

## Step 2: Identify Deprivations & Inequalities in Education

Evidence of deprivations or inequalities in the enjoyment of the right to education may be suggestive of human rights violations and can serve as a crucial first step in a more comprehensive human rights assessment. This step will ensure that your monitoring project is grounded in concrete problems that affect the enjoyment of the right to education.

This step will help you obtain a snapshot of the level of enjoyment of the specific aspects of the right to education that you have chosen to focus on. It will provide you with guidance on how to select outcome indicators,<sup>1</sup> collect relevant data, compare that data with objective benchmarks and interpret the data that you have collected in light of relevant human rights standards.

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## 2.1 Select outcome indicators

This step starts with a brief explanation of the importance of outcome indicators<sup>2</sup> in monitoring the right to education.

It then goes on to explain how to use the *Indicators Selection Tool*<sup>3</sup> to select the most appropriate outcome indicators to measure the extent to which there are deprivations or inequalities in the enjoyment of the right to education relevant to the problem that you are seeking to solve.

Before starting this step, ensure that your project's monitoring objectives are clearly defined and the scope sufficiently narrow, otherwise you will end up with a very long list of indicators.<sup>4</sup>

### **The role of outcome indicators in monitoring the right to education**

In order to gather evidence of violations of the right to education, you will first need to know the level of enjoyment of the right to education relevant to the focus of your monitoring project. For example, if your work is focused on the impact of armed conflict on girls' access to education, you will need evidence that attendance rates have been adversely affected. Attendance and other metrics of right to education enjoyment are measured using outcome indicators.

Outcome indicators are important because they provide a snapshot of the level of enjoyment of the right to education. They can also be used to assess the impact of a State's policy efforts and help evaluate whether States – as the primary duty-bearer<sup>5</sup> of the right to education – are complying with their human rights obligations.<sup>6</sup>

Outcome indicators can help assess whether a State is complying with its minimum core obligations,<sup>7</sup> as data can reveal the extent to which the population is deprived of the most basic elements of the right to education.

Outcome indicators can also be used to measure the progressive realisation<sup>8</sup> of the right to education according to maximum available resources,<sup>9</sup> as data collected at intervals enables you to measure human rights progression or retrogression<sup>10</sup> over time according to the level of a country's development.

Furthermore, disaggregated data<sup>11</sup> for outcome indicators can reveal inequalities in the enjoyment of the right to education by gender, ethnicity, socio-economic status or geographic location (eg urban / rural) which may be the result of the discriminatory effects of government policies.<sup>12</sup>

It is important to remember that even if the data for the outcome indicators you have selected are suggestive of deprivations and inequalities, this does not necessarily mean that they are unavoidable and thus violations (see 'A monitoring framework').<sup>13</sup> Sometimes, despite the State's best efforts, the situation on the ground cannot be easily changed or improved. For example, economic reasons may temporarily prevent students from poor families from attending upper-secondary education in countries with limited resources, such as in post-conflict contexts. The State may do its best to progressively implement the right to education but may not have the resources to offer grants at this level of education. It may also be the case that the impact of policies is not immediate, for instance when a State adopts measures to ensure the right to education of marginalised groups, it may take years to see an effect on the ground, and even longer for the data to reflect an improvement.

## **Establish your shortlist of outcome indicators using the *Indicators Selection Tool***

To select appropriate outcome indicators for your monitoring purposes, using the *Indicators Selection Tool*:<sup>14</sup>

1. Go to the *Types of Indicators* criteria and select *Outcome Indicators*. This will give you a list of the seventeen outcome indicators.

2. You can then narrow down the indicators list by selecting the criteria relevant to the focus of your monitoring work. For instance, if the thematic focus of your monitoring initiative includes access to primary education, you would filter down the selection of outcome indicators by choosing *Primary* under the category *Levels and Types of Education* and *Access to Education* within *Areas of Focus*. If your monitoring theme focuses on the right to education for migrants, you would filter down the choice of outcome indicators by choosing the sub-category *Migrants, Refugees and IDPS* within the criteria *Marginalised Groups*. If your project focuses on the right to education during armed conflict, select *Armed Conflict (Including Child Soldiers)* under the category *Contexts*.

It is important to remember that human rights monitoring is an iterative process. It is difficult to know the entire list of indicators that will be useful, until you have collected the relevant data. You should therefore be open to the possibility of adding further indicators at a later date.

### **Adapt your indicators**

A key criterion for selecting an indicator is the extent to which it reflects an aspect of the right to education. However, in some instances there may not be data available for the indicator proposed by the *Tool*<sup>15</sup> and you may wish to substitute this indicator for another that still captures the essence of the applicable human rights standard. For instance, primary completion rates<sup>16</sup> are often used to measure the extent to which the right to free and compulsory primary education is enjoyed, however if there is no data available for your country or time-frame you can use the out-of-school rate<sup>17</sup> for children of primary school age and failing that, the primary net enrolment ratio<sup>18</sup> (which is in fact more a measure of access to education but nevertheless still tells you something about the enjoyment of the right to free and compulsory primary education). The *Tool* will provide you with all alternative indicators relevant to the criteria you choose.

One aspect of the right to education that you may need to find additional or alternative indicators for is the quality of education.<sup>19</sup> This is because according to human rights law, the aims of education are to develop the child's personality, talents and mental and physical

abilities and his or her human dignity, self-esteem and self-confidence. Learning assessments and test results, therefore, do not fully measure outcomes in education quality. There is no consensus on reliable indicators regarding the development of a child's personality that can be universally applied to all countries, contexts and marginalised groups such as persons with disabilities. Therefore, the *Tool* only provides outcome indicators for basic intellectual skills, such as literacy and numeracy.

When monitoring the quality of education, outcome indicators are rarely sufficient.<sup>20</sup> You should also look at structural<sup>21</sup> and process indicators<sup>22</sup> (such as are there any established mechanisms that enable parents, children and / or community leaders to contribute to defining school curricula?<sup>23</sup> and do curriculum guidelines provided by the Ministry of Education include promoting respect for other nations, racial, ethnic or religious groups and indigenous people?)<sup>24</sup> because they can better capture dynamic concepts. This is because structural and process indicators, unlike outcome indicators, tend to be qualitative<sup>25</sup> rather than quantitative.<sup>26</sup> A good research project should use both types of data.

To monitor the right to education using structural and process indicators, see Step 3.<sup>27</sup>

## 2.2 Gather outcome data

Effective human rights monitoring<sup>28</sup> is based on reliable and credible data, and accurate analysis of this data using international human rights standards. Data collected with an unclear or biased methodology risks being dismissed, undermining the credibility of your findings, and therefore your capacity to engage in advocacy. It could even damage your reputation as an organisation.

This step is intended to give you general guidance on education outcome data.

### Data sources

National governments and international development agencies regularly collect and publish education statistics obtained at intervals from various countries, as well as disaggregated data.<sup>29</sup>

There are three types of data:<sup>30</sup>

### **Administrative data**<sup>31</sup>

This primary source of education data includes information gathered from a census of schools in a given country,<sup>32</sup> with categories of data such as pupil and repeater enrolments, numbers of teachers and derived pupil-teacher ratios, pupil progression rates (promotion, drop-out), education expenditure information, and participation rates derived from the combination of enrolment and population data (gross and net intake, enrolment, completion, transition rates), as well as information on the structure of the education system (duration of primary, lower secondary, upper secondary cycle).

Administrative data typically provides limited information on the individual characteristics of pupils (such as age, sex and residence), and some information on the characteristics of their households. Since much of this data is obtained from schools, it focuses on children who attend school and not children who are out-of-school.

### **Census data**

A population census represents a complete enumeration of the entire population. It provides basic information about population size and distribution, gender, age, language, educational status, and other characteristics. Because census data provides information on the entire population, it can be disaggregated better than survey data (eg at the regional or district level or small sub-populations), which may not be representative at the sub-national level.

### **Student assessment tests**

Many national governments carry out assessments of learning achievements, particularly on reading and maths competencies. Many countries also participate in regional and international student assessments,<sup>33</sup> which may allow for cross-country comparisons of learning achievements.

## Where to find data in international databases

Data obtained from international data sets may be easier to obtain and this data has the advantage that its indicators allow for cross-country comparisons.<sup>34</sup>

In the *Indicators Selection Tool*,<sup>35</sup> if there is data available for the indicator in international databases, we have provided a link to it. If you do not find any links to databases for some of the indicators you have selected in Step 2.1, it is probably because no international data is available for that indicator. However, you may be able to find data from national sources, such as the Ministry of Education, the National Statistics Office and UNDP Human Development Reports.

The main international databases are:<sup>36</sup>

### **UNESCO Institute for Statistics**<sup>37</sup>

UIS is the leading source for international education statistics. Covering more than 200 countries and territories, the UIS database covers all education levels and addresses key policy issues such as gender parity, teachers and financing.

### **The World Bank EdStats Query**<sup>38</sup>

EdStats holds around 2,500 internationally comparable education indicators on access, progression, completion, literacy, teachers, population, and expenditures. The indicators cover the education cycle from pre-primary to tertiary education. EdStats also holds learning outcome data from international learning assessments (PISA, TIMSS, etc), equity data from household surveys, and projection data to 2050.

### **UNESCO's World Inequality Database on Education**<sup>39</sup>

WIDE brings together data from surveys from over sixty countries to enable users to compare education attainment between countries, and between groups within countries, according to factors that are associated with inequality, including wealth, gender, ethnicity and location.

## The importance of disaggregated data

Under international law,<sup>40</sup> States are required to collect disaggregated data based on various grounds of discrimination.<sup>41</sup> From a human rights perspective, collecting and analysing disaggregated data is crucial because inequalities across various segments of a population on various education outcome indicators often indicate that the chances people have to enjoy their basic rights to education<sup>42</sup> are heavily shaped by the circumstances in which they are born and not by factors over which they have control. In many countries, being a girl, living in poverty, being disabled, belonging to an ethnic minority or living in rural areas radically reduces the chances of obtaining a quality education.<sup>43</sup> Even more so when you fall into multiple groups and experience multiple forms of inequality.<sup>44</sup>

For each outcome indicator<sup>45</sup> (and relevant process indicators)<sup>46</sup> in the *Indicators Selection Tool*,<sup>47</sup> we have provided a list of possible levels of disaggregation.

### OHCHR on disaggregated data<sup>48</sup>

While disaggregated statistics are essential for addressing human rights concerns, it is not practical or feasible always to undertake disaggregation of data at the desired level. Disaggregation by sex, age, regions or administrative units, may, for instance, be less difficult than by ethnicity, as the identification of ethnic groups often involves objective (eg language) and subjective (eg self-identity) criteria that may evolve over time.

Data published at the national level is particularly helpful for obtaining disaggregated data. International data sets usually do not have data disaggregated by ethnic groups or by regions / districts. For the latter, you may sometimes find data in national databases, or else be able to access data from the local government (eg the district education office). National data sets may also contain more up-to-date data than international sources.

Many States and other institutions often fail to disaggregate data by all relevant marginalised groups, making it difficult to ascertain whether outcomes differ across groups.

When disaggregated data by ethnic group is not available, it may be possible to use disaggregation by region or municipality, comparing right to education indicators data of those regions in which an ethnic minority makes up more than half of the population with those regions where they make up less than half of the population. If you are working on a marginalised group for which disaggregated data is not easily available (eg immigrants or refugees), you may need to collect your own data (see below).

### **Rely primarily on existing data**

In order to ascertain whether there are inequalities and deprivations in the enjoyment of the right to education, you are going to need data. In order to make your monitoring project more practicable, you should, whenever possible, select the outcome indicators for which there is existing data. A list of indicators for which you have no established data or where you lack the ability to obtain the data is not very useful. Beyond making the monitoring project more feasible, there are other advantages to using existing data.<sup>49</sup>

When relying on existing data you should bear in mind that those who originally collected the data may have had reasons to distort that data. For instance, if resource allocation from the government to public schools is tied to enrolment, schools may report higher enrolment figures in order to obtain greater resources, producing distortions in the estimates of student enrolments and the number of teachers or classrooms. Likewise, private schools may under-report income and expenditure in order to derive greater benefits or lower their tax liability.

Therefore, whenever possible you should use a standard data source that is internationally accepted (such as those suggested for each indicator in the *Indicator Selection Tool*)<sup>50</sup> and whenever doubts have been raised about the veracity of the data, you should assess the reliability of that data.<sup>51</sup>

It may also be worth considering alternative sources of data, such as academic data sets or monitoring projects conducted by civil society organisations (CSOs).

If you cannot find any data, you may want to consider collecting your own.

### **Collect new data**

For some indicators there may not be data available. It may be that no data has ever been collected for this indicator. For instance, for the indicators percentage of children with disabilities enrolled in mainstream schools<sup>52</sup> and percentage of children with disabilities enrolled in special schools<sup>53</sup> it is likely that reliable data does not exist. It may also be the case that data is only partially available. For instance, often, statistics on enrolment rates will be available for the country but will not be disaggregated by region or by income. Or it may be that you have data but it is not of sufficient quality, eg it is too old. In such cases, you should consider whether you can collect your own data.<sup>54</sup>

If you decide to collect your own data, you should assess whether you have the necessary expertise to ensure that the data you collect is reliable and credible. If not, you should think about seeking professional help.<sup>55</sup>

## **2.3 Compare outcome indicators with benchmarks**

In this step you will learn how to assess the data collected in the previous step against benchmarks. This analysis can reveal whether your country is complying with key aspects of its human rights obligations<sup>56</sup> regarding education.

### **Importance of benchmarks**

The data you have collected for your outcome indicators<sup>57</sup> will generally not tell you much about the level of enjoyment of the right to education. For instance, if you found that the secondary completion rate is 89%, you will be able to say that there is an 11% shortfall from the ideal, but you would not be able to tell if an 89% secondary completion rate is very high or very low in relation to the country's development level, or whether the country has made progress in ensuring this aspect of the right to education.

Therefore, it is often necessary to compare outcome data with various types of reference points, targets or benchmarks against which it can be judged.

## Types of benchmarks

For the purposes of human rights monitoring,<sup>58</sup> we recommend using one of the following types of benchmarks against which to compare human rights indicators:

- **A commitment either by a State or by a specific government administration**

If a State, government or institution makes a commitment that binds them (measured using structural indicators), then it is possible to hold that body to account. A State may make legal commitments, such as ratifying a human rights treaty,<sup>59</sup> enshrining the right to education in its constitution or enacting education legislation. A legal commitment is the highest form of commitment a State can make and therefore benchmarks associated with laws are particularly powerful when used to pressurise the government. There are also softer forms of commitment, for instance the adoption of education policies (which may include nationally determined benchmarks) and political commitment to development goals such as the *Education 2030 Incheon Declaration and Framework for Action*<sup>60</sup> and Sustainable Development Goal 4 on Education,<sup>61</sup> to which governments can be held accountable (although these development agenda are not fully aligned with human rights standards). In both cases, the commitment itself should also be scrutinised, as it could be flawed from a human rights perspective.

- **Nationally determined benchmarks**

The Committee on Economic, Social and Cultural Rights, which monitors implementation of the *International Convention on Economic, Social and Cultural Rights*, recommends in General Comment 1<sup>62</sup> that States set goals and benchmarks for each convention right because they provide an “extremely valuable indication of progress”. To find nationally determined benchmarks, it may be useful to look at State party reports.<sup>63</sup>

- **A past value of the same outcome indicator**

By comparing data for the same indicator over time, it is possible to discern whether the level of enjoyment of the right to education has increased or decreased. Although decreasing levels of enjoyment are not evidence of a *de facto* violation of the right to education, it may be indicative of the State failing to progressively realise<sup>64</sup> the right to education, or the State taking retrogressive measures,<sup>65</sup> an issue which could be elucidated when analysing education laws and policies.<sup>66</sup>

- **Countries from the same region or with the same level of economic development**

Cross-country comparisons can reveal whether the level of enjoyment of the right of education is lower than expected given the country's level of development (as measured by GDP per capita)<sup>67</sup> which is typically similar to other countries in the same region. For instance, you may have found that your country has significantly lower levels of an outcome indicator than other countries in the same region, even though your country has the same or higher levels of economic development. Such findings would be indicative of a problem<sup>68</sup> in the progressive realisation of the right to education according to maximum available resources.

- **Disaggregated national data (male / female, indigenous / non-indigenous, etc)**

In order to identify inequalities in access to and quality of education, you can compare disaggregated data<sup>69</sup> within and between groups, for example enrolment rates of boys compared to girls, or ethnic minorities against the general population. Ensuring non-discrimination and equal treatment is a minimum core obligation<sup>70</sup> of the right to education; therefore a gap in a given indicator between two or more groups is evidence of a potential violation of the right to education, which would require further investigation through the analysis of laws and policies.<sup>71</sup>

## **What can be measured with benchmarks?**

The following table<sup>72</sup> provides an illustrative list of simple methods for comparing data collected for outcome indicators with relevant benchmarks in order to assess the various dimensions of State obligations pertaining to the right to education.

State Obligation	Method	Illustrative Question
Measuring essential minimum levels of the enjoyment of the right to education	Compare data for outcome indicators relevant to the right to education against GDP per capita, making a comparison of your country with other countries of the same region or other relevant groupings <sup>73</sup>	Are the levels of the relevant outcome indicator in your country below the level typically observed in other countries in the region with similar levels of GDP per capita?
	Compare data for key outcome indicators with relevant legal or political commitments made by the State	Has your country achieved the levels of secondary completion rates promised by the government? If not, how large is the shortfall?
Measuring progressive realisation according to maximum available resources <sup>74</sup>	Examine your country's rates of progress in improving data for outcome indicators compared with other countries in the same region or political block	Has your country made progress, or has it regressed, over time in achieving the desired levels for outcome indicators? If your country has made progress over time, has the progress made been larger or smaller <sup>75</sup> than that of other countries in the same region?
	Compare rates of progress with goals to which your country has committed	Is your country on course to achieve target 4.6 <sup>76</sup> of Sustainable Development Goal 4 on Education?

	Compare data for outcome indicators over time against GDP per capita growth in your country and other countries in the region	Has the rate of progress for an outcome indicator (eg percentage of students at the lowest level of reading proficiency) <sup>77</sup> been slow in your country compared to poorer neighbouring countries, especially when contrasted with its economic growth?
<p>Measuring inequality in enjoyment of the right to education across different groups, including:</p> <ul style="list-style-type: none"> <li>• Gender groups</li> <li>• Ethnic groups</li> <li>• Indigenous / non-indigenous</li> <li>• Rural / urban</li> <li>• Geographic regions</li> <li>• Economic groups (wealth quintiles)<sup>78</sup></li> <li>• Persons with and without disabilities</li> </ul>	Compare disaggregated data for each marginalised group (to each other and to the national average) to identify inequalities <sup>79</sup>	Is the percentage of girls finishing secondary school much lower than that of boys or vice versa?
	Compare levels of enjoyment over time	Are the average scores in the mathematics, science or reading scale much lower for children belonging to an ethnic minority than for other children in the country and do they appear to be getting worse?
	If inequality levels of the outcome indicator in your country are being reduced, compare rate of progress with those of other countries of same region	Are these inequalities higher or lower than in other countries in the region? Has the progress made by your country in reducing inequality been bigger or smaller than that of other countries in same region or at the same

		level of economic development?
	Examine multiple forms of inequality <sup>80</sup> by comparing further disaggregated data for outcome indicators of people who belong to more than one marginalised group to corresponding marginalised groups and the general population	Do indigenous girls have similar levels of enjoyment of access to education to 1) indigenous boys and 2) to the general population?

## 2.4 Interpret data

This step will help you to interpret the data you gathered in Step 2.2 and to decide whether that data reveals any potential shortfalls when compared with relevant benchmarks, as identified in Step 2.3.

Using the previous steps, you should have identified the most problematic dimensions of the enjoyment of the right to education that you are monitoring.<sup>81</sup> This is reflected in those outcome indicators<sup>82</sup> for which your country has the largest shortfall when benchmarked.

Now you can analyse those problematic dimensions in light of the relevant human rights obligations. For instance:

- Obligations of immediate effect and minimum core obligations require immediate action and must be prioritised by the State. If data for your chosen outcome indicator falls short of the benchmark, which for immediate and minimum core obligations tends to be implied in the content of the right itself, then there is a

plausible reason to believe that the State is not complying with its obligations. For example, the obligation to guarantee free and compulsory primary education implicitly sets a benchmark of 100% for primary education completion rate.<sup>83</sup> Any shortfall is indicative of the State not meeting its immediate and minimum core obligation to guarantee free and compulsory primary education for all.

- The right to non-discrimination and equality is both an immediate and minimum core obligation. As such, data for outcome indicators that reveals significant inequalities between and across groups (eg girls vis-à-vis boys, ethnic minority group vis-à-vis majority group, rural vis-à-vis urban, etc) may be indicative of discriminatory policies<sup>84</sup> (of action or inaction) against the marginalised group.
- Benchmarked outcome data may reveal that the State is failing to progressively realise,<sup>85</sup> according to maximum available resources,<sup>86</sup> various aspects of the right to education. For example, a low secondary completion rate<sup>87</sup> compared to relevant benchmarks may indicate that the State is not taking all necessary steps and devoting its maximum available resources to the progressive realisation of universal free secondary education.
- Poor performance, as determined by benchmarking, on standardised tests (eg low value of mean performance on the reading scale<sup>88</sup> or high percentage of students at the lowest level of mathematics proficiency)<sup>89</sup> may raise concerns about the quality of education.<sup>90</sup>

To help you analyse the specific shortfalls in the enjoyment of the right to education that you have identified, we have included some information for each indicator in the *Indicators Selection Tool*<sup>91</sup> that can help you interpret shortfalls in light of the relevant human rights standards (also provided). If you need further guidance on that issue, we suggest you review those standards.

### **Lack of enjoyment: not necessarily a violation of the right to education**

It should be stressed that evidence of deprivations or inequalities in the enjoyment of the right to education does not provide in and of itself conclusive evidence that a State has violated this right. This is because deprivations or inequalities may sometimes exist, despite a State's genuine and ongoing efforts to eradicate them.<sup>92</sup>

However, in most cases inequalities in the enjoyment of the right to education (reflected in inequalities in outcome indicators between various groups of a population) are created and / or exacerbated by direct and / or indirect forms of discrimination.<sup>93</sup> Therefore, finding evidence for such inequalities is often a first step in proving discrimination, which needs to be corroborated later in the monitoring process.<sup>94</sup>

## Endnotes: Step 2: Identify Deprivations & Inequalities in Education

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<sup>1</sup> **Outcome indicators** measure the extent to which a population enjoys the right to education.

<sup>2</sup> *Idem* 1

<sup>3</sup> Access the *Indicators Selection Tool*, here: <http://www.right-to-education.org/monitoring/tool>

<sup>4</sup> See Step 1.1 of the *Monitoring Guide*, available to download here: <http://www.right-to-education.org/monitoring/guide/11-need-clear-focus>

<sup>5</sup> **Duty-bearers** are those actors who have a particular obligation or responsibility to respect, promote and realise human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty-bearers. An obvious example is private armed forces or rebel groups, which under international law have a negative obligation to refrain from human rights violations. Depending on the context, individuals (eg parents), local organisations, private companies, aid donors and international institutions can also be duty-bearers.

Source: UNICEF *Gender Equality - UN Coherence and You – Glossary*: <http://www.unicef.org/gender/training/content/resources/Glossary.pdf> : p.1.

<sup>6</sup> See ‘How to use the *Guide*’ in the Introduction to the *Monitoring Guide*, available to download here: <http://www.right-to-education.org/monitoring/guide/how-use-guide>

<sup>7</sup> **Minimum core obligations** are the obligations on the State to ensure the satisfaction of minimum essential levels of a right. Vis-à-vis the right to education this includes: prohibiting discrimination in access to and in education, ensuring free and compulsory primary education for all, respecting the liberty of parents to choose schools for their children other than those established by public authorities, and protecting the liberty of individuals and bodies to establish and direct educational institutions.

Minimum core obligations are not subject to progressive realisation, however: “In order for a State Party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations” (Committee on Economic, Social and Cultural Rights (2003) *General Comment 3: The Nature of States Parties’ Obligations (Art.2, Para.1)*): <http://www.refworld.org/docid/4538838e10.html>: Para.10).

For further information on the minimum core obligations of the right to education, see Coomans, F (1998) *Clarifying the Core Content of the Right to Education*: <http://aihr-resourcescenter.org/administrator/upload/documents/core.pdf>

<sup>8</sup> Article 2 (1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) recognises that economic, social and cultural rights are not always immediately realisable. The full and immediate realisation of the right to education can be hampered by a lack of resources and can only be achieved over a period of time, particularly for countries with fewer resources.

The ICESCR therefore imposes the obligation to **progressively realise** certain aspects of the right to education (including free secondary, higher, and fundamental education). However, not all aspects of the right to education are subject to progressive realisation, for example, States must prohibit discrimination in and to education and ensure that primary education is free and compulsory for all.

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For further information, see Right to Education Project's page *Understanding Education as a Human Right*: <http://www.right-to-education.org/page/understanding-education-right#sthash.Uat6sLqc.dpuf>

For further information on progressive realisation, see Committee on Economic, Social and Cultural Rights (2003) *General Comment 3: The Nature of States Parties' Obligations (Art.2, Para.1)*: <http://www.refworld.org/docid/4538838e10.html>

<sup>9</sup> Article 2 (1) of the *International Covenant on Economic, Social and Cultural Rights* (1966) obliges States to take the necessary steps to the **maximum of its available resources** to progressively realise the right to education. Maximum available resources refers to the resources available within the State and from the international community.

States must prioritise the allocation of necessary resources to ensuring the satisfaction of minimum essential levels of the right to education and other economic, social and cultural rights.

See the Committee on Economic, Social and Cultural Rights Statement (2007) *An evaluation of the obligation to take steps to the 'maximum available resources' under an optional protocol to the Covenant*: <http://www2.ohchr.org/english/bodies/cescr/docs/statements/Obligationtotakesteps-2007.pdf>

<sup>10</sup> **Retrospective measures** are those taken by States that downgrade or limit existing levels of enjoyment of the right to education. The Committee on Economic, Social and Cultural Rights (CESCR) states:

“There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources” (CESCR (1999) *General Comment 13: The right to education (Article 13)*: <http://www.right-to-education.org/resource/cescr-general-comment-13-right-education-article-13>: Para.45).

Examples of retrogressive measures include introducing school fees in secondary education when it had formerly been free of charge or an unjustified reduction of public expenditure on education.

<sup>11</sup> **Disaggregated data** is data that has been broken down by detailed sub-categories, for example by marginalised group, gender, region or level of education. Disaggregated data can reveal deprivations and inequalities that may not be fully reflected in aggregated data.

<sup>12</sup> **Education policies** are the set of actions, laws, regulatory measures, and funding priorities on education adopted by a government.

Strictly speaking laws and policies are distinct: laws are a system of rules that regulate behaviour, and are usually enforceable in courts; whilst policies are informal and set out a government's major objectives, defining the government's priorities and strategies to achieve its goals.

Education policies and laws are the primary means by which the right to education is implemented at the national and sub-national level.

<sup>13</sup> *Idem* 6

<sup>14</sup> *Idem* 3

<sup>15</sup> *Idem* 3

<sup>16</sup> For more information on the indicator 'Primary completion rate,' see: <http://www.right-to-education.org/monitoring/content/primary-completion-rate>

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<sup>17</sup> For more information on the indicator ‘Out-of-school children rate,’ see:  
<http://www.right-to-education.org/monitoring/content/out-school-children-rate>

<sup>18</sup> For more information on the indicator ‘Primary net enrolment ratio,’ see:  
<http://www.right-to-education.org/monitoring/content/primary-net-enrolment-rate>

<sup>19</sup> For more information on quality education, see:  
<http://www.right-to-education.org/issue-page/education-quality>

<sup>20</sup> For further information on measuring quality of education, see Right to Education Project (2011) *Promoting Rights in Schools: Providing Quality Public Education*:  
<http://www.right-to-education.org/resource/promoting-rights-schools-providing-quality-public-education>

<sup>21</sup> **Structural indicators** measure the commitments made by States in order to meet their obligations regarding the right to education.

<sup>22</sup> **Process indicators** measure the various types of State efforts (such as: education policies, education inputs, budget allocation, and programmes and measures to address specific education issues) undertaken in order to realise and implement the right to education.

<sup>23</sup> For more information on the indicator ‘Are there any established mechanisms that enable parents, children and / or community leaders to contribute to defining school curricula?,’ see:  
<http://www.right-to-education.org/monitoring/content/are-there-any-established-mechanisms-enable-parents-children-and-or-community-leaders>

<sup>24</sup> For more information on the indicator ‘Do curriculum guidelines provided by the Ministry of Education include promoting respect for other nations, racial, ethnic or religious groups and indigenous people?,’ see:  
<http://www.right-to-education.org/monitoring/content/do-curriculum-guidelines-provided-ministry-education-include-promoting-respect-other-nations>

<sup>25</sup> **Qualitative data** is information that describes something that is not measurable, for example feelings, behaviour, gender, race, and socio-economic status.

<sup>26</sup> **Quantitative data** is information that can be measured and expressed numerically, for example age and income.

<sup>27</sup> See Step 3 of the *Monitoring Guide*, available to download here:  
<http://www.right-to-education.org/monitoring/guide/step-3-analyse-educational-laws-policies-their-implementation>

<sup>28</sup> **Human rights monitoring** is the process of collection and verification of information on human rights problems. For more details on monitoring the right to education, see Right to Education Project’s page on *Monitoring*: <http://www.right-to-education.org/page/monitor>

<sup>29</sup> *Idem* 11

<sup>30</sup> These can also be used as data sources for process and structural indicators.

<sup>31</sup> Adapted from UNESCO (2004) *Guide To The Analysis And Use Of Household Survey And Census Education Data*: <http://www.uis.unesco.org/Library/Documents/hhsguide04-en.pdf> and Education Policy and Data Center (2004) *About EPDC Administrative Data*:  
<http://www.epdc.org/data-about-epdc-data/about-epdc-administrative-data>

<sup>32</sup> For example, the *District Information System for Education*, administered by The National Institute of Educational Planning and Administration (NIEPA) of India, which can be accessed, here: <http://www.dise.in/>

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<sup>33</sup> International and regional student assessments:

- *Trends in International Mathematics and Science Study (TIMSS)* is an international assessment of the mathematics and science knowledge of 4th and 8th grader students around the world: <http://www.timss.org/>
- *Progress in International Reading Literacy Study (PIRLS)* is an international study of reading achievement in fourth graders: <http://www.pirls.org/>
- *Programme for International Student Assessment (PISA)* is a worldwide study by the *Organisation for Economic Co-operation and Development (OECD)* in member and non-member nations of 15-year-old school pupils' scholastic performance on mathematics, science, and reading: <http://www.pisa.oecd.org/>
- *Southern and Eastern African Consortium for Monitoring Educational Quality (SACMEQ)* is a consortium of African education ministries, policy-makers and researchers. To date, it has conducted three nationally representative school surveys in participating countries. These surveys collect extensive background information on the schooling and home environments of students, and in addition, test students and teachers in both numeracy and literacy: <http://www.sacmeq.org/>
- *The Latin American Laboratory for Assessment of the Quality of Education (LLECE)* is the network of quality assessment systems for education in Latin America. It is coordinated by UNESCO's Regional Bureau for Education in Latin America and the Caribbean. It assesses learning performance in the third and sixth grades in mathematics, reading and writing, including natural sciences for the sixth grade: <http://www.unesco.org/new/es/santiago/education/education-assessment/>

<sup>34</sup> UNESCO Institute of Statistics (UIS) indicators such as primary gross and net enrolment rates are based on a definition of primary education established by the International Standard Classification of Education (ISCED). National definitions of the duration of education cycles may differ from the ISCED, and consequently indicator values reported by a national source in such cases would not be the same as those reported by UIS.

Source: Education Policy and Data Centre (2012) *About EPDC Administrative Data*: <http://www.epdc.org/data-about-epdc-data/about-epdc-administrative-data>

<sup>35</sup> *Idem* 3

<sup>36</sup> The Right to Education Project also has a page on where to find international *Data and Statistics*: [http://www.right-to-education.org/page/where-find-information#section\\_view-default-5](http://www.right-to-education.org/page/where-find-information#section_view-default-5)

<sup>37</sup> UIS: <http://www.uis.unesco.org/datacentre/pages/default.aspx>

<sup>38</sup> EdStats: <http://databank.worldbank.org/Data/Views/VariableSelection/SelectVariables.aspx?source=Education%20Statistics>

<sup>39</sup> See the *EFA GMR World Inequality Database on Education (WIDE)*: <http://www.education-inequalities.org/>

<sup>40</sup> For instance Article 31 of the *Convention on the Rights of Persons with Disabilities* requires:

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
- (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

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2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

<sup>41</sup> **Discrimination** "implies any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms" (Human Rights Committee *General Comment 18*: <http://www1.umn.edu/humanrts/gencomm/hrcom18.htm>: Para.7).

International law prohibits both direct and indirect discrimination:

- Direct discrimination is when a person, on account of one or more of the prohibited grounds (see multiple discrimination), is treated less favourably than someone else in comparable circumstances.
- Indirect discrimination is when a practice, rule, policy, or requirement is outwardly neutral but has a disproportional impact upon a particular group. For an example of indirect discrimination, see *DH and others v Czech Republic*: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256>

For further information, see INTERIGHTS (2011) *Non-Discrimination in International Law: A Handbook for Practitioners*: <http://www.interights.org/document/153/index.html>

<sup>42</sup> As we shall see in Step 3 investigating the causes of why people have unequal chances to enjoy their right to education could help you detect if policies or practices may be discriminatory. Step 3 of the *Monitoring Guide* is available to download here: <http://www.right-to-education.org/monitoring/guide/step-3-analyse-educational-laws-policies-their-implementation>

<sup>43</sup> For instance, a girl from a rural area belonging to the poorest quintile in Niger has a 96% chance of receiving less than 4 years of schooling, whilst a boy in the same country from an urban area belonging to the richest quintile has a 41% chance of receiving less than 4 years of schooling.

Source: *EFA GMR World Inequality Database on Education (WIDE)*: [http://www.inequalities.org/indicators/edu4/countries/niger/communities#?dimension=community&group=|Urban|Rural&dimension2=sex&group2=|Male|Female&dimension3=wealth\\_quintile&group3=|Quintile%201|Quintile%205&age\\_group=edu4\\_20&year=2006](http://www.inequalities.org/indicators/edu4/countries/niger/communities#?dimension=community&group=|Urban|Rural&dimension2=sex&group2=|Male|Female&dimension3=wealth_quintile&group3=|Quintile%201|Quintile%205&age_group=edu4_20&year=2006)

<sup>44</sup> A person is subject to **multiple forms of inequality** if she or he is deprived or has unequal enjoyment of a human right on the basis of multiple grounds. Inequality and multiple inequality do not always amount to a violation as sometimes it is unavoidable. However, when the deprivation or inequality of enjoyment is avoidable, this is a violation of the right to non-discrimination and is known as multiple discrimination.

**Multiple discrimination** occurs when a person is discriminated against on one ground in a certain situation and a different ground in another context. For example, an indigenous girl may face discrimination on the basis of her sex in one context and in another situation she may be subject to racial discrimination.

Compound discrimination is discrimination on two or more grounds occurring at the same time. For example, an indigenous girl may suffer discrimination on the basis of her sex and race simultaneously. As a result she suffers an exacerbated and distinct form of discrimination.

Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable.

All three terms are often used interchangeably.

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<sup>45</sup> *Idem* 1

<sup>46</sup> *Idem* 22

<sup>47</sup> *Idem* 3

<sup>48</sup> Source: OHCHR (2000) *Human Rights Indicators: A Guide to Measurement and Implementation*: <http://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>: p. 68.

<sup>49</sup> Advantages of using existing data:

- The cost and time demands of gathering existing information are generally low.
- You may find high-quality data, gathered in a sound way by experts, covering a much larger geographical area or sample size than you could have tackled yourself.
- The data may have been collected at different points in time, so you can use it to establish a baseline and discern a trend.
- The data could be broken down in such a way that you can easily supplement it with additional evidence of your own.

Source: CAFOD, Christian Aid and Trocaire (2007) *Monitoring Government Policies: A toolkit for civil rights organisations in Africa*: [http://commdev.org/files/1818\\_file\\_monitoringgovernmentpolicies.pdf](http://commdev.org/files/1818_file_monitoringgovernmentpolicies.pdf): p.50.

<sup>50</sup> *Idem* 3

<sup>51</sup> To assess the reliability and usefulness of existing data, CAFOD has developed the following tool:

**Context:** This tool can be used individually or with a group, although it is probably best suited for individual research. If you have many sources of data to assess, members of a network or team could use the steps below and apply them to different data sets.

**How to use this tool:**

- **Step 1:** Establish the source of the information. For example, was it gathered by a government department, by independent researchers, consultants or a CSO? What do you know about their respective reputations?
- **Step 2:** Pinpoint the timeframe for the data. How long ago was it gathered? What time period does the information apply to? How does this relate to the time period you have chosen for your monitoring?
- **Step 3:** Find out how the information in the document was gathered. What methods were used? How reliable were these methods?
- **Step 4:** Assess whether the data is representative. What or who does it represent?
- **Step 5:** If the source includes a discussion or analysis of the data, consider from what perspective this has been done. Can the data be interpreted in other ways?
- **Step 6:** Decide whether the data reflect any clear contradictions or discrepancies. Can these be explained to your satisfaction?
- **Step 7:** Draw a conclusion. Based on your answers to the questions above, what can you say about the reliability, credibility and legitimacy of this data?

Source: CAFOD, Christian Aid and Trocaire (2007) *Monitoring Government Policies: A toolkit for civil rights organisations in Africa*: [http://commdev.org/files/1818\\_file\\_monitoringgovernmentpolicies.pdf](http://commdev.org/files/1818_file_monitoringgovernmentpolicies.pdf): p.51.

<sup>52</sup> For more information on the indicator 'Percentage of children with disabilities enrolled in mainstream schools,' see: <http://www.right-to-education.org/monitoring/content/percentage-children-disabilities-enrolled-mainstream-schools>

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<sup>53</sup> For more information on the indicator 'Percentage of children with disabilities enrolled in special schools,' see: <http://www.right-to-education.org/monitoring/content/percentage-children-disabilities-enrolled-special-schools>

<sup>54</sup> Two examples of CSOs collecting their own data:

#### **Uwezo - Information on learning outcomes: examples from Tanzania, Uganda and Kenya**

The Uwezo initiative aims to draw public attention to educational challenges by researching and reporting on actual learning levels of children living in East Africa. Uwezo conducts annual household assessments of basic literacy and numeracy levels in Kenya, Tanzania, and Uganda. The tests are based on the Class [Grade] 2 curriculum expectations of each country. Every year, Uwezo partners with over 350 local organisations to mobilise and train over 22,000 citizens to conduct the survey. In 2012, the Uwezo army of citizen volunteers assessed a total of 343,104 children in 124,627 households across 362 districts in East Africa.

Source: Save the Children (2013) *The Right To Learn: Community participation in improving learning*: [http://resourcecentre.savethechildren.se/sites/default/files/documents/the\\_right\\_to\\_learn.pdf%20](http://resourcecentre.savethechildren.se/sites/default/files/documents/the_right_to_learn.pdf%20): p.19.

#### **Annual Status of Education Report – India**

ASER stands for Annual Status of Education Report. This is an annual survey that aims to provide reliable annual estimates of children's enrolment and basic learning levels for each district and state in India. ASER has been conducted every year since 2005 in all rural districts of India.

ASER is the largest citizen-led survey in India. It is also the only annual source of information on children's learning outcomes available in India today.

Source: Aser Action: <http://www.asercentre.org/Survey/Basic/Pack/Sampling/History/p/54.html>

<sup>55</sup> See Step 1.4 of the *Monitoring Guide*, available to download here: <http://www.right-to-education.org/monitoring/guide/14-assess-your-capacities-and-identify-partners>

<sup>56</sup> *Idem* 6

<sup>57</sup> *Idem* 1

<sup>58</sup> *Idem* 28

<sup>59</sup> For instance, Article 13 of the *International Covenant on Economic, Social and Cultural Rights* compels States to provide compulsory and free primary education, which means that the benchmark for primary school enrolment is 100%.

