

# **Right to Education Project Indicators**

## **Stocktaking Report**

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## Abbreviations

ANCEFA	Africa Network Campaign on Education for All
ASPBAE	Asia South Pacific Association for Basic and Adult Education
CER	Citizens' Education Reports
CLADE	Centro Latino-Americano de Documentación Económica Y Social
CRC	Convention on the Rights of the Child
CRIN	Child Rights Information Network
CSO	Civil Society Organisation
DFID	Department for International Development of the British Government
EFA	Education for All
ERP	Education Rights Project
HREA	Human Rights Education Associates
MDG	Millennium Development Goals
NAMATI	Global Legal Empowerment Network
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
OHCHR	United Nations Office of the High Commissioner for Human Rights
PRS	Promoting Rights in Schools
RTE	Right to Education Project
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund

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## 1. Introduction

This report was commissioned by Right to Education Project (RTE) as a stocktaking exercise on RTE's work on the right to education indicators. The report aims to capture the evolutionary nature of the work, comprising a number of research initiatives. The purpose of the stocktaking exercise is to summarise steps that have been taken to advance RTE's work on indicators; to highlight achievements in the development and promotion of indicators; to identify lessons learned throughout the process of working on indicators; and to identify recommendations for taking RTE's work on indicators into the next phase. This is not intended to be an evaluation of the steps thus far or an overall project evaluation.

To develop this stocktaking report, several discussions were carried out with the current Right to Education Project Coordinator to introduce the Consultants to the work of RTE; discussions on the purpose of this stocktaking exercise, what it intends to achieve and what it must not delve into; and discussion of the outline of the report as proposed by the authors; as well as on-going discussions to clarify issues as the interviews and drafting of the report were underway.

This report is based on an extensive review of literature received from the current Right to Education Project Coordinator; interviews with 11 people who had direct involvement in RTE's work on developing and testing the RTE Indicators, and a review of the RTE Indicators on the RTE website. Interviews were carried out with the following: two interviews with the former Right to Education Project Coordinator; the former Research Coordinator; and the Consultant who worked on developing the RTE Indicators and drafted other important documents. Interviews were also carried out with selected members of RTE's Advisory Panel who were directly involved with the initiation and the development of the work on RTE Indicators. Further interviews were carried out with partners in South Africa, India and Virginia/ USA, all of whom have been engaged in applying, or in taking steps to apply the RTE Indicators in their work, and which has served as a means of testing the indicators in practice. Interviews were also carried out with the former Head of Education at ActionAid International, and the current Right to Education Project Coordinator to discuss current work and future plans. Often, these interviews were followed up by exchanges of emails to clarify or elaborate specific points.

These interviews aimed to identify the genesis of RTE's work on Indicators, methodology of developing them; milestones in the process; achievements; lessons learned and future recommendations.

This stocktaking report is therefore divided into eight sections: 1. this Introduction; 2. Background to the development of the RTE Indicators; 3. Methodology used, why it was chosen and how the RTE Indicators were developed; 4. Application and testing of the RTE Indicators in South Africa and India, and using the RTE Indicators in ActionAid's Promoting Rights in School framework; 5. Sharing work on RTE Indicators, including the Consultative Workshop, the RTE website and presentations on the RTE Indicators; 6. Summary of achievements; 7. Lessons learned; and 8. Conclusions and recommendations.

Finally it should be noted that this stocktaking exercise is carried out by two consultants who worked closely together. They bring a rich background in human rights law and practice, extensive work with human right organisations at the national and international levels; extensive work with international development organisations; and experience in communications and management. The consultants for this work are also experienced in project management, conducting needs assessments, and project evaluation. They have worked closely with NGOs in many parts of the world.

## **2. Background to RTE's work on Indicators**

### **2.1 Right to Education Project**

The Right to Education Project (RTE) promotes social mobilisation and legal accountability, focusing on the legal challenges to the right to education. It conducts research, builds capacity, develops resources for advocacy, and collaborates with a wide network of human rights, development and education practitioners. It was established in 2000 by the then Special Rapporteur on the Right to Education, Dr. Katarina Tomaševski, and re-launched in 2008 as a collaborative initiative between ActionAid International, Amnesty International and the Global Campaign for Education, who make up RTE's Steering Committee. RTE also benefits from an Advisory Panel, which is comprised of experts in human rights, development and education.

