Right to Education Project Monitoring Guide

UCL Institute of Education

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RIGHT TO EDUCATION PROJECT
promoting mobilisation and accountability

Why monitor the right to education?

- Education is a human right!
- States have committed to the right to education
- Measure both the enjoyment of the right to education (outcome indicators) and States' fulfilment of their human rights obligations (structural and process indicators)
- Right to education indicators are based on international human rights law and can be used to gather credible evidence of human rights issues and violations
- Accountability

Every single country faces education issues. There are 124 million primary and secondary school aged children out-of-school; a quarter of all children living in conflicts unable to access education Even in the UK there are real concerns: eg, the Ministry for Education has failed to regulate and close down illegal schools which practice indoctrination and corporal punishment. These issues need to be understood and analysed in order to be addressed. They need to be monitored.

So why use a human rights-based approach? Because some education issues are human rights issues! Every country has ratified at least one hr treaty guaranteeing the rte and the majority of countries protect the rte in their constitutions.

States have committed to implementing the right to education. This means there is an existing legal framework that sets forth the normative content of the right to education and State's corresponding legal obligations regarding this content. By using human rights law we can identify violations and problems and hold States to account for the commitments they have made.

Indicators play a key role as they allow us to measure this dynamic: We can measure enjoyment of the right to education by rights-holders using outcome indicators and State efforts using structural and process indicators. Human rights indicators allow us to gather relevant, revealing, and credible evidence, which we can then use to understand and address human rights concerns.

Aims of the Guide

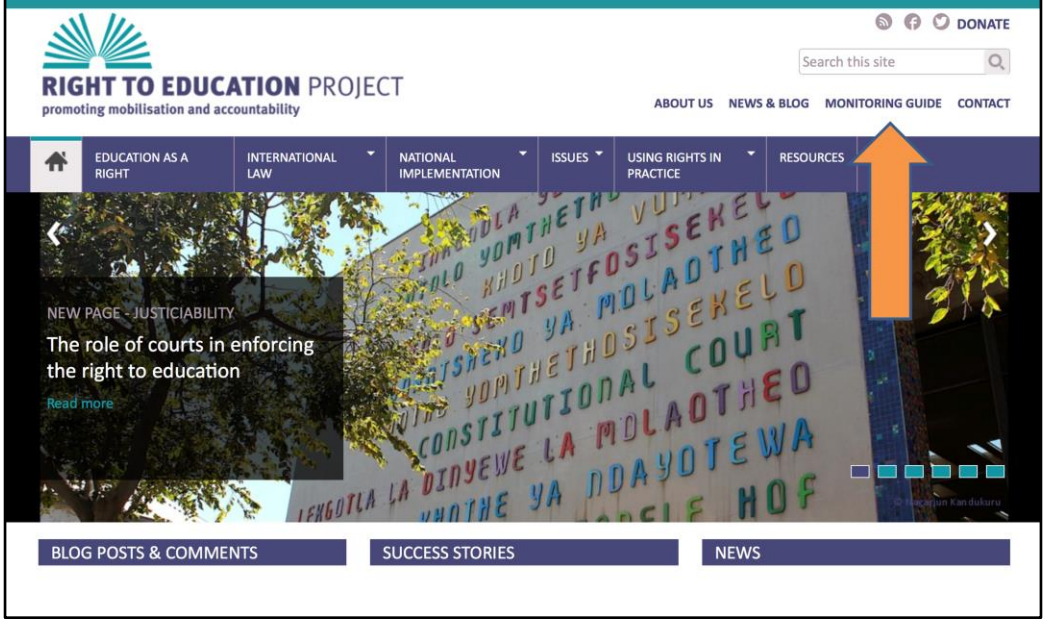
- To demystify and simplify the monitoring process
- Users: civil society organisations, academics, States, international organisations, and donor agencies
- Uses: parallel reporting, reporting to human rights commissions, influencing education sector plans, sector reviews, and school-level advocacy

We have developed the Guide and Tool to demystify and simplify the monitoring process and help all those engaging in education advocacy to gather credible and relevant evidence using human rights indicators which can then be used as a basis upon which to advocate for change, in line with human rights law and principles.

The Guide and Tool can be used by various stakeholders: academics, donor agencies, international orgs, States but mainly they have been developed for civil society.

Can be used for: paralleling reporting, reporting to human rights commissions, influencing education sector plans, reviewing progress, sector reviews, but also at the school and community level to assess the rte in schools and lobby local level actors eg PTAs for change.

www.right-to-education.org



www.right-to-education.org/monitoring

Created a website to house the Guide and Tool.

