

INTERNATIONAL INSTRUMENTS

Quality of Education

- **Universal Declaration of Human Rights** (Article 26.2)
- **International Covenant on Economic, Social and Cultural Rights** (Article 13)
- **Convention on the Rights of the Child** (Articles 28 and 29.1; General Comments 1, 8, 12 and 17)
- **Convention for the Elimination of All Forms of Discrimination Against Women** (Article 10)
- **Convention on the Rights of Persons with Disabilities** (Article 24)

- **UNESCO Convention against Discrimination in Education** (Articles 1.2, 2, 4 and 5)
- **UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms**
- **Dakar Framework for Action – Education for All: Meeting our Collective Commitment**

- **African Charter on the Rights and Welfare of the Child** (Article 11)
- **Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa** (Article 12)
- **African Youth Charter** (Articles 13)
- **Additional Protocol to the American Convention on Human Rights, Protocol of San Salvador** (Article 13)
- **Council of Europe Recommendation on ensuring quality education**
- **ASEAN Human Rights Declaration** (Article 27 and 31)

Universal Declaration of Human Rights, 1948

Article 26

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

International Covenant on Economic, Social and Cultural Rights, 1966

Article 13

1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that 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.

2. The States Parties to the present Covenant recognise that, with a view to achieving the full realisation of this right:

(e) 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.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians 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 and to ensure the religious and moral education of their children in conformity with their own convictions.

4. 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 1 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.

Convention on the Rights of the Child, 1989

Article 28

2. 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.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) 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 civilisations different from his or her own;

(d) 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;

(e) The development of respect for the natural environment.

2. 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.

The Committee on the Rights of the Child has interpreted Article 29 (1) in its [General Comment 1](#): The aims of education.

Other General Comments adopted by the Committee also clarify aspects of the right to quality education:

[General Comment 8](#): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, for an interpretation of Article 28.2 on school discipline.

[General Comment 12](#): The right of the child to be heard, particularly paragraphs 105 to 114 in education and school.

[General Comment 17](#): The right of the child to rest, leisure, play, recreational activities, cultural life and the arts, particularly paragraph 27 which links with the right to education, paragraph 41 on pressure for educational achievement and paragraph 58 (g) on States' obligations in school environment.

Convention on the Elimination of All Form of Discrimination Against Women, 1979

Article 10

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:

(b) 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;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

Convention on the Rights of Persons with Disabilities, 2006

Article 24

1. States Parties recognise the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; c) Enabling persons with disabilities to participate effectively in a free society.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including: a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring; b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development.

4. In order to help ensure the realisation of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

UNESCO Convention against Discrimination in Education, 1960

This Convention makes explicit reference to the obligation to ensure quality education. Article 1.2 states “the term ‘education’ refers to all types and levels of education, and includes access to education the standard and quality of education, and the condition under which it is given.”

Other articles refer to quality education:

Article 4

The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;

Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, **provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality**, and afford the opportunity to take the same or equivalent courses of study;

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided **conforms to such standards as may be laid down or approved by the competent authorities**, in particular for education of the same level ;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided **conforms with such standards as may be laid down or approved by the competent authorities**, in particular for education of the same level.

Article 5

1. The States Parties to this Convention agree that:

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but **conforming to such minimum educational standards as may be laid down or approved by the competent authorities** and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, 1974

This [Recommendation](#) provides a normative framework for promoting human rights education by detailing guiding principles and formulating a global approach. The Recommendation underlines the need for understanding and respect for all peoples, their cultures, civilisations, values and ways of life. It underlines the responsibility of Member States for providing human rights and fundamental freedoms, and the need for national policy and planning, and the development for particular aspects of learning, training and action. It stresses the importance of the fundamental principles of human rights education, notably the principle of equality of educational opportunity, access to education, and solidarity. The Recommendation contains provisions for revision of textbooks and other educational material as well as for the struggle against illiteracy.

Dakar Framework for Action – Education for All: Meeting our Collective Commitment, 2000

Adopted in 2000 by the World Education Forum, the [Dakar Frameworks for Action](#) sets the six EFA goals to be achieved by 2015. Goal 6 refers to the quality of education. States committed to improve all aspects of the quality of education and to ensure excellence of all so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

African Charter on the Rights and Welfare of the Child, 1990

Article 11

2. The education of the child shall be directed to:

- (a) the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and peoples' rights and international human rights declarations and conventions;
- (c) the preservation and strengthening of positive African morals, traditional values and cultures;
- (d) the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;
- (e) the preservation of national independence and territorial integrity;
- (f) the promotion and achievements of African Unity and Solidarity;
- (g) the development of respect for the environment and natural resources;
- (h) the promotion of the child's understanding of primary health care.

4. States Parties to the present Charter shall respect the rights and duties of parents, and where applicable, of legal guardians to choose for their children's schools, other than those established by public authorities, which conform to such **minimum standards** may be approved by the State, to ensure the religious and moral education of the child in a manner with the evolving capacities of the child.

5. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is subjected to **schools or parental discipline** shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter.

7. No part of this Article shall be construed as to interfere with the liberty of individuals and bodies to establish and direct educational institutions subject to the observance of the principles set out in paragraph 1 of this Article and the requirement that the education given in such institutions shall conform to such **minimum standards** as may be laid down by the States.

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 2003

Articles 12

1. States Parties shall take all appropriate measures to:
 - b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
 - c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
 - d) provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
 - e) integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

African Youth Charter, 2006

Articles 13

1. Every young person shall have the right to education of good quality.
3. The education of young people shall be directed to:
 - a) The promotion and holistic development of the young person's cognitive and creative and emotional abilities to their full potential;
 - b) Fostering respect for human rights and fundamental freedoms as set out in the provisions of the various African human and people's rights and international human rights declarations and conventions;
 - c) Preparing young people for responsible lives in free societies that promote peace, understanding, tolerance, dialogue, mutual respect and friendship among all nations and across all groupings of people;
 - d) The preservation and strengthening of positive African morals, traditional values and cultures and the development of national and African identity and pride;

- e) The development of respect for the environment and natural resources;
 - f) The development of life skills to function effectively in society and include issues such as HIV/AIDS, reproductive health, substance abuse prevention and cultural practices that are harmful to the health of young girls and women as part of the education curricula;
4. States Parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular:
- d) Strengthen participation in and the quality of training in science and technology;
 - i) Allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning;
 - j) Adopt pedagogy that incorporates the benefits of and trains young people in the use of modern information and communication technology such that youth are better prepared for the world of work;
 - k) Encourage youth participation in community work as part of education to build a sense of civic duty;
 - m) Establish and encourage participation of all young men and young women in sport, cultural and recreational activities as part of holistic development;
 - n) Promote culturally appropriate, age specific sexuality and responsible parenthood education;

Additional Protocol to the American Convention on Human Rights, Protocol of San Salvador, 1988

Article 13

2. The States Parties to this Protocol agree that education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. They further agree that education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and promote activities for the maintenance of peace.

Arab Charter on Human Rights, 2004

Article 41

4. The States parties shall guarantee to provide education directed to the full development of the human person and to strengthening respect for human rights and fundamental freedoms.

5. The States parties shall endeavour to incorporate the principles of human rights and fundamental freedoms into formal and informal education curricula and educational and training programmes.

Council of Europe Recommendation on Ensuring Quality Education, 2012

See the full text of the [Recommendation](#)

ASEAN Human Rights Declaration, 2012

Article 31

(3) Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.