Central to Katarina Tomaševski's work was the 4A framework – Availability, Accessibility, Acceptability and Adaptability – which have shaped how education rights are viewed and understood today. The 4 As operationalise both the obligations of duty-bearers and the entitlements of rights-holders. Subsequently, the 4As have been central to the work of RTE and many others and have formed the basis of RTE's work on indicators.

### **2.2 Indicators development and timeline**

Since 2008, a key element of RTE's research pillar has been the development of a set of indicators based directly on international and regional human rights law related to the right to education, and inspired by the earlier work of Katarina Tomaševski. Although indicators existed before, none of them bridged the three disciplines of education, development and human rights. RTE's work on indicators was developed as such a bridge, with a unique approach to defining indicators of the right to education based on existing legal provision, but re-figured in the light of the 4A framework developed by Katarina Tomaševski. The added value of RTE's work is therefore to go beyond traditional development indicators for education (such as gross/net, enrolment/completion, pupil/teacher ratios, etc) and to develop a set of indicators that fully correspond to the range of human rights obligations. The RTE Indicators also aim to go beyond the traditional human rights indicators of structure-process-outcome (see sections 3.3 The Conceptual Framework and 3.4 Why the 4As?), thus presenting a new tool not only for the education and development community,

but also for the human rights community to better understand the right to education in practice.

### Summary timeline

RTE's work on indicators can be broken down into three phases. The first phase included background research, the development of a conceptual framework and a series of consultations with stakeholders. The second phase saw further consultation and refinement of the RTE Indicators, which were presented in matrices and discussed at "Beyond Statistics", an international Consultative Workshop in July 2010. Also during the second phase, RTE presented the Indicators at a number of conferences and drafted strategic papers available online throughout 2010 and 2011. The third phase began in January 2012 with this stocktaking report.

The following are the main milestones:

#### ***Phase 1***

**Early 2008** An Outline Document was produced by an RTE Advisory Panel member on the need for a set of Right to Education Indicators.

**June 2008** The Advisory Panel meeting on 26/27 June 2008 discussed and agreed RTE's proposal for a new set of indicators.

**Autumn 08** RTE began to define more closely the scope and need for further research on indicators, and prepared a Draft Background Paper on Human Rights Indicators for Education, drawing for the first part on the Outline Document produced earlier.

**Feb 09** Background Paper: "Towards Right to Education Indicators" was, based on the earlier Draft Background Paper; Steering Committee members met the Consultant for an initial discussion (27 Feb).

**March 09** Development of the first draft of the Concept Paper: "Right to Education Indicators based on the 4A framework" which was provided to Steering Committee members for comment.

**Mar-May 09** Development of 200+ Indicators and finalisation of the Concept Paper.

**May 09** The final versions of the Concept Paper and 200+ indicators were discussed with the Advisory Panel (5/6 May); as well as suggestions for testing the RTE Indicators.

#### ***Phase 2***

**Jul 09** A draft list of headings and crosscutting themes for the 200+ Indicators was elaborated; in addition to an outline of a handbook to accompany the RTE Indicators; and the consultant's Final Report. A paper for UNESCO's Global Monitoring Report 2010 titled:

“The Right to Education: Human Rights Indicators and the Right to Education of Roma Children in Slovakia,” was prepared.

**May-Oct 09** RTE produced online flyers to publicise the RTE Indicators; a 2-page Overview Document giving a summary for different audiences including potential partners of the Indicators work (“Right to Education Indicators: Measuring education as a human right”); and guidance on using the RTE Indicators in the field including an illustrative indicator from each of the five general frameworks (“Right to Education Indicators: overview, methodology, guidance notes”).

**Oct 09** RTE made a submission to the Committee on the Rights of the Child: “Human rights indicators to assist the Committee on the Rights of the Child (as well as other Treaty Bodies, reporting State Parties and civil society) in measuring national implementation and adherence to international human rights standards”, describing the broader issues to be addressed in order to establish a set of right to education indicators based on the 4A framework, and proposing a list of categories or headings for education indicators, based on the RTE work on Indicators. RTE also presented a written response to DFID’s education strategy consultation paper. RTE’s paper, “Right to Education Project: Written response to DFID’s education strategy consultation paper”, makes the case for indicators that go beyond statistics and advocating the development of rights-based indicators grounded in international human rights law, referring to the 4As and the three key principles of non-discrimination, participation and accountability.

**Autumn 09** RTE expanded the website to include all RTE Indicators in the format of matrices. RTE also developed a proposal to examine the extent to which the RTE Indicators could be used to develop a framework for studying compliance with the right to education for disabled girls in Delhi and submitted an application for funding for such a project.

**Jan-Dec 10** RTE and ActionAid International jointly developed the Promoting Rights in Schools framework, which uses the RTE Indicators at the primary school level across ActionAid’s country programmes.

**Early-mid 10** RTE worked with the Education Rights Project in South Africa to adapt the RTE Indicators for testing in the field. RTE also prepared papers and presentations to be used during the Consultative Workshop, “Beyond Statistics”. This includes “Beyond statistics - Measuring education as a human right: A Consultative Workshop on indicators for the right to education - Background Paper”, as well as a power point presentation on RTE Indicators.

**Mid-late 10** Education Rights Project in South Africa conducted interviews and gathered testimonies, case studies and data in Limpopo, Gauteng and Western Cape.

**July 10** The RTE Indicators were launched and discussed by a wider audience at an international Consultative Workshop, “Beyond Statistics”.

**Aug 10** RTE began an online discussion forum on its website for the RTE Indicators.



**Autumn 10** The indicator tree, a visual guide for explaining the Indicators to practitioners, was developed and published online.

**2010-11** RTE engaged with a variety of practitioners, including development, education, and human rights practitioners, as well as academics, on the RTE Indicators through various presentations and workshops. ActionAid began testing the PRS in its country programmes, focusing initially on Nepal and the Gambia.

**Oct 11** Education Rights Project held workshops in three provinces in South Africa with migrant communities, partners and key stakeholders on the right to education for refugees, asylum seekers and migrants. RTE delivered a session at an ActionAid workshop in Kenya aimed at Education staff in its country programmes. The workshop was aimed at rolling out the PRS more widely across ActionAid's education programme.

### 3. Developing the RTE Indicators

This section reviews the steps taken to produce the Indicators, the methodology used, the rationale for methodology chosen, and the main outputs that were produced in the process of drafting the RTE Indicators. This also includes an overview of the methodology recommended for the field testing.

#### 3.1 Reasons for developing the indicators

The Right to Education Project embarked on developing a comprehensive set of right to education Indicators based on a very close analysis of the international normative framework, as reflected in international and regional human rights instruments. Since the start, the intention has been to provide a tool to help evaluate States' progress towards the full realisation of rights related to the right to education, to identify human rights violations, and enable stakeholders to hold duty-bearers accountable for their human rights obligations. RTE Indicators thereby enable stakeholders to make recommendations to governments to improve their human rights record, and they serve as a promotional and advocacy tool. Indicators are also useful in legal proceedings, by providing objective and rational criteria against which States' efforts to respect, protect and fulfil rights can be assessed.

The review of literature carried out at the outset of the process of developing the Indicators enabled RTE to take into account the shortcomings of past education indicators and how rights based indicators could remedy these short-comings. This included focusing on marginalised groups that are negatively affected in the delivery of education, the need for a qualitative as well as a quantitative approach, and the way in which human rights are implemented, through measuring participation in decisions regarding education. "In other words, Right to Education Indicators measure not only the right to education but also rights in, through and to education" (see Right to Education of Roma Children in Slovakia).

## 3.2 Background research and general approach

An initial review of literature was carried out in late 2008. This was summarised in a Background Paper, prepared in February 2009: “Towards Right to Education Indicators”. This Background Paper presents a brief description of past work on indicators in general, indicators relating to education as a development goal, and indicators on education as a human right. It consists of two main sections: a note on the background for the present indicator work and the justification for going forward towards developing a new set of a human rights based education indicators; and a short review of selected existing work undertaken by various actors in relation to elaborating development indicators, human rights indicators in general, indicators on education as a development goal and right to education indicators, with an attempt to identify patterns, especially from the perspective of the 4A framework. The document also elaborates why specific new right to education indicators are needed particularly as the Education For All (EFA) goals do not contain a robust accountability mechanism and are not rights-based.. The paper concludes that, based on this analysis, a new set of human rights based indicators is needed. It suggests that RTE uses as a basis for these indicators the structure proposed by Katarina Tomaševski’s 4As and the full EFA framework.

It was proposed in this paper that the process for developing such indicators be the following, which RTE generally followed in developing and applying the indicators:

- an expert process to develop an initial set of indicators,
- a testing phase of those indicators with bilateral and multi-lateral donor agencies, with UN bodies and agencies; and
- a civil society phase to adapt a prototype indicators package for their use and identify case studies to test and refine their use by civil society.

RTE made efforts to ensure that the work was inter-disciplinary to include education, development and human rights expertise throughout the phases of the work on the RTE Indicators. RTE coordinated the process of developing the Indicators including drafting the theoretical framework, developing the detailed RTE Indicators and producing further background documentation. A number of partners from different relevant disciplines were involved in discussing the indicators, testing them, and elaborating specific tools using the RTE Indicators. RTE’s multi-disciplinary approach and the involvement of various partners have been central to ensuring the success of the RTE Indicators.

RTE developed the Indicators with the help of a consultant who was an expert on the topic. RTE firstly carried out further background research on human rights indicators in general and right to education indicators in particular. A review of literature on past education indicators revealed that these cannot be classified as right to education indicators because they are not human rights based and thus do not constitute an adequate tool to monitor compliance with human rights law in relation to right to education. The review also included the work of OHCHR in developing indicators thus far and the approach it uses, which is based on the structure-process-outcome approach (see further under section 3.3 The Conceptual Framework).

On the basis of this review, three key conclusions were drawn in relation to RTE's work on Indicators. Firstly, the RTE Indicators must be based on international human rights law. Secondly, the 4A framework for the right to education was considered the best frame of analysis for the creation of these Indicators. Although this framework does not provide a set of right to education indicators as such, it was deemed to be an adequate stone towards their creation, something which Katarina Tomaševski herself had in mind when she proposed the framework. The additional heading of Governance was added to the 4A framework in February 2009. Thirdly, the review confirmed the need for rights-based indicators to track progressive realisation of the right to education.

### 3.3 The conceptual framework

After the literature review, RTE developed a conceptual framework, highlighted in the Concept Paper: "Right to Education Indicator based on the 4A framework". The purpose of the document was to present the broader issues which have been considered in order to establish a set of right to education indicators based on the 4As as well as provide an explanation of the choices made for developing these indicators.

The Concept Paper is divided into six sections: 1. sketching the background of the proposed Right to Education Indicators and past initiatives undertaken to date in this regard; 2. examining the main differences between education and right to education indicators; 3. establishing a framework for the RTE Indicators, through considering the differences between RTE's Indicators and other human rights-based indicators and frameworks; 4. explaining three transversal issues which are addressed within the RTE Indicators; and 5. outlining the methodology for developing the Indicators.

The Concept Paper was presented in a meeting to the Advisory Panel, highlighting the Indicators organised under the 4A framework, with an additional heading of governance. Working sessions took place on finalising the draft list of indicators, and a discussion on global consultation and field testing.

The Concept Paper provides a review of human rights based indicators, and highlights the historical context of human rights indicators. Human rights indicators were initiated at the end of the 1990s, following a suggestion by Danilo Turk, the former UN Special Rapporteur on the realisation of economic, social and cultural rights. Paul Hunt, the former UN Special Rapporteur on the right to health, developed a few right to education indicators, which were disaggregated by vulnerable groups, and then developed a comprehensive set of indicators relating to the right to health. He proposed to divide human rights indicators into three types: structural, process and outcome, a division which has been adopted by the OHCHR in its work in developing indicators. Upon the request of the UN treaty bodies, the OHCHR proposed a framework for establishing human rights indicators as well as comprehensive lists of indicators relating to twelve human rights, including the right to education, using what became known as the structure-process-outcome framework. Other NGOs, UNESCO, and research centres and institutes also developed a number of indicators which relate to various rights, including the right to education.

The Concept Paper emphasises that compared with other human rights there have been few collective efforts to develop indicators relating to the right to education at the international level. It was highlighted that “[o]ne of the reasons might be that education has for a long time been – and still sometimes is – considered principally as a development goal. Although the right to education is outlined in several international and regional human rights treaties, the international community has been quite slow to recognise it as a right” (see Concept Paper).

### 3.3.a. Why the 4As?

Katarina Tomaševski divided the normative framework and corresponding obligations relating to the right to education into a 4A framework: availability, accessibility, acceptability and adaptability. She proposed in her first report in 1999 that indicators be developed on the right to education, and in 2002, she proposed a model outline of such indicators on the basis of the 4A framework.

The 4A framework was chosen because it provides a systematic structure for the development of right to education indicators, which goes beyond other indicators to comprehensively monitor and assess of the full range of human rights obligations relating to the right to education. The Concept Paper details that there are three advantages in adopting the 4A framework:

*“First, indicators based on the 4-A framework are the most closely linked to international human rights law, since this framework appears to be the best way to classify state obligations relating to the right to education. This not only facilitates the creation of a comprehensive and accurate set of Right to Education Indicators but also helps to establish a clear general structure for these indicators. Second, the 4-A framework has proven to be effective in bridging disciplinary gaps, which is especially important considering that indicators stem from the development field. As a result, it has been possible to integrate development concerns into the 4 As, which in turn allowed [it] to take advantage of existing education indicators. Third, the 4-A framework emphasises both the quantitative and qualitative aspects of the right to education, by measuring not only the right to education but also rights in education and rights through education. In view of this, in contrast to the Right to Education Indicators of the OHCHR, the Right to Education Indicators based on the 4-A framework rely not only on quantitative but also on qualitative data.”* (See Concept Paper.)

The Concept Paper also discusses the nature of state obligations regarding economic, social and cultural rights generally, and how the 4A approach to indicators can relate to these obligations. It reiterates that human rights law requires that the right to education includes both obligations which are to be realised immediately – such as the prohibition of discrimination – and obligations which are subject to progressive realisation. Because some of the obligations relating to the right to education are to be realised progressively according to the maximum resources available to a state, the Concept Paper stresses that it is only after having applied the Indicators several times that it will be possible to determine if a state has fulfilled its obligations.

Consideration was given to other frameworks; primarily the approach of the OHCHR which uses the structure-process-outcome framework for its human rights indicators. Advantages and disadvantages to this approach were considered. It was concluded that it follows a uniform approach for all rights (civil, political, economic, social and cultural), which leaves little room for teasing out the specificities of rights. For example, with regards to the right to education, elements such as quality of education, equal access to education, rights at schools, etc., would be difficult to meaningfully assess with the OHCHR approach. It was also decided that mixing the 4A framework with the structure-process-outcome framework for indicators would complicate an already complex set of Indicators, especially since the RTE Indicators aim to be exhaustive for strategic reasons in order to provide end-users with the possibility of choosing the Indicators that suit them in practical applications, rather than being limited in the application and practical implementation. The Concept Paper noted that “[a] balance between process and outcome indicators could also [be] established within the indicators – without necessarily referring to the terms process and outcome indicators in the charts.” (See the Consultant’s Final Report.)

### 3.3.b. Transversal issues

After the 4A framework was selected, and a list of more than 200 Indicators was developed, RTE decided to include certain transversal issues throughout the indicators. Three such transversal issues were identified. First, the RTE Indicators have to be disaggregated in order to capture discrimination in education. Second, they should examine the extent to which States respect participatory rights in educational matters. Third, they have to deal with issues relating to State accountability.

In relation to discrimination, the following categories were selected as central to the development of RTE Indicators: gender, geographic region, rural/urban, minority, and income. Additional discrimination grounds can be taken into account, including: age, language, race, religion, social status and level of income, official status (i.e. regular or irregular migrant, refugee, citizen etc.), origin, disability, sexual orientation, and opinion. RTE also considered that other categories may need to be added including the distinction between primary, secondary and tertiary education levels. RTE Indicators would thereby be able to address multiple – or intersectional – discriminations. In order to achieve this, it would be necessary to again disaggregate indicators which are already disaggregated: indicators that have been disaggregated by specific categories have thus to be disaggregated once more by other categories. This operation could be called “multiple disaggregations”.

In relation to participation, five main issues are reflected in the Indicators. Firstly, people have the right to take part in defining the development of the education curriculum. Secondly, children should be allowed to personally respond to disciplinary sanctions and be heard in any administrative proceedings affecting them. Thirdly, since education should be adaptable, parents and children, as well as the communities to which they belong, should be given the opportunity to express themselves in relation to strategies adopted with a view to encouraging school attendance and reducing drop-out rates. Fourthly, minorities have the

right to express themselves in order to ensure that their needs are taken into account in educational matters. Fifthly, participation of the relevant stakeholders in the development of plans of action must be guaranteed to ensure strong ownership.

In relation to accountability, the primary purpose of human rights indicators is to help actors to question governments in relation to their human rights obligations and hold them to account. RTE's Governance framework, which was added later to the Indicators, specifically addresses legal protection, plans of actions, monitoring mechanisms, and budgetary allocation. Furthermore, throughout the framework there are indicators that address legal protection and monitoring and complaints mechanisms.

### 3.4 Developing the structure of the RTE Indicators matrices

The current structure of the RTE Indicators was developed through several steps after the review of literature, the adoption of the 4A framework and the development of the transversal issues. The first step to developing the indicators was to outline obligations stemming from relevant human rights law, using the 4A and governance frameworks. This process was based on a review of legal sources including various UN reports, general comments by treaty bodies and reports by special rapporteurs, academic articles, indicators by other sources, etc.

RTE developed a list of over 200 indicators from this analysis of the legal obligations. Corresponding international standards relating to the various Indicators was made available in the footnotes. This list was then turned into five parts or matrices: Indicators on governance, availability, accessibility, acceptability and adaptability. Each part has been divided into several horizontal headings which emerged as a result of consideration of the transversal issues. This consequently resulted in the development of the following structure which is currently available on the RTE website on <http://www.right-to-education.org/node/860>  
The structure of the Indicator framework is categorised accordingly:

- **Governance Framework**: it contains the following horizontal cells
  - Normative framework
  - Educational policy
  - Plan of action
  - Recourses
  - Monitoring
  - Budget
  - International assistance and cooperation
  
- **Availability indicators**: it contains the following horizontal cells
  - Early childhood care and education
  - Primary education
  - Secondary education (including training and vocational education)
  - Tertiary education (including training and vocational education)
  - Fundamental education
  - Adult basic and literacy education

- Educational and vocational information and guidance
  - Private schools
  - Closing schools
  - School infrastructure
  - Working conditions of teachers
- **Accessibility indicators**: it contains the following horizontal cells
    - Physical obstacles
    - Economic obstacles
    - Administrative obstacles
    - Gender obstacles
    - Socio-cultural obstacles
    - Out-of-school children
- **Acceptability indicators**: it contains the following horizontal cells
    - Skills
    - Tolerance
    - Qualification of teachers
    - Gender
    - Discipline
    - Religion
    - Language
- **Adaptability indicators**: it contains the following horizontal cells
    - Child labour
    - Child soldiers
    - Minorities
    - Disabled
    - Prisoners
    - Armed conflict

The sub-headings of the horizontal cells above add up to 37 categories.

The chart therefore has been presented through five columns and 37 horizontal cells. The first column lists each of the above 37 categories, the second includes the corresponding Indicators. The three last columns deal with the three transversal issues (discrimination, participation and accountability) and add any cross-cutting issues in relation to some of the Indicators. This presentation allows the transversal issues to be added wherever they cross-cut any of the Indicators. References to the relevant provisions of international and regional human rights standards which relate to each of the Indicators are included in footnotes of the charts. This helps users reach a balanced conclusion based on a human rights analysis of the right to education.

### 3.5 Considerations for using and adapting the Indicators

During the process of developing the Indicators and the follow up work, RTE considered a number of approaches to applying the Indicators (see for example the document, “Right to Education Indicators: Overview, Methodology, Guidance Notes”, and the “Final Report” of the Consultant). Some of these approaches have been implemented (see sections 2.2 Indicators development and timeline, and 6. Achievements), and others will be considered in the context of future plans for RTE on Indicators.

### **3.5.a. Guidance Tools**

The full list of over 200 Indicators, presented in the matrices, was designed as a toolbox from which actors can select those Indicators which relate to a chosen focus or specific issues or situations. RTE considered ways in which the indicator framework could be more accessible to practitioners through materials or tools that would accompany the Indicators. This included guides on defining terminology; making the distinction between Indicators relating to obligations which are to be realised immediately and Indicators relating to obligations which are subject to progressive realisation; and linking the Indicators together to arrive at balanced conclusions. Tools would also include guidance on defining benchmarks to track a State’s progress of the full realisation of the right to education. Guidance on overcoming various hurdles in obtaining data would also be needed. It would provide guidance on establishing partnerships with various institutions, using existing sources of data, ways to identify available data, how to collect data at a reasonable cost, and prioritisation of Indicators and the corresponding data, which may be costly to collect but essential to the core content of the right.

RTE further considered developing a User’s Guide to explain how to apply the Indicators in specific contexts, though RTE decided that any such guide should be developed following the testing phase. It was determined that a User’s Guide should explