families on what to finance. This section reviews the commitment to education as outlined in the various treaties and agreements and discusses the question of financing education.

3.1 The rights to education as contained in Human Rights documents

The main Human Rights documents (UDHR, CRC, ICESCR) state that:
– Primary education should be compulsory and free for all.
– Secondary education should be made generally available and accessible to all
– Higher education should be made equally accessible to all on the basis of capacity.

It is important to note that in all treaties (see Appendix 5 for a summary of paragraphs in HR-documents relevant to education) it is stated that primary education should be compulsory and available free to all. States that do not provide compulsory and free primary education should present a detailed plan within two years after ratifying the convention for achieving the goal (ICESCR). Regarding costs for secondary education and higher education, it is in stated in ICESCR that these levels of education should be made progressively free of charge. In the CRC it is stated, in respect of secondary education, that "the state should take appropriate measures for the introduction of free education and offer financial assistance in case of need". Regarding higher education there are no statements in the CRC on state obligations to pay for higher education. It is interesting to note here that the ICESCR, which was drafted as early as in the 1950s, was much more generous regarding funding for post-primary education.

The obligation of the state to provide access to education does not mean that the state has to operate all schools. Individuals and non-state organisations have the right to establish and run educational institutions with the sole requirement that they meet minimum standards established by the government (ICESCR). The right of parents to choose between educational institutions is also enshrined in the conventions.

The conventions also identify certain groups which are often excluded from the provision of education:

– The right of disabled children to education and special care which should be provided free of charge when possible. (CRC)
– The right of children to education, regardless of their sex, where they live or what language they speak (CRC)
– The right to education of   refugees and populations affected by war, displacement and calamities (ICESCR, CRC)
– The right of working children to education (CRC)
– Provision of appropriate funding for educational institutions set up by indigenous and tribal peoples (ILO Convention)
– Access to the same rights, the same opportunities and elimination of any stereotyped concepts in education in order to eliminate discrimination against women (CEDAW).

Conventions and declarations call for universal access to education for all and they specially highlight active commitment to remove educational disparities between groups usually excluded from education and groups that are already included in education (i.e. between girls and boys, poor and rich, rural and urban, ethnic and linguistic minorities and majorities).

There are great variations in the understanding and interpretation of the rights and obligations. In order to understand the practical implications of the right to education for all, we may depart from the notion of non-discrimination, which is the key principle for access. Both CRC and ICESCR argue for education based on equal opportunities and emphasise non-discrimination. The principle of non-discrimination relates to all aspects of good education regardless of a person's gender, religion, language or financial situation, as well as to many other aspects of the right to education.

The conventions reflect a significant achievement in that they legally enshrine the right to education. However, the difficulties arise when countries monitor and enforce compliance. Each government makes its own priorities that may, as in some cases, contradict the agreements made.

The key policy problem is that commitment to equal educational opportunities is not translated into practice as indicated above. Thus, there is need for corrective strategies and for specific attention in the form of positive discrimination in order to ensure equal access to groups that are excluded for various reasons. In other words, the principle of the right to education as equal access for all can be modified to provide greater opportunities for some in order to ensure achievement of the ultimate goal of equal access. This would also mean that obstacles such as inadequate infrastructure for the functionally disabled, or the availability of learning materials in mother tongue languages for all etc. would need to be considered causing exclusion.

3.2 Financing of education

According to the ICESCR, the state should allocate "the maximum of available resources" to education and health. In the CRC it is stated that these measures are to be undertaken over a period of time and to the maximum of available resources and, when needed, within the framework of international co-operation. Although these two regulations are important, they do not provide sufficient guidance on how education should be financed when resources are limited.

The financing of education in conditions of constrained resources has proven to be a difficult dilemma for most governments. The mode of financing education has a bearing on the equity and efficiency of the education system. In this context, public finance is crucial for basic access to education. The volume of public resources available for education depends on national income, collection of revenues and budget allocations. There are no standard solutions for the public financing of education.

However, UNESCO's blueprint states that primary education should be financed by general taxation. The ILO considers that children who would otherwise have to work ought to receive some financial help so that their families do not have to rely on their labour. One possible fiscal reform that may generate resources for financing education and benefiting the poorest groups is to ensure that taxes are collected more efficiently. Governments should ensure that taxes are collected from those who are liable to pay taxes. A related tax reform is to move towards a progressive tax system in which taxes are correlated with income.

There is a constant need for the state to make priorities between spending on different levels of education. In making priorities, consideration should be given to the distribution of benefits across the population. It has proven difficult for many countries to reallocate resources within the education sector in favour of basic education. As basic social services benefit poor people, these services should be given high priority in the state budget. It is important that the educational policy framework clearly identifies priorities over a period of time and that it is backed up by the necessary political will and implementation capacity. In this context, governments have to make difficult decisions on reallocations within the social sectors, as well as reallocations between different sectors.

When making priorities on resource allocation, there is a potential conflict that concerns the legitimacy of decisions that have been taken in a democratic way but where the content and effects of these decisions may contradict the objectives of the conventions. A democratic decision can, for example, be to redistribute funds between primary and secondary education in such a way that access to primary education is given less priority in the short term in order to improve the quality of secondary and higher education.

Some examples that attempt to address this issue are:
– Overall increases in state budgetary allocations to meet basic needs of education, health care and clean water. The 20/20 initiative[7] is the clearest expression of an international attempt to set concrete targets to achieve this end.
– Improvements in budgeting, including analyses of the effects of allocations on children or on deprived groups more generally.

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[7] The 20/20 concept was proposed at the Social Summit in Copenhagen 1995. It prposes that 20% of the government's budget is distributed to basic social services anf that the donor community devotes 20% of its ODA to basic social services.

– An improved and enhanced educational policy framework which identifies achievable targets and sets clear priorities which are acceptable to all

Another possible option to generate additional resources for education would be to consider various resource mobilisation strategies. When the resources available in the state budget are limited, the costs of public education may be shared between different stakeholders, such as families, communities, NGOs, donors and private enterprises. Two principal strategies of resource mobilisation which warrant discussion are parent/community contributions, normally in the form of fees, and support from international aid agencies.

While Article 28 in the CRC states that "education should be compulsory and free to all", this is not the case in practice. The most obvious reason is the strategy of parent/community contribution to education in the form of fees as a strategy for resource mobilisation. While there are obvious benefits such as increased revenues and greater commitment, the downside is that additional costs for the family can be a real disincentive for pupil participation, retention and progression in the education system[8]. The evidence indicates that the introduction of user charges has resulted in a decrease in participation and in a general decline in the provision of social services for all. It also indicates that when cost sharing has been implemented in education it has benefited those with resources and has been more in evident at the primary level rather than higher levels of the education system. From a poverty reduction and non-discriminatory perspective the meaning of free education should therefore be understood as implying exclusion of all fees and additional costs (ie school uniform cost, school materials etc) for the individual or family.

In considering the effect of strategies such as cost sharing, Sida believes that the basic proposition of the Addis Ababa Consensus[9] provides a viable and sensitive framework for resource mobilisation:

"cost sharing in the form of user charges should be considered only after a thorough examination of other options for financing social services, including tax reform, budget restructuring and expenditure targeting within government budgets and aid flows. General taxation and other forms of government revenue are more effective, efficient and equitable methods of raising revenue for financing social services than are cost sharing mechanisms."

Contributions from international aid agencies offer an additional possibility for resource mobilisation. A significant increase in aid flows is necessary for achieving education for all. Higher priority has also to be given to basic education in the total aid budget. At present, only two per cent of the development assistance budgets of DAC members are allocated to basic education (DAC, 1999). The Dakar Declaration states that funding agencies should allocate a larger share of their development assistance budget than in the past to support basic education, in particular to those countries and governments with strong political commitment to Education for All and with clear strategies for delivering it. Sida has an important role to play here in showing increased financial commitments to basic education.

Analyses of budget processes have become increasingly important in development assistance, especially where Sector Wide Approaches are concerned. One way for the international community to follow how and

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[8]   See the work of de Vylder and Coclough in this respect.

[9]   17 African countries met in Addis Ababa in 1998 and agreed upon 15 common principles for cost sharing in education and health.

whether resources are being allocated to the social sectors is through the reports to the Committee of the Rights of the Child. Our review has shown that reports on issues of resource allocations have been weak and unsystematic. However, according to de Vylder (1996), it is not the published documents that constitute the core of the Committee's work – it is rather the dialogue with the states which is regarded as the key input by the Committee. In this regard, the role of the UN Special Rapporteurs can be important.

This section has highlighted the policy gap between a commitment to the right to education and basic realities. The value added gained from a right-based perspective on the financing of education is its possibility to focus on safeguarding each individual's right to basic education free of charge. What is crucial in the debate is to pay special attention to monitoring programme commitment to investments in education and to ensuring that international agreements become a reality experienced by all.
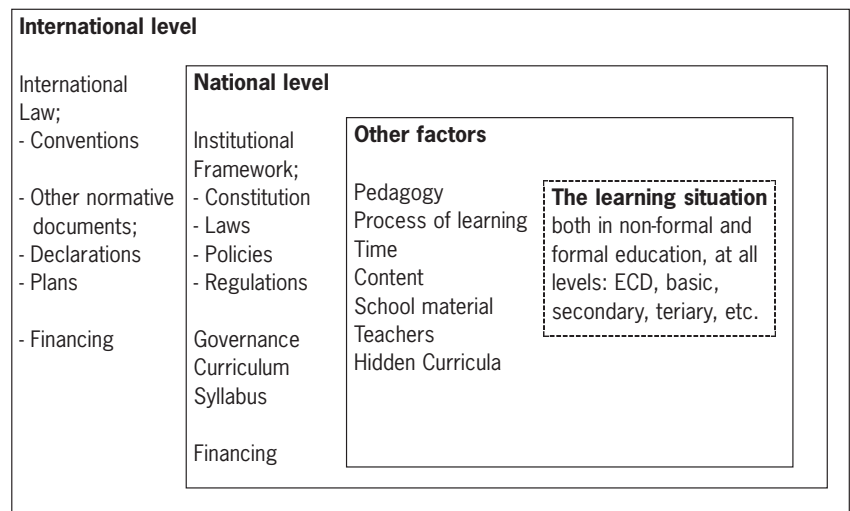
Box 6. Free education for all – the case of Uganda

In 1997 the Ugandan government adopted a strategy based on the Convention on the Rights of the Child that, within five years, every child would have access to free basic education. The strategy contains specific references to mainstreaming all categories of children, including special provisions for children with special needs. Families have a responsibility for ensuring that there is an equal balance between boys and girls. However, families are only allowed to send four children to school. The strategy builds on the assumption that over 30 per cent of the national budget will be allocated to education. However, it also assumes that it will be necessary to mobilise additional resources from other sources in Uganda and from external sources. A sector-wide long-term programme of cooperation has been put in place.

In practice the challenges are enormous. Will it be possible to mobilise the necessary internal and external resources? Will it be possible to combine such a rapid increase in access to education with reasonable quality, given the fact that the number of students per class has risen to 110 in many schools? What is going to happen to children who want to proceed to the next educational level? Has the right balance been struck between the expansion of primary, secondary and tertiary levels of education? Human rights conventions do not give answers to these questions. The priority issues that are at stake illustrate the strength of the conventions as normative instruments as well as their limitations as concrete tools for educational planning.

4. Democracy and rights in education

As indicated above, a democracy and human rights approach to education is not only a question of access but also includes how learners experience education. It is a question of how rights are expressed and manifested in the education systems. The exercise of rights and democracy in education, and specifically in the classroom, is affected by international law such as conventions and declarations, national legislation, and other factors at the local level as illustrated by the following diagram[10].

International level		
International Law; - Conventions - Other normative documents; - Declarations - Plans - Financing	**National level** Institutional Framework; - Constitution - Laws - Policies - Regulations Governance Curriculum Syllabus Financing	**Other factors** Pedagogy Process of learning Time Content School material Teachers Hidden Curricula **The learning situation** both in non-formal and formal education, at all levels: ECD, basic, secondary, teriary, etc.

4.1   Decentralisation, civil society and the state

A key issue for democracy and rights in education focuses on the organisation and governance of the structures that are created to enhance involvement and participation in the determination of educational policy and in its provision.

   An important debate on the governance of education refers to the policy of educational decentralisation which is currently the stated policy in most countries. This is evident in Sweden and in Sida's partner countries in the South. However, the concept of educational decentralisation has different interpretations and dimensions[11]. The strategies to imple-

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[10]   In international literature three broad dimensions for the reasons for decentralising are mentioned: the political, the administrative and ideological. Moreover, five types of administrative models for decentralisation are; privatisation, deregulation, deconcentration, delegation and devolution (Sayed, 1998).

[11]   See Sayed 2000 for a discussion of education advisory councils in relations to higher education in South Africa.

ment policies of decentralisation vary from country to country with differing consequences and outcomes.