<sup>60</sup> Access the *Education 2030 Incheon Declaration and Framework for Action*, here: <http://www.right-to-education.org/resource/education-2030-incheon-declaration-and-framework-action>

<sup>61</sup> Sustainable Development Goal 4 on Education: Ensure inclusive and quality education for all and promote life long learning. For further information on the Goal and its related targets, see here: <http://www.un.org/sustainabledevelopment/education/>

Also see the Danish Institute for Human Rights's *Guide to SDG 4*, which goes through all 17 goals and 169 targets to uncover their human rights anchorage, as well as the underlying indicators' human rights adequacy, available, here: <http://www.right-to-education.org/resource/human-rights-guide-sdgs-sdg-4>

<sup>62</sup> The Committee on Economic, Social and Cultural Rights (1989) *General Comment 1 on Reporting by States parties*: <https://www.escri-net.org/docs/i/425212>

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<sup>63</sup> States parties' reports can be accessed at the Office of the High Commissioner on Human Rights's page *Universal Human Rights Index*: <http://uhri.ohchr.org/en>

<sup>64</sup> *Idem* 8

<sup>65</sup> *Idem* 10

<sup>66</sup> *Idem* 12

<sup>67</sup> **Gross domestic product** (GDP) is the value of the output of all goods and services produced in a country during a given time period – usually a year.

**Per capita GDP** is GDP divided by the total population.

GDP and per capita GDP are indicators commonly used to measure the level of economic development of a country.

<sup>68</sup> Bear in mind that cross-country comparisons are not always valid, if, for example you compare one country going through or emerging from an armed conflict or a natural disaster, with another that is not, you may find that results differ due to the redirection of efforts and resources.

<sup>69</sup> *Idem* 11

<sup>70</sup> *Idem* 7

<sup>71</sup> *Idem* 27

<sup>72</sup> Adapted from Felner, E (2008) *A new frontier in economic and social rights advocacy? Turning quantitative data into a tool for human rights accountability*, *Sur International Journal on Human Rights*, Year 5, Number 9. Accessible, here: <http://www.right-to-education.org/resource/new-frontier-economic-and-social-rights-advocacy-turning-quantitative-data-tool-human>

<sup>73</sup> For example, other countries belonging to the Organisation for Economic Co-operation and Development (OECD) or fellow BRICS members (Brazil, Russia, India, China and South Africa).

<sup>74</sup> *Idem* 9

<sup>75</sup> In case of huge differences between two data points, check the methods used by the surveyors. Are the findings strictly speaking comparable?

<sup>76</sup> Target 4.6 reads: "By 2030, ensure that all youth and at least a substantial proportion of adults, both men and women, achieve literacy and numeracy."

<sup>77</sup> For more information on the indicator 'Percentage of students at the lowest level of reading proficiency,' see: <http://www.right-to-education.org/monitoring/content/percentage-students-lowest-level-reading-proficiency>

<sup>78</sup> A **quintile** is the portion of a frequency distribution containing a fifth (or 20%) of the total sample or population. The first quintile contains the lowest 20% of the sample or population. The first and second quintiles contain the lowest 40% of the sample or population.

A quintile is an example of a **quantile**. A quantile is: "Each of any set of values of a variate which divide a frequency distribution into equal groups, each containing the same fraction of the total population" (Oxford Dictionary: <http://www.oxforddictionaries.com/definition/english/quantile>).

<sup>79</sup> See the *EFA GMR World Inequality Database on Education (WIDE)*: <http://www.education-inequalities.org/>

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<sup>80</sup> *Idem* 44

<sup>81</sup> *Idem* 28

<sup>82</sup> *Idem* 1

<sup>83</sup> *Idem* 16

<sup>84</sup> The reasons for the existence of inequalities in the enjoyment of the right to education may vary depending on the indicator in question, as illustrated by the analysis of Katarina Tomaševski, regarding the gender gap in outcome education indicators:

“The existing quantitative data have identified three facets of the gender gap. The difference in male / female illiteracy rate is a reflection of the heritage of unequal access to education, the difference in male / female enrolment points to continuing unequal access, while the male / female difference in the completion of the full cycle of primary education indicates that getting girls into school does not necessarily lead to their staying at school.”

Source: Tomaševski K (1999) *Preliminary report of the Special Rapporteur on the right to education*: <http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/AnnualReports.aspx>

<sup>85</sup> *Idem* 8

<sup>86</sup> *Idem* 9

<sup>87</sup> For more information on the indicator ‘Secondary completion rate,’ see: <http://www.right-to-education.org/monitoring/content/secondary-completion-rate>

<sup>88</sup> For more information on the indicator ‘Mean performance on the reading scale,’ see: <http://www.right-to-education.org/monitoring/content/mean-performance-reading-scale>

<sup>89</sup> For more information on the indicator ‘Percentage of students at the lowest level of mathematics proficiency,’ see: <http://www.right-to-education.org/monitoring/content/percentage-students-lowest-level-mathematics-proficiency>

<sup>90</sup> When interpreting results on standardised tests, you should be aware of the limitations of these types of assessments as an indicator of the quality of education. For further information, see Right to Education Project (2013) *Learning Outcomes Assessments: A Human Rights Perspective*: <http://www.right-to-education.org/resource/learning-outcomes-assessments-human-rights-perspective> and the ‘Adapt your indicators’ step of this *Guide*, available to download, here: <http://www.right-to-education.org/monitoring/guide/21-select-outcome-indicators#quality>

<sup>91</sup> *Idem* 3

<sup>92</sup> For instance, disparities in outcome indicators disaggregated by gender, ethnicity or other grounds of discrimination may, on occasion, be the result of economic, historic or other factors, and they may exist despite the government’s genuine efforts to close those enduring gaps. In such a case, the data will indeed show inequalities in the enjoyment of the right but not necessarily discrimination.

<sup>93</sup> *Idem* 41

<sup>94</sup> *Idem* 27