Dynamic and user-friendly, especially for those in the field.

Most importantly: Updateable. Not stuck in time. Flexible tool which can adjust to monitoring needs.

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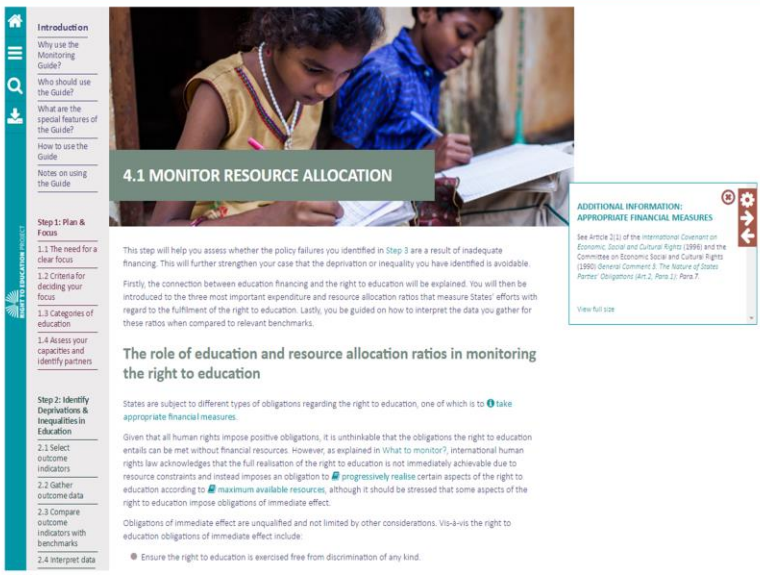
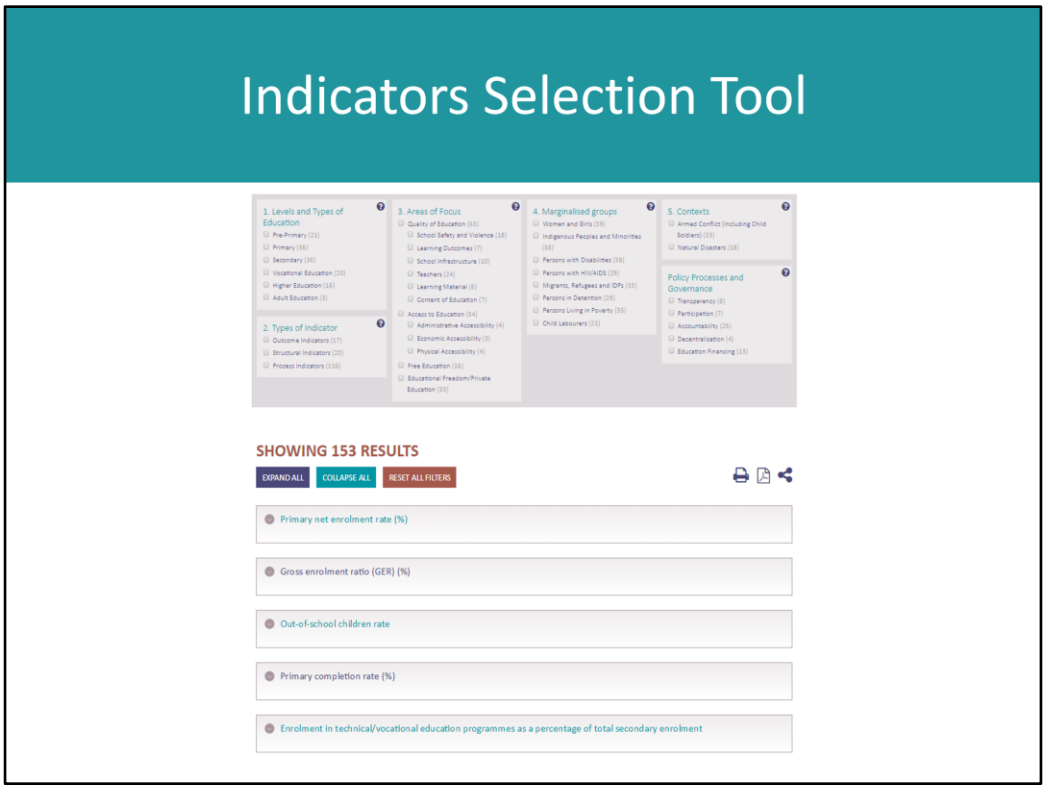


One of the ways we have made the guide easy to use: Instead of footnotes where you are drawn away from the content, we present ancillary content, that is, examples, additional information, further guidance, indicators, and glossary terms in a window on the right-hand side of the screen. Each type of ancillary content is denoted by a different icon, which you simply click.

Indicators Selection Tool



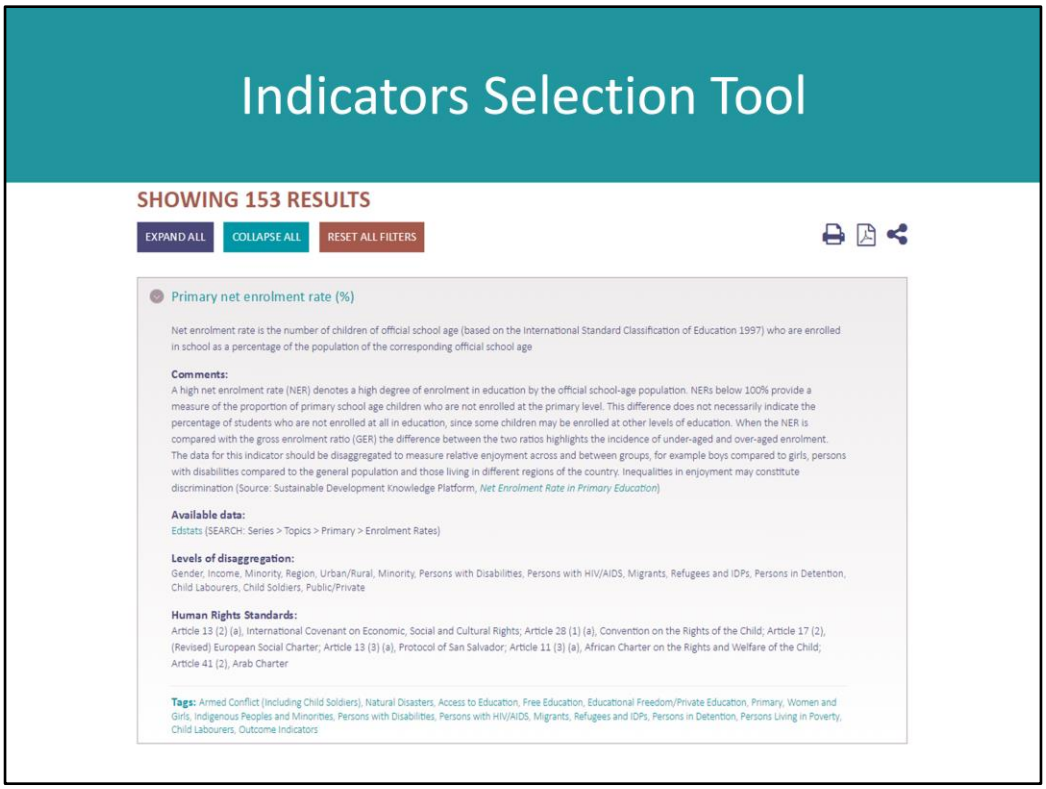
The monitoring site comprises 2 parts: the guide and the indicators selection tool.

IST is novel and is the first tool of its kind.

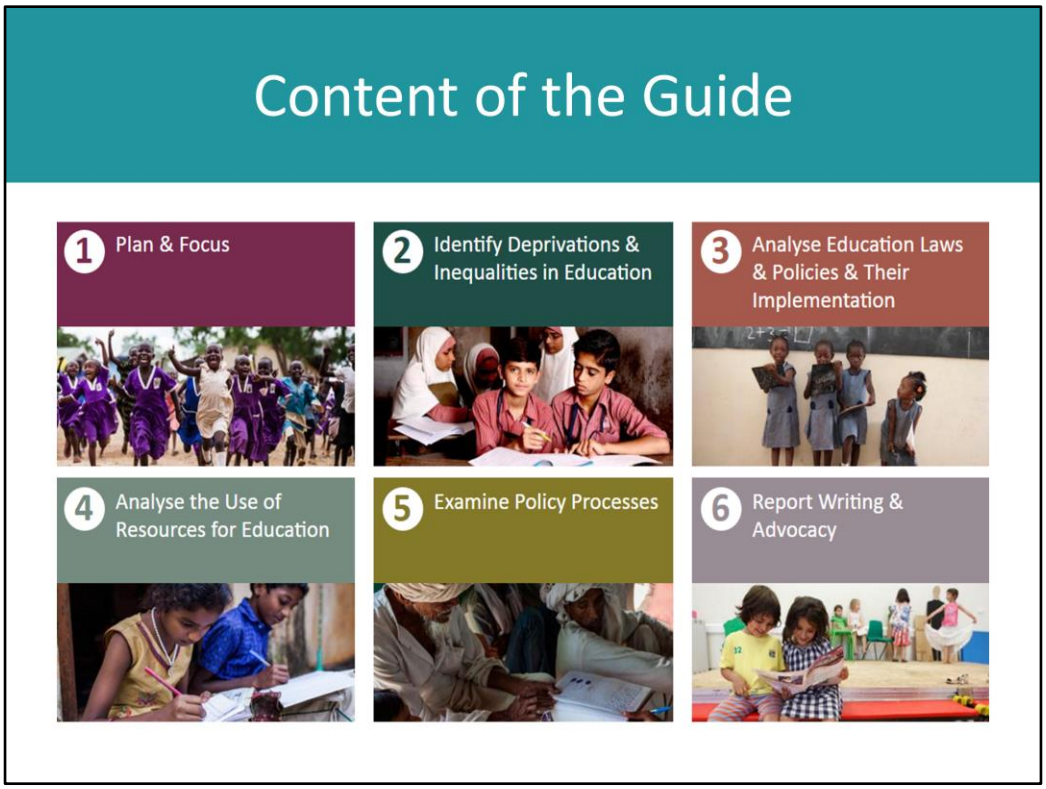
Rationale: Difficult to know which indicators to select. Many indicators. Assessing the right to education and knowing what data to look at isn't simple.

The Tool has been created to select relevant right to education indicators to monitor the issue at hand. But when used in conjunction with the guide, together they provide a way to systematically monitor the right to education. The guide shows users how to use the tool and how to select relevant indicators for which to collect data.

The tool has 6 criteria (go through criteria). You make selections based on what's relevant to your monitoring project. As you make selections, the tool gets rid of indicators not relevant to your topic.



For each indicator relevant information is provided, such as: definition, comments on interpretation, basis in international human rights law, available data, and suggested levels of disaggregation.

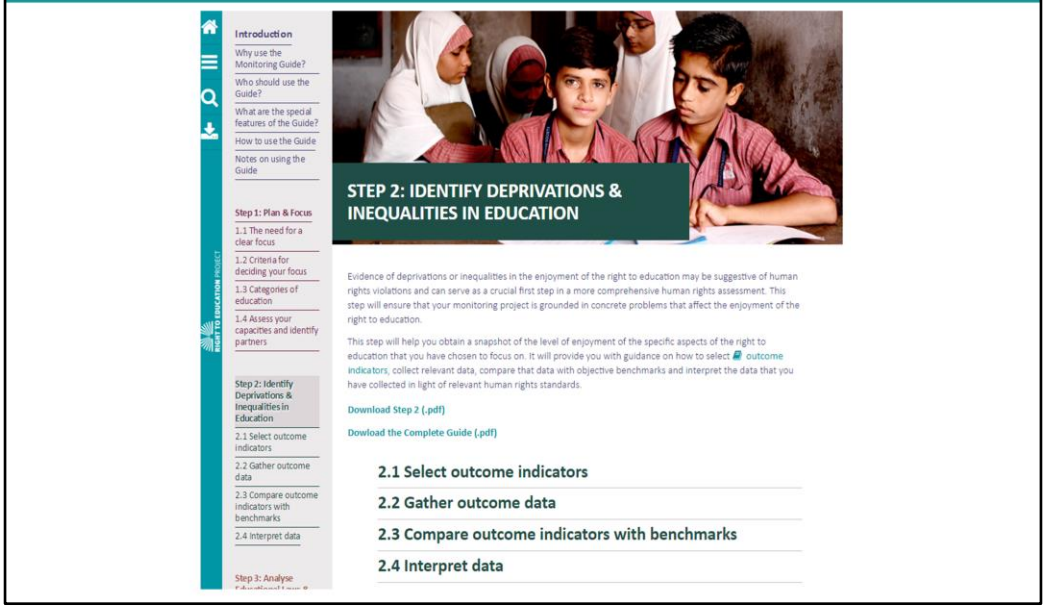


Seven steps.

Introduction which provides important information and concepts used in the guide: international legal framework inc the normative content of the RTE, the nature of States obligations, the types of indicators used.

Step 1 helps users determine the focus of their monitoring project, as well as the practical things they will need to consider.

Step 2: Identify Deprivations & Inequalities in Education



The first step to showing a violation or a human rights issue is to identify deprivations and inequalities in the enjoyment of the right to education. For example, do boys and girls enjoy the same level of access to education?

To measure this, users are introduced to outcome indicators. Outcome indicators measure enjoyment of the right to education from the perspective of the right-holder, that is, they measure the impact of state efforts to implement the right to education.

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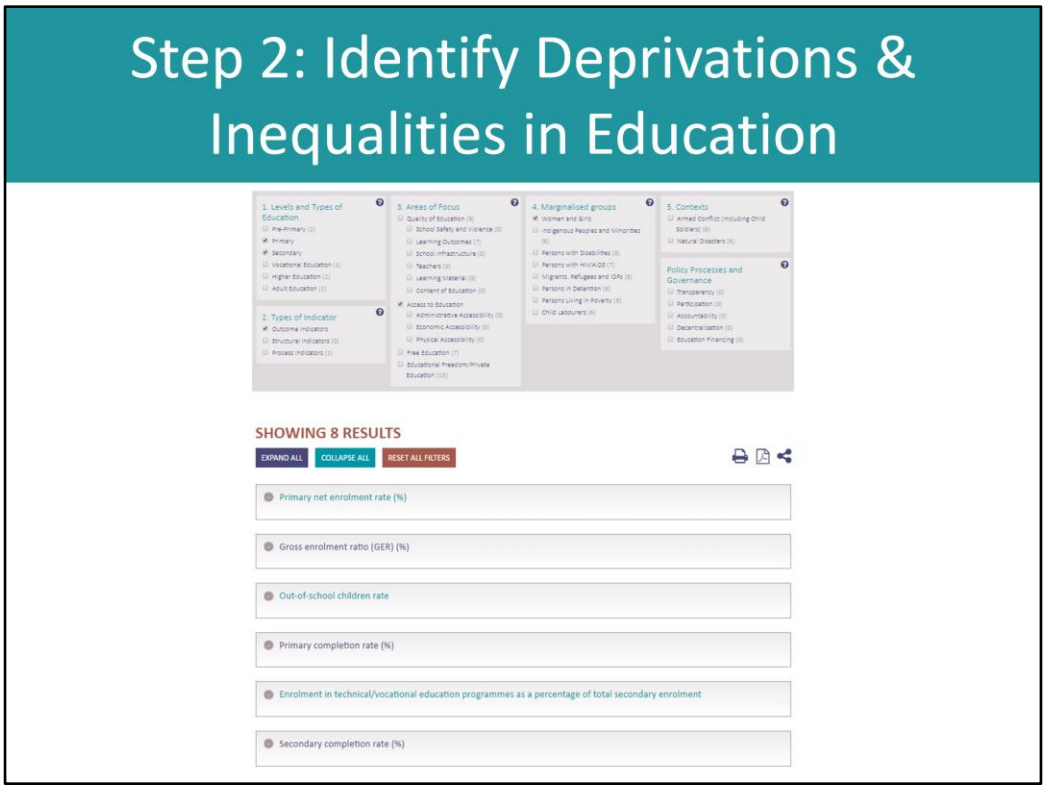
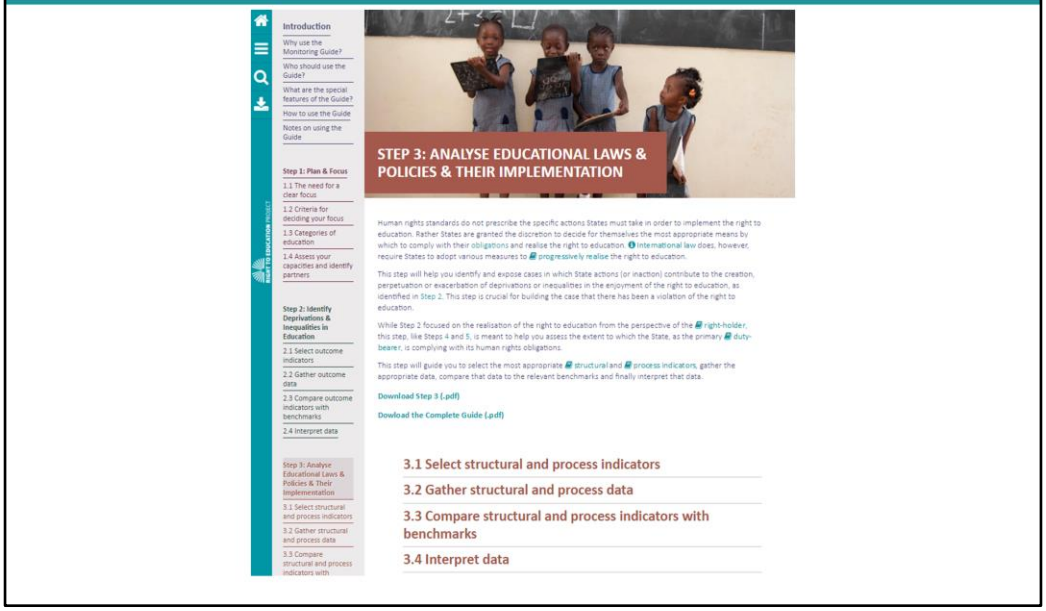


Select the criteria relevant to your monitoring project.

Let's take an example: Monitoring girls' access to basic education in Tanzania. Given 8 indicators.

One important indicator: Out-of-school rate: in Tanzania: 47% girls out-of-school; 38% boys. Disaggregated by rurality: 51% girls; 35% boys.
Guide then directs users how to collect data, benchmark and interpret that data in light of hr obligations.

Step 3: Analyse Educational Laws & Policies & Their Implementation



Then need to link State actions (or inaction) that contribute to the creation, perpetuation, or exacerbation of deprivations or inequalities in the enjoyment of the right to education, as determined in step 2.

Need to determine, to what extent the State is complying with its human rights obligations.

Two types of indicators: structural and process

Use structural indicators to assess the commitment of the State to the right to education. The extent to which the State's domestic legal environment is aligned with international hr law.

Process indicators measure States' efforts to transform its commitments into greater enjoyment of the RTE. They are used to assess the quality, appropriateness, effectiveness and efficiency of education laws and policies and their implementation, as well as education inputs, such as teachers, textbooks and resources dedicated to education.

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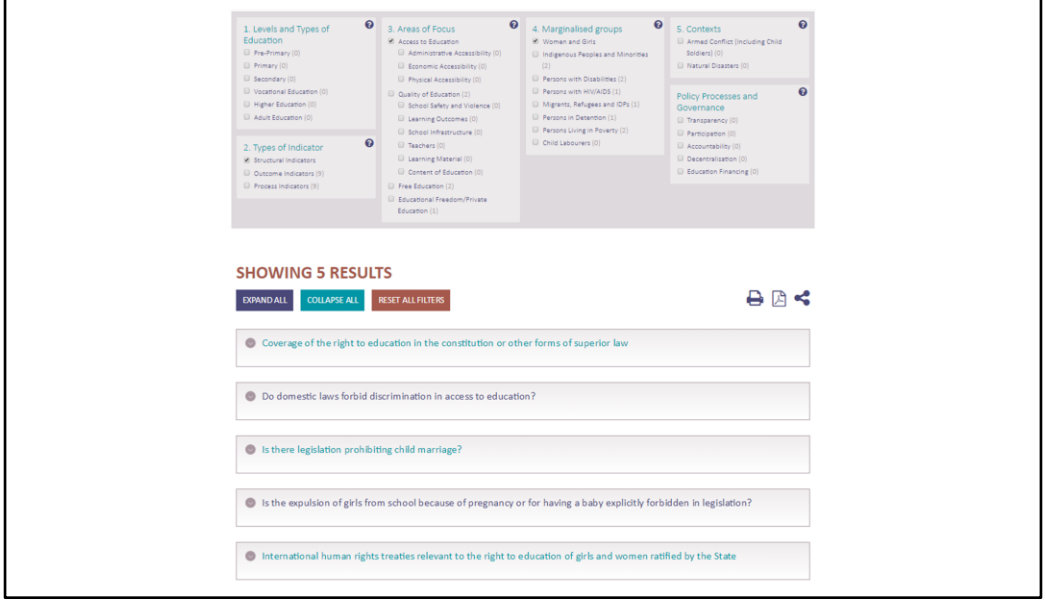


Makes selections

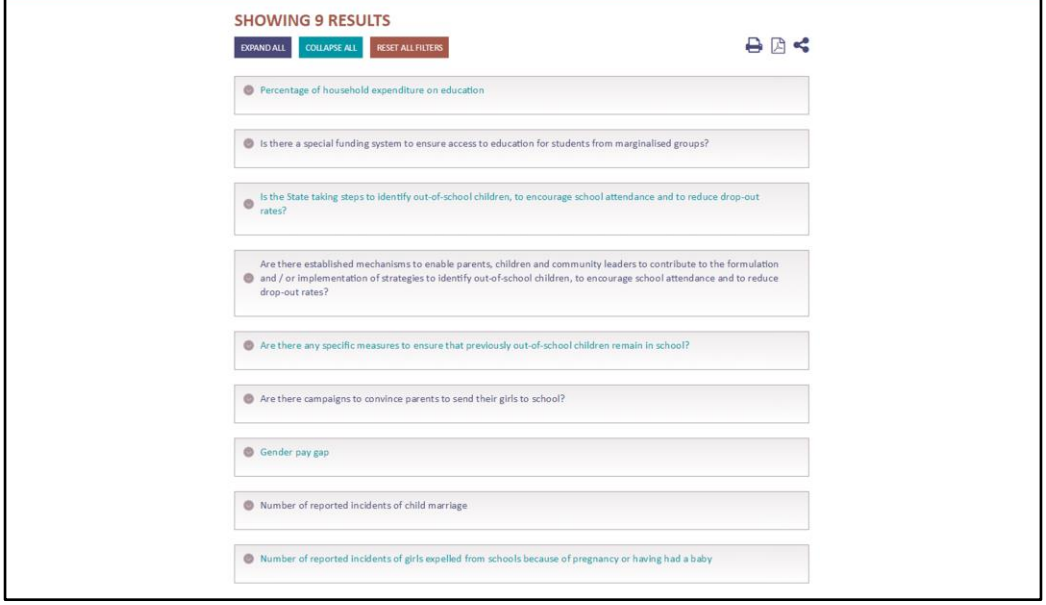
So using the previous example of Tanzania one important indicator is ‘Coverage of the right to education in the Constitution or other forms of higher law’. Important to look at whether the Constitution has an equality and non-discrimination clause, a right to education provision and
whether it specifically protects the right to education of girls.

Another important indicator would be ‘is there legislation prohibiting child marriage’.

In Tanzania the Constitution does have a non-dis clause, but it doesn’t have an enforceable right to education clause, nor does it specifically protect the rte of girls.

In terms of min age leg on child marriage. The Law of the Child Act sets the legal minimum age of marriage at 18 for both boys and girls.

Step 3: Analyse Educational Laws & Policies & Their Implementation



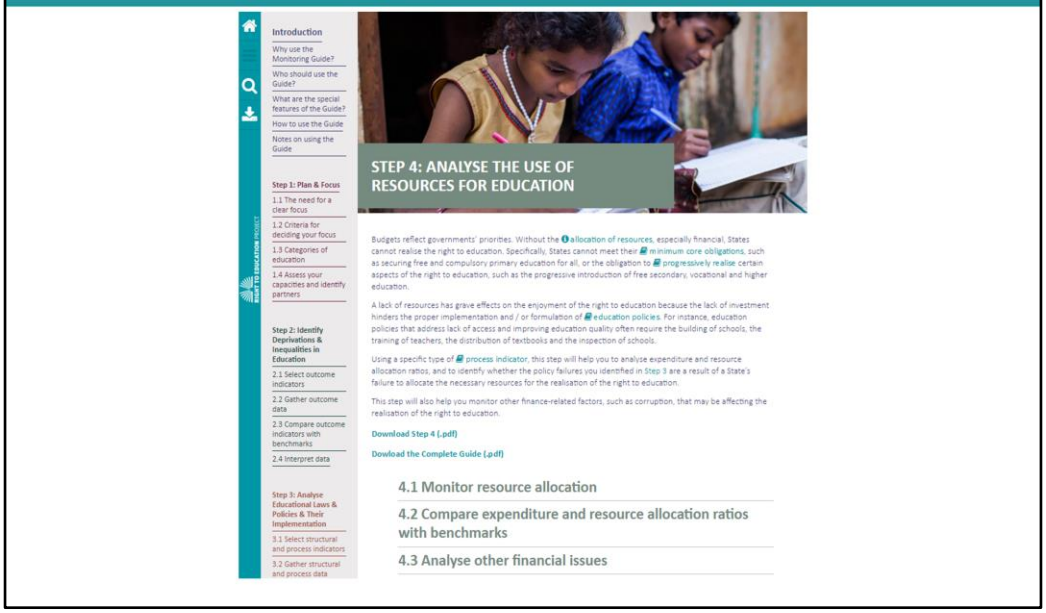
Now want to do the same for process indicators.

Tanzania: 'Reported incidents of child marriage' – UN Pop fund – 37% of girls were married under the age of 18.

Follows same format as step 2: guidance on how to collect data, benchmark data and interpret that data in terms of the normative content of the rte.

The tool and guide help tell a clear human rights story Clear human rights story: By linking outcome data with structural and process data, we can see that there is inequality in the enjoyment of the right to education of girls, the constitution doesn't expressly protect the right to education of girls and although there is min age leg prohibiting child marriage- figures show that this law has not been properly implemented.

Step 4: Analyse the use of resources for education



This step makes the link from policy failures and implementation gaps observed in the previous steps and inadequate financing.

Clear States can't meet their HRs obligations without resources. This step links resources to states legal obligations.

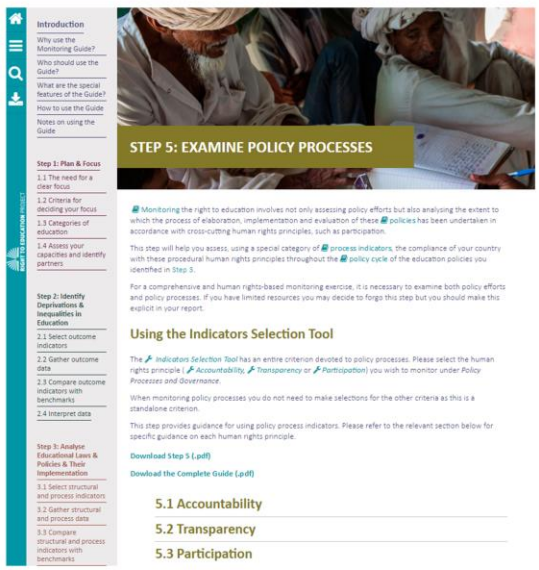
So taking our Tanzania example again: guaranteeing non-discrimination in access to education is a minimum core and immediate obligation of states. Lack of resources is not a justification for inaction, in fact resources must be prioritised when it comes to minimum core obligations.

Measure and assess using special type of process indicators – dedicated category in the Tool.

Guide then shows users how to benchmark data.

Corruption.

Step 5: Examine Policy Processes

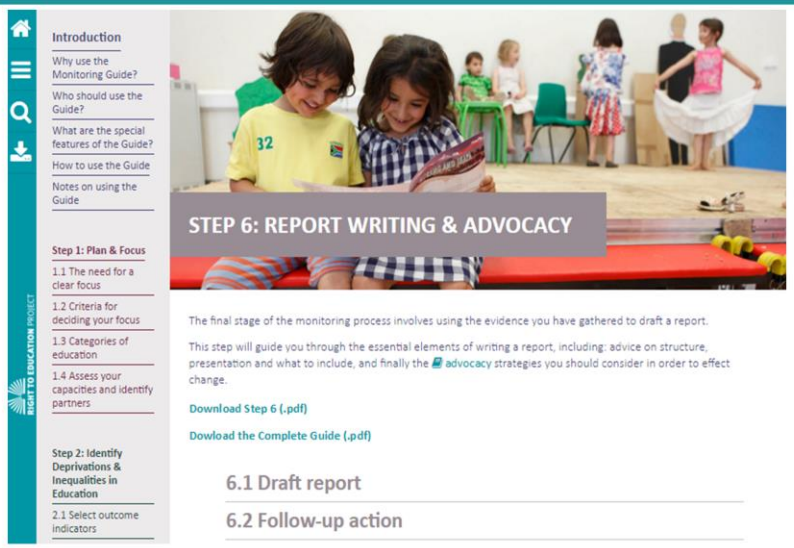


Final substantive step: ascertain whether the manner policies are formulated, implemented and evaluated are in line with human rights principles.

Takes users through how to assess: Participation , accountability and transparency

Tool has categories for each of these principles.

Step 6: Report Writing & Advocacy



General guidance on how to collate the evidence that has been gathered into a report.

General advice on advocacy strategies: using the media, campaigning, and lobbying MPS and also HRs advocacy strategies: reporting, taking case to judicial and quasi-judicial mechanisms.

For more information

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Thank you!

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We haven't developed the tool and guide as an academic exercise, or just to exist on a website, but to actually have an impact.

However, to make the tool and guide as robust, useful and usable as possible we need your help!

Please get in contact if you'd like to help us test the tool, develop indicators, or have any feedback. We need to work collaboratively in order to have an impact on peoples' enjoyment of the right to education.

The Importance of Monitoring the Right to Education in the Context of the 2030 Education Agenda

- Kishore Singh, UN Special Rapporteur on the right to education
- Rolla Moumné, UNESCO
- Delphine Dorsi, Right to Education Project
- Savio Carvalho, Amnesty
- David Archer, ActionAid

Moderator: Kirrily Pells, UCL Institute of Education

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