From a human rights perspective it can be argued that everyone have the right to participate in and influence the institutions that provide services for them such as education. The decentralisation of educational governance thus creates the conditions required for participation in educational decision-making processes at the institutional and local levels. Further, educational decentralisation strengthens democracy in that it fosters strong local management and accountability, bringing government closer to the people.

Decentralisation of the education system is seen as important in increasing the involvement of pupils, parents and local communities in decision-making processes. It is commonly believed that those closest to the client are those who are best informed about the client's needs. Participation in decision-making processes is crucial for strengthening democracy as it facilitates parental right of choice, meets local demands, and respects the culture of the local community and the family.

While decentralisation may enhance rights in a democracy, experience and research show us that there are obvious risks when it comes to the realisation of decentralisation policies. First, educational decentralisation when accompanied by user charges and open admission policies may stratify the schools into those that have sufficient resources and those that do not, and produce a competitive and unequal system of education resulting in the marginalisation of disadvantaged communities. Thus, in privileging political and civil rights in a market system, it may undermine citizens' economic and social rights. Furthermore, there is little evidence to suggest that the decentralisation of education has resulted in improvements in learner achievement and in the quality of the teaching/learning environment. It has also been pointed out that decentralisation may simply result in the creation of structures such as governing bodies with small resources and limited capacity to use their powers to improve education.

From the discussion above, it is clear that educational decentralisation is not a sufficient requirement in itself for democratic governance. However, it is a necessary condition for creating an enabling environment for enhancing the involvement and participation of all stakeholders in education.

The state still continues to have an important role to play in processes of educational decentralisation. The state is ultimately responsible for guaranteeing, protecting and promoting the right of all to education. The state is responsible for setting national norms and standards that are applicable to all schools, for monitoring educational progress and achievement, for ensuring that schools, through their curriculum and teaching, engender a culture of democracy and rights which develops shared commitment such as respect and tolerance. Educational decentralisation also implies a commitment on the part of government to consciously and willingly transfer decision-making powers and provide the necessary resources, support and training for individuals at the local level to exercise such delegated powers and functions.

The policy of educational decentralisation implies that, while governments have an important role to play, they are not the only institutions involved in the determination of policy and in educational provision. Civil society has an important role to play in this regard. The evidence suggests that a key measure of the extent of democracy in society is the

vitality and strength of civil society. Governments and civil society play a mutual and complementary role in ensuring rights to and in education in a number of ways.

First, a crucial role government can play is to create appropriate conditions for civil society organisations. This requires that government should protect and promote freedoms such as freedom of association and freedom of speech which are vital to the functioning of civil society organisations. More importantly this requires a government that is willing to listen and heed the views of civil society organisations. This requires the creation of appropriate forums which can facilitate the participation of civil society, such as teacher and student organisations, in policy development[12].

Second, an important role that civil society plays is in advocacy and in monitoring the effects of government policy. In this sense civil society is the voice that makes known the negative and adverse consequences of government policy. It is also the sphere that allows submerged and marginalised voices to be heard[13]. Civil society organisations can play a crucial role in creating awareness of rights by stimulating public engagement in policy making when providing and alternate way in which the poor can be informed about and influence policy making and in alerting government to problems in the exercise of such rights. Civil society can thus extend and deepen democracy by giving voice to those who might not otherwise be heard and to those for whom voting is meaningless in a context of poverty.

Third, civil society plays an important role in meeting educational provision that is not possible for government. This is the case particularly in the area of adult education and in the provision of educational opportunities in marginalised rural areas often overlooked by government. Apart from providing educational opportunities, particularly in the field of adult education, civil society organisations have displayed significant innovativeness and creativity in educational approaches. Civil society organisations are able to respond quickly and innovatively to problems and to organise non-formal education alternatives and programmes. The key challenge, however, is to ensure that the work of civil society organisations does not provide a buffer which enables government to avoid taking its responsibility. It is also crucial to ensure that the innovative experiences can be mainstreamed into the entire education system.

Fourth, civil society plays an important networking role both nationally, regionally and internationally. In drawing on experience and in raising awareness, civil society organisations bring international experience and insights to countries. They thus create the possibility of global citizenship beyond the realm of national government.

It is important to be cautious in understanding the role of civil society has in ensuring the existence of democracy and rights in education. Civil society organisations in most countries are limited in terms of numbers, geographical spread and general capacity. Often there is lack of coordination and sharing between government and civil society organisations. In addition, innovation in education outside the formal system can be isolated and fragmented. There is a tendency that civil society may fragment the creation of a common unity as organisations in civil society. However, there is the possibility of genuine and mutually beneficial transactions and of interaction between governments and civil society.

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[12] See the works of Bobbio, Melluci, Gramsci and other. Bobbio contends that the strength of democracy is not how often people vote but what civil society spaces that exist for people to make their views known and be heard between elections.

[13] See Swift 2000.

4.2   Participation of stakeholders

A democratic education system is one that enables learners, parents and teachers to be informed, to participate, and to influence the decisions that affect them. The right of participation is central to the whole education system. The right to participate and freedom of expression are core principles in the conventions. Active participation is a key to the realisation of many other human rights. It is also a key mechanism for sustaining democracy and a criterion through which the degree of democracy in a society can be gauged. The participation of different stakeholders is essential in educational policy development, planning, management, and financing at all levels of the education system from the national level to the local school and classroom level. This implies that all stakeholders, including educational officials, civil society organisations, principals, teachers, communities, parents and not least children:

– have a say in the decisions that concern and affect them
– have the right to receive information
– have the right to organise themselves and advocate their rights
– have the right to be heard by government.

This implies that establishing structures that allow experience of democracy in education is vital for the affirmation of the right to education. It also implies that all stakeholders should be consulted and empowered in order to give them the possibility and the will to participate. This process implies that all stakeholders should participate in formulating the problems and in finding solutions to them. Democracy and rights in education create the conditions for the practice of democracy beyond education.

   In practice, however, full and optimal participation by all is not evident in all countries. The right to participate is often violated, especially in relation to excluded groups such as girls, women, people from

minority groups, people with disabilities and people living in rural areas. This is the case in both developing and developed countries. However, it is important to work towards the vision and learn lessons from examples of how it can be done. The vitality of democracy rests on the expression of different views. In this respect, some of the key stakeholders who have the right to experience and exercise democracy in education are:

Children:
Under the CRC, children have the right to have their views heard at all levels of the education system, both in schools and in educational planning. The best way of learning democracy and human rights is through experience in every-day life. Children's participation is favourable for the child's development and learning, and for practice in democratic citizenship. Learners who have experienced active and participatory learning methods have the chance to develop skills, attitudes and confidence that enhance their participation in society.

Pupils' councils or governing bodies can be one way of organising participation at the institutional level. School boards offer the potential for enhancing participation but are no guarantee for democracy. This is due to the fact that participation of children in school boards can be used simply to involve them, without any exercise of power and influence. It is also important to note that children's interests may be swamped by other actors represented on school boards.

It is also important to recognise that children have the right to be protected and should not have to shoulder responsibilities they are not capable of shouldering. Children's rights in education imply the right to a safe and secure learning environment free from all forms of violence, harassment, bullying, abuse, and prejudice by other children and adults in the school context. They also imply that children should take an active part in decisions on how the school is run and on the content of their education and the methods used in the classroom. However, the participation of children in education can be controversial in circumstances where parents and teachers may feel that such involvement undermines their authority. This implies that the adults have the most important role in enhancing children's participation. Their role is to create appropriate conditions and facilitate the child's ability to assume more responsibility and the will to participate.

Teachers:
Teachers have rights in education and not merely the providers of instruction. This means, among other things, that they are endowed with labour rights: they have the right to form and join trade unions, earn their living and work under equitable and favourable conditions (ICESCR). In addition to what is stated in the conventions, there are ILO and UNESCO conventions and recommendations which form an international standard for labour rights. The conventions and recommendations concern the status of teachers, teacher education, in-service training, salaries, social protection, employment conditions and the rights and responsibilities of teachers. The ILO regulations can be perceived as minimum requirements for legislation on teachers' employment.

Teachers have a key role in improving quality in education. They are expected to be the main facilitators of learning. As such they should ensure the best interests of the child and know how to adapt the curriculum to children's needs. Moreover, they are required to be administrators and act as the link between the school and the parents/community. The

gap between what is required from the ideal teacher and the skills that he/she possesses appears to be widening. In order to enable teachers to meet the various demands placed on their profession, it is increasingly recognised that teachers' skills need to be continuously upgraded. It should be noted, however, that while democratic teachers are unable to create a democratic school in a non-conducive environment, non-democratic teachers make a democratic school impossible.

The reality of low salaries, low social status, unsatisfactory working conditions, de-professionalisation, and lack of appropriate conditions for training provide an environment for teachers that is less than ideal. The teacher education system must be modified so that the teachers can be equipped to meet these challenges. Moreover, its is important to build capacity at all levels in the system and teachers must be able to influence, not only their own working conditions, but also the reform of the system as a whole. From a rights perspective, teachers should be aware of, and exemplify in their work, the commitments captured in the Convention on the Rights of the Child[14]. There should be a much greater focus on the role of teachers than is the case at present.

Parents and the family:
In the CRC it is stated that parents, or legal guardians, have the primary responsibility for the upbringing and development of the child. The best interest of the child is their basic concern (Art 18). Furthermore, parents have the right to choose the educational institution that they wish their children to attend. The important role and the rights of parents and the family have been a prominent feature in educational debates. The evidence suggests that there is close relationship between the home environment and pupil performance and achievement in school. Pupils from poorer home environments are disadvantaged in schools. Thus, efforts should be made to work with parents, both in terms of the learning environment at home and as partners in the governance of schools. Due caution is needed in asserting the importance of parental participation in education. First, it cannot be assumed that parental interests always coincide or are always in the best interest of children (e.g. they may prefer that the children work in the household to earn money). Second, parental participation should not be used as a strategy to download educational responsibility to individual parents, thereby reducing the state's obligations and commitments.

School leaders and administrators:
The role of school leaders has become even more important in education today. The evidence suggests that school leadership is one of the key factors in the effectiveness of schools[15]. The pressure on effective school leadership increases as education systems become more decentralised. School leaders thus play an important role in ensuring rights in education in many ways. First, they are crucial in facilitating and nurturing links between the school, parents, children, the community and society as a whole. They can facilitate the processes of enhancing participation in school governance rather than act as gatekeepers. Second, school leaders can realise the commitment to democracy in their day-to-day work. Like parents and teachers, school leaders need to be aware of and

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[14] Hammarberg (1997) notes that "Teachers could find their job description in the Convention on the Rights of the Child. Its principles about non-discrimination, the best interests of the child, child development and respecting views of the child are all ingredients in the conduct of the educator.

[15] See Lundgren 2000 for a discussion of this issue.

responsive to democratic styles of management and leadership. For this reason, training as well as contacts and cooperation with other schools could create valuable insights and knowledge in these fields.

Box 8. Lok Jumbish – An experiment in local initiative and participation

Lok Jumbish, which means people's movement, was run as an initiative and participatory movement in Rajasthan between 1992 and 1998. After six years it had expanded very rapidly and enrolled 500,000 primary school students, boys and girls in 14,000 villages with a total of 12 million inhabitants. This constitutes 25 per cent of the population of Rajasthan.

The basic idea of the programme is simple. Educational change should come from the villages and from the people themselves. Therefore, the start of the reform process is that the village elects a school committee or Core Team which works with a Block Level Education Management Committee with delegated powers to open new primary schools, upgrade primary schools, create teaching posts etc. The Core Team makes a map of the village and finds out who are going to school and who are not, how many are girls and how many are boys. Based on this information a plan to improve the situation is made. In parallel to this a professional support organisation with the task of providing pedagogical and financial support to the blocks and committees is built up. The costs of the programme were shared by the Indian Federal Government, the Government of Rajasthan, and an external funder, Sida.

Although designed to revitalize the existing programme of primary education, it was conceived as an alternative pedagogical and reform model for the whole of Rajasthan. Hence, it challenged existing structures and decision-making processes. Although the Government of Rajsthan was committed to the objectives of education for all, it could not accept a way of planning and implementation that was based on such a radical "bottom-up approach". The necessary legislative and regulatory changes that were necessary to make it sustainable met with opposition and did not come about. The programme has therefore been modified and integrated into the existing Government structure.

4.3   Educational content

Existing human rights treaties provide useful guidance about what to learn in school and the content of school curricula. For example, the CRC stresses that the school should help to develop "the child's personality, talents and mental and physical abilities to their fullest potential." This implies that education, to which every child has a right, is designed both to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused with appropriate values. This can only happen if the curricula relate to the daily life of pupils and what is relevant for them, now and in the future.

   In schools, teaching about democracy and human rights mainly takes place in the form of 'civic education'. However, it should be acknowledged that such teaching is part of an overall socialisation process which does not only take place in schools, it also takes place in the family, in peer groups, and in the community. In this regard, the media can play an important role. In the school context, civic education takes place as structured teaching on the rights and obligations of citizens, voting procedures, the legal system, structure of the state, etc. It is important to emphasise that the notion of 'civic education' should not only be limited to issues of this type but must also engender critical thinking in pupils to enable them to see their role as active and critical citizens. In this respect, civic education should enhance pupils'

awareness of their participation as citizens in the nation-state as well as their involvement as global citizens. While civic education is normally taught as a separate subject, it is important to recognise that issues of rights have implications for the teaching of all subjects.

When designing curricula the following is important from a rights perspective:

- The inclusion of Human Rights as a core component of curricula has been suggested by the Committee of the Rights of the Child. It is argued that the education system might be the best way of informing children and adults about their rights.[16]
- Non-discrimination and elimination of bias in textbooks and learning resources. It is important that the education content in textbooks and resources is free from any forms of bias and discrimination and that the content reflects a positive sense of identity in a changing global context.
- Recognition of democratic values and ideas throughout the curricula needs to be promoted and nurtured. This includes the promotion of democratic citizenship and responsibilities of community life as well as money management and budgeting. It also includes addressing social relationships, negotiating skills and non-violent conflict resolution in education.
- Information about sexual and reproductive health and protection of drug abuse are important to include in school curricula.
- Recognition of minority languages. In many education systems the majority of learners are disadvantaged linguistically since schools use a language that is not their mother tongue. It is stated that children have the right to use their own language. This does not however, necessarily entitle them to be taught entirely in that language, though initially this may be necessary for refugee or immigrant children. The right may also involve positive measures to ensure that children are able to speak their mother tongues in schools. The important link between the school and the parents is strengthened if communication can take place in a language that is understood. If mother tongue is used as a language of instruction, learning is more effective and attitudes to school become more positive.
- Children with special needs should be included in the formal education system and the curricula should reflect flexibility in teaching methods that this might require. (See box 9 on inclusive education).
- The development of respect for the natural environment is enshrined in the CRC. The recognition of the importance of acquiring knowledge and attitudes that lead to a sustainable way of living has been further amplified through Agenda 21 which emphasises the need to reorient existing education towards sustainability.

Box 9. Inclusive Education in Vietnam

The aim of the programme of Inclusive Education supported by Rädda Barnen (Swedish Save the Children) in Vietnam is to integrate children with disabilities in the regular education system. Discrimination of children with disabilities is counteracted through raising the awareness of decision-makers at national and local level, capacity building of national resource persons, teacher trainers, principals and teachers. Teachers are looked

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[16] See the works of Tomasevski, 1999 and Hammarberg 1997 in this regard.

4.4   Educational process

Rights in education necessitate educational processes that promote and nurture democratic values and ideal. This includes both what is taught (content) and how teaching and learning occurs (pedagogy). The teaching/learning process is crucial in ensuring rights in education. The way in which students are listened to, have space for influencing what is done in school, understand how schools work, and how they are treated, is of crucial importance for the effective learning of democratic principles and human rights and obligations[17]. Moreover, democratic values such as the right to participate should be reflected in methods of learning and teaching. In other words, the way learning is organised is closely linked to the wider political culture and process of change.

The CRC states that the state is obliged to ensure that (1) education leads to the fullest development of each child's personality, (2) education develops children's cognitive, social, moral, emotional and spiritual capacities and needs; (3) the best interest of the child guides all educational processes and that active learning approaches are used in the classroom.

The principle of non-discrimination is crucial to the education process. This principle should underpin teacher attitudes toward pupils and pupils' attitudes toward each other, the choice of language of instruction, the design and production of learning material and resources, and educational content as discussed above. The educational process should be fully inclusive, acknowledging all learners' specific needs and multiple identities. Teachers, who are trained for all learning needs, are usually better teachers and may develop a more democratic approach in the classroom. This, in turn, can create a better learning environment for the learners as they learn not only from the teacher, but also from practising in dealing with differences in the classroom. See box 9 on a concrete case from Vietnam.

Attitudes are important for the practice of democracy and human rights in schools. Paternalistic, authoritarian and derogatory attitudes towards learners and parents by schools do not engender a culture of democracy and rights. It is crucial that the relationship between the learner and teacher is based on mutual respect, tolerance, equity and non-discrimination. In many countries where Sida is providing support

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[17] This is sometimes referred as the hidden curric ulum denoting the messages that school transmits to learners who are to be the adult citizens of the future.

and assistance, the education system is mainly authoritarian, teachers are using corporal punishment in teaching and few teachers are conscious of the implications of human rights for the educational process. Moreover, learners come from homes where they are not expected or allowed to express opinions, especially if they are children and women.

The ideal democratic educational process based on a rights approach is not evident in many countries. Schools are struggling to define their role in situations of contradiction and conflict that are typical of pluralistic societies. The increasing economic and social disparities that exist between rich and poor within and between countries make this even more difficult. Notwithstanding these difficulties, commitment to democracy and rights in education requires an educational process in which democratic approaches are practised and applied inside and outside school.

The right to education and rights in education also have important implications for the well-being and life opportunities of people. First, the right to education empowers the child or adult through developing his or her skills, capacities, self-esteem and self-confidence. Education should help learners to realise their potential. All learners should be able to achieve and perform to the best of their ability. Second, it provides individuals with skills, competencies and abilities needed in all spheres of life. Third, through education individuals are made aware of their civil rights and responsibilities. They learn to live with others and develop a sense of community beyond their private interests. Education is the key to the forming of civil society. Through education, children and adults are made aware of their rights and are less likely, for example, to accept exploitative working conditions. However, there are many constraints to this as this paper notes. Nonetheless, education should benefit individuals by assuring them a meaningful role as active and committed members of society.

Box 10. Corporal punishment – best interest of the child?
– a case from South Africa

In August 2000 the Constitutional Court of South Africa had to decide on the constitutionality of corporal punishment in schools. As from 1996 corporal punishment in schools is prohibited in South Africa. An umbrella association of Christian schools, considering corporal punishment to be an integral part of their Christian ethos, claimed that the prohibition to use corporal punishment in schools impinged upon their freedom of religion. The respondent, the Minister of Education, contended that it was the infliction of corporal punishment which infringed constitutional rights and that the claim of the appellant to be entitled to a special exemption to administer corporal punishment was inconsistent with the constitutional rights of human dignity, freedom and security of the person and the right of the child to be protected from maltreatment, abuse or degradation.

The Court stated that while parents may no longer authorise teachers to apply corporal punishment in their name pursuant to their beliefs, parents are not being deprived of their general right and capacity to bring up their children according to their Christian beliefs. The Court further stated that the prohibition of corporal punishment is part of a national programme to transform the education system to bring it into line with the spirit of the Constitution. The creation of uniform norms and standards for all schools, whether public or independent, is crucial for educational development. Referring to the Convention on the Rights of the Child, the Court held that the state is under a constitutional duty to take steps to help diminish the amount of public and private violence in society and help protect all people, especially children, from maltreatment, abuse or degradation. Further the Court stated that it is widely accepted that in every matter concerning the child, the child's best interests must be of paramount importance. The principle is not excluded in

cases where the religious rights of the parents are involved. The Court dismissed the appeal and concluded that the prohibition of corporal punishment is constitutional, thus upholding the ban on corporal punishment in all schools.

In an additional comment the Court added that it did not have the assistance of a curator to represent the interests of the children. Although both the state and the parents were in a position to speak on their behalf, neither was able to speak in their name. A curator could have enabled their voices to be heard and the foundations for the balancing exercise in the matter would have been more secure[18].

4.5   Education, democratic culture and society

It has been noted earlier that education is crucial in promoting democracy, that education as a category of social and economic rights is a necessary condition of democracy, and that democracy is a necessary condition for the existence of economic and social rights. This section discusses the role of education in developing and maintaining basic and democratic values and the outcomes of a democracy- and rights approach in relation to benefits for society.

In general, a democratic political culture is characterised by values of nonviolence, mutual tolerance, respect, co-operation and equality. The culture of democracy supports the creation of democratic institutions, and in turn these institutions reinforce the values. Peace, respect for human rights and good (democratic) governance develops through institutions, which are based on certain values. Education plays an important role in nurturing the conditions for democracy in society in many ways. As Dewey notes, education plays an important role in shaping identities and citizenship. Education has political and ethical consequences for the way we apprehend our society and develop our self-understanding. The school can therefore be a powerful social institution for the creation of a democratic political culture and, consequently, for the strengthening of the democratic structures and institutions.

For example, the Swedish National Curriculum notes that the school has the "important task of imparting, instilling and forming in pupils the fundamental values on which society is based. The inviolability of human life, individual freedom and integrity, the equal value of all people, equality between women and men, and solidarity with the weak and vulnerable are all values that the school shall represent and impart". In other words, the school aims at creating the conditions for the effective exercise of citizens' rights and the participation of individuals as critical and active members of society.

In addition, the school has the potential to play an important role in teaching learners respect for the nation and culture while, at the same time, respecting those of others. The school is an important social and cultural meeting point in multicultural societies and has a role in preventing xenophobia, racism and violence. The foundation of core democratic values must be held alive through articulation, discussion and action both inside and outside school. In other words, the school shapes and is shaped by society and is an important civic institution in a democratic society.

Moreover, the role of the education system is to contribute to the global and local cultural identity of different societies and to maintain cultural diversity in response to the tendency of cultural uniformity throughout the world. This implies that education should serve both local and global needs

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[18] Christian Education South Africa versus minister of Education, case CCT 4/00 18 August 200.

and democratic governments should assume the responsibility for adapting the education system to the needs of all groups, providing opportunities to learn skills and knowledge applicable at local and global levels, thus contributing to a new multicultural global identity.

The school is only one arena in which the society is formed. Another is the family and everyday life. This arena is even more important than the school in shaping and maintaining basic values. While the way the school is organised may differ depending on specific cultural contexts, the principles that guide this development must be the same. Both school and everyday life may mutually influence and reinforce each other and create a more solid base for a democratic culture.

Box 11. Tuseme – Education for Democracy
for Secondary Schoolgirls in Tanzania

The Education for Democracy and Secondary School Girls project, TUSEME, in Tanzania is a gender sensitive project, which tries to penetrate deeper into the roots and causes of disempowerment. TUSEME focuses on mobilising the voices of the girls and enabling them to explore and communicate about factors that lead to school drop-outs, poor academic performance, schoolgirl pregnancies, sexual harassment and other gender related problems, i.e. make the school more democratic.

TUSEME creates a "tool" for girls to make their voices heard, mainly through theatre, singing and dancing. For example, the choir song deals with sexual relationships between teachers and students, the jive song and the rap song deal with the teachers' lack of proficiency in English, the Masewe dance shows inappropriate and severe punishment by teachers. As almost 20 per cent of all girls attending secondary school become teachers themselves, TUSEME's interactive and participatory methods fill an important function in spreading democratic methods of teaching.

The lessons learned are that when girls are given the chance to practise their rights, they do. They speak about what is wrong and what is right. They gain confidence to speak their minds and they feel respected. By feeling secure in school, they perform better in school. They fight for equality, which means expressing their views on issues that are crucial to their self-development. In TUSEME schools, girls are treated the same way as the boys. Through girls clubs, exercise big influence on the content and planning of school activities, though this met heavy resistance from the schoolboards in the beginning.

The results are so encouraging that there are plans to expand it throughout the secondary educational system. One important reason to the success of TUSEME is its connection to the university of Dar Es Salaam which gave the project more authority and thereby raising the acceptance among teachers and principals.

5. Implications for Swedish development co-operation

Within the context of the overall aim of reducing poverty by improving access to and the quality of education, the framework presented in this paper provides important guidelines for Swedish development co-operation. A democracy and human rights perspective implies that development co-operation is based on promoting, protecting, and nurturing shared values and commitments. Human Rights apply to everyone.

The conventions form a codified foundation of common values, which may serve as a normative framework for development co-operation. For Sida, this means that all initiatives should be guided by the international human right treaties and the common understanding of democracy. In accepting this framework, Sida should not only apply the normative framework, but also help to ensure that human rights, such as the right to education and the rights in education, really become a reality in all partner countries.

In Sida's programmes of education support, questions of value, as they are reflected in the formal content of the curriculum and in the way processes of learning and teaching are organised, are given renewed emphasis. Issues of structure, as well as the question of financing education, are also important. These questions can be revisited in light of the framework outlined in this paper. It is important to note that the answers to these questions will vary between and within countries and thus Sida's commitment is to a contextual analysis and dialogue with partners.

Swedish development co-operation is based on the principles of ownership and partnership. This means that development should be driven by the recipients and that relations should be guided by a spirit of equality between partners. The principles of human rights and democracy add important dimensions to these two principles. First, ownership on behalf of governments becomes clearer through the accountability of the state towards each citizen. Secondly, democracy and respect for human rights form an important platform for partnership. This means that co-operation should be conducted in a democratic spirit and be characterised by mutual trust, respect, openness and responsibility.

The introduction of a human rights perspective in development co-operation implies that "Sweden can utilise the moral and political legitimacy which human rights issues provide."[19]

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[19] p. 88 of the Government White Paper.

A democracy and human rights approach provides a new legitimacy to argue for further investments in education. The perspective of this paper makes the importance of education self-evident and investments are seen to be of direct benefit to all societies. The approach makes governments accountable for the provision of human rights and obliges them to make progressive improvements in education.

A human rights and democracy approach also adds value to Sida's role as a facilitator of the exchange of experience and ideas between the Swedish resource base and partner countries. This is particularly important for groups such as teachers' unions, student organisations and schools. The role of Sida in this sense is also to contribute to knowledge within the context of the framework presented in this paper and to discuss continuously new ideas and new perspectives other stakeholders may have.

There are numerous examples of Swedish support to education programmes which have the promotion of democracy and human rights as their main objective. They are mainly to be found outside the formal system and include civic education programmes, courses intended to improve knowledge of human rights, and voter education projects. These activities have traditionally not been seen as complementary to support to formal education. The perspective here suggests that analysis and dialogue should always contain a broad view of the education sector as a whole, including all educational levels, civil-society activities, and all stakeholders involved. In addition, a human rights and democracy perspective implies that it is important for Sida to facilitate contacts between civil society and governments. This implies that Sida needs to encourage the organisation of discussion fora and meeting points with different stakeholders in order to develop these contact points.

The framework has important implications for the allocation of Swedish education assistance. In the Sector Wide Approach (SWAP), where assistance is no longer earmarked and where the sector strategy forms the basis of Swedish assistance, it is important for Sida to analyse the priorities made by governments from a human rights and democracy perspective in national budget allocations and allocations in the education sector and to recognise the critical role played by civil society organisations in the process.

In order to develop experience which may contribute to the overall education policy, Sida should provide financial assistance to innovative educational projects and programmes at local, national or regional level which incorporate human rights and/or democracy as an overall objective, a partial objective or as an integrated part of implementation.

The UN system plays an important role in promoting democracy and human rights through education. UNESCO and UNICEF can provide norms, standards and guidelines for their member states and play an important role in documenting experience and stimulating the sharing of experience within and between countries. They can also participate in policy dialogue in SWAPs and in educational reforms. UNDP support to civil society and to government institutions that are important for democratisation can counteract discrimination and stimulate the space given for people's participation in decisions that affect them. Therefore, it is important for Sida to continue having a dialogue with and providing support to the UN organisations to enable them to play this important role.

A few conclusions can be derived concerning priority areas in education which may contribute to human rights and democracy:

– Sida should continue to focus its efforts on basic education, without losing the perspective of life-long learning. In order to promote education for all, Sida should promote initiatives aimed at improving education opportunities for groups that do not have access to education, for example groups that are discriminated against on the basis of factors such as ethnicity, language, gender, income level and disability; groups that are outside the system due to war, displacement, and emergencies; and groups that are restrained from attending school on account of their poverty. Initiatives could take place at the level of national policy or in the form of innovative projects and programmes at local, national or regional levels.

– There is a need of a joint understanding between aid agencies such as UNESCO, UNICEF and the World Bank and networks such as ADEA (Association for the Development of Education in Africa), EFA (Education for All)-working groups and International Working Group on Education on a democracy and rights-based perspective on education. Therefore, Sida should strive to uphold a dialogue on the issues raised in this paper.

– Sida should find forms for support to innovative educational projects and programmes, and to civil society institutions, for example student organisations and teachers' unions, which are important for a democratic society and not always supported by the state and not included in Sida-supported SWAPs.

– Further policy studies and research are needed on a democracy and human rights perspective as well as in the fields of financing education and governance/decentralisation.

– Another priority area is support for the professional development of teachers. It is argued that teachers play a fundamental role in promoting democracy and human rights. Teachers should not be seen merely as facilitators of rights and democracy, but also as holders of rights and as partners in democratic processes in the education system. Sida should promote initiatives which improve their training and the circumstances under which they work. Training in active learning methods should be promoted. Sida should also promote their rights and their possibilities to participate in decision-making processes in the education system.

– Finally, Sida should promote initiatives which enhance the practice of human rights and democracy through stakeholders' participation in decision-making processes in the education bureaucracy and in the relationship between the community and the school. Sida should promote national policy dialogue and strategic planning with broad civic participation. In this regard, an important role is to develop the capacity of stakeholders to effectively participate in decentralised education systems.

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Appendix 1

The Relation Between Education and Democracy

Education has long been a key variable in empirical studies of democracy. Below are three examples from three decades of how education as a variable has been used to explain democracy.

Seymour M. Lipset from "Political Man", 1959

	Students per 1000 pop.		
	Primary	Secondary	University
European stable democracies	136	44	4,2
European dictatorships	121	22	3,5
Latin American democracies	101	13	2,0
Latin American dictatorships	72	8	1,3

Robert A. Dahl from "Polyarchy: Participation and Opposition", 1971

Socio-economic indicator	All countries	Democracies
	Mean	Mean
Enrolment in higher education per 100,000 pop.	281	499
Enrolment in prim. and sec. educ. as % of pop. aged 5-19	43%	62%
Literate, 15 years and over	52%	82%

Axel Hadenius from "Democracy and Development", 199218

Variables which display significant associations with level of democracy
(in Third World countries only)

	Standard regression Coefficients	Explained variance
Literacy	0.13	
Commodity concentration	-0.24	
Trade, (import from USA)	0.29	
Capitalism	0.18	
Percentage of Protestants	0.20	
Military expenditure	-0.17	
Average fragmentation (ethnic, religion)	-0.13	
		59.2

Appendix 2

List of Human Rights Treaties relevant to the right to education

The following treaties are the most important:
- The Universal Declaration on Human Rights, UDHR, 1948
- International Covenant on Civil and Political Rights, ICCPR, 1976
- International Covenant on Economic, Social and Cultural Rights, ICESCR, 1976
- Convention on the Elimination of All forms of Discrimination against Women, 1981
- Convention on the Rights of the Child, 1990
- International Convention on the Elimination of All forms of Racial Discrimination, 1969

…and the following International commitments from World Conferences:
- World Declaration on Education for All, Jomtien, 1990
- The Dakar Framework for Action: Education for All, Dakar, 2000

Other important treaties:
Global treaties
- Convention against Discrimination in Education, 1962
- ILO Convention concerning indigenous and Tribal Peoples in Independent countries, 1991
- ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labour, 2000

Regional treaties
- The protocol to the American Convention on Human Rights,1978
- African Charter on Human and Peoples Rights, 1986
- African Charter on the Rights and Welfare of the Child, 1999
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1953
- European Social Charter, 1999
- Framework Convention for the Protection of National Minorities, 1998
- European Charter for Regional or Minority Languages, 1998

Declarations from International World Conferences
- The Rio Declaration on Environment and Development, Agenda 21, 1992
- Vienna Declaration and Programme of Action, 1993
- Programme of Action of the UN International Conference on Population and Development, Cairo, 1994
- The Salamanca Declaration on Education for Children with Special Needs, 1994
- World Conference on Women, Beijing, 1995
- Declaration and Programme of Action of the World Summit for Social
  Development, Copenhagen, 1995
- Declaration and Integrated Framework of Action on Education for Peace,
  Human Rights and Democracy, Montreal, 1995
- Istanbul Declaration on Human Settlements and the Habitat Agenda, Istanbul, 1996

Appendix 3

The Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) has been ratified by 191 countries. It was finalised in 1989. It is a modern convention that interprets all human rights in relation to the specific situation of children and provides a minimum standard for children's social, economical, cultural, civil and political rights.

All rights are interrelated and interdependent. CRC is the convention that is most exhaustive on the right to education and the purpose of education. It states that children have the right to an education which enables them to develop their capacities and take up responsibilities in the community.

All children have the right to education that processes and organisation of education should reflect the principles of the CRC:
– Non-discrimination (art 2)
– Participation (art 12)
– The best interest of the child (art 3)
– The right to survival and development (art 6)

The convention states that no child should be discriminated against. Special articles specify special groups of children that need special protection in order to have their rights fulfilled. These are children in armed conflict, children in conflict with the law, working children with disabilities, children from neglectful and exploitative backgrounds, children in institutions and children from minority groups.

The convention also states that school discipline should be in conformity the child's human dignity (art 28) and recognise the child's right to protection from physical and mental violence (art 19). All countries that have ratified the CRC are supposed to report regularly to the UN Committee on the Rights of the Child. NGOs can make shadow reports.

All reports are available on www.unhchr.ch

Appendix 4

The Dakar Framework for Action and the expanded vision as expressed in Jomtien Declaration

Sida is committed to the "The Framework for Action on Education For All" (EFA), adopted in Dakar, in April 2000. The six goals adopted are:

1. expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;

2. ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;

3. ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes;

4. achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;

5. eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality;

6. improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

The expanded vision of education as expressed in the Jomtien Declaration:

"Every person – child, youth and adult – shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning..... (Article 1)

"To serve the basic learning needs of all requires more than a recommitment to basic education as it now exists. What is needed is an "expanded vision" that surpasses present resource levels, institutional structures, curricula, and conventional delivery systems while building on the best in current practices...., the expanded vision encompasses:

– Universalising access and promoting equity
– Focusing on learning
– Broadening the means and scope of basic education
– Enhancing the environment for learning
– Strengthening partnerships

Appendix 5

List of Human Right paragraphs with relevance to the right to education

This is a compilation of Human Rights of relevance to the right to education stated in the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICECSR), the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

Right to education:
– The State Parties to the present Covenant recognize the right of everyone to education (ICECSR, CRC)
– Primary education shall be compulsory and available free to all. (ICECSR, CRC)
– Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education. (ICECSR) It shall encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need. (CRC)
– Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education. (ICECSR) It shall make higher education accessible to all on the basis of capacity by every appropriate means. (CRC)
– Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.
– The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
– Make educational and vocational information and guidance available and accessible to all children. (CRC)
– Take measures to encourage regular attendance at schools and the reduction of drop-out rates. (CRC)

Rights related to educational content and educational processes (IN):

– Education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Education should be directed to:

– The development of the child's personality, talents and mental and physical abilities to their fullest potential;
– The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
– The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
– The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
– The development of respect for the natural environment. (CRC)

School Management and infrastructure:

– States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention. (CRC)
– No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State. (CRC)
– In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. (CRC)

Right to establish schools and choose education:

– The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children is in conformity with their own convictions. (ICCPR) …to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State…(ISCRC)
– No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational

institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State. (ISCRC)

Right to association/teachers rights:
– Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. (ICCPR)
– The States Parties to the present Covenant undertake to ensure the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. (ICE-CR)

Financing /Follow-up /International Cooperation:
– Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all. (ICSCR)
– States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries. (CRC)
– With regard to economic, social and cultural rights, State parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Discrimination:
Women
– 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 and in particular to ensure, on a basis of equality of men and women:
– The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
– Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
– The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help to achieve this

aim and, in particular, by the revision of textbooks and school pro-
grammes and the adaptation of teaching methods;

– The same opportunities to benefit from scholarships and other study
grants;

– The same opportunities for access to programmes of continuing
education, including adult and functional literacy programmes,
particularly those aimed at reducing, at the earliest possible time, any
gap in education existing between men and women;

– The reduction of female student drop-out rates and the organization
of programmes for girls and women who have left school prematurely;

– The same opportunities to participate actively in sports and physical
education;

– Access to specific educational information to help to ensure the health
and wellbeing of families, including information and advice on family
planning. (CEDAW)

Children with special needs:

– States Parties recognize the right of the disabled child to special care
and shall encourage and ensure the extension, subject to available
resources, to the eligible child and those responsible for his or her
care, of assistance for which application is made and which is appro-
priate to the child's condition and to the circumstances of the parents
or others caring for the child.

– Recognizing the special needs of a disabled child, assistance extended
in accordance with paragraph 2 of the present article shall be pro-
vided free of charge, whenever possible, taking into account the
financial resources of the parents or others caring for the child, and
shall be designed to ensure that the disabled child has effective access
to and receives education, training, health care services, rehabilita-
tion services, preparation for employment and recreation opportuni-
ties in a manner conducive to the child's achieving the fullest possible
social integration and individual development, including his or her
cultural and spiritual development

Working children:

– States Parties recognize the right of the child to be protected from
economic exploitation and from performing any work that is likely to
be hazardous or to interfere with the child's education, or to be
harmful to the child's health or physical, mental, spiritual, moral or
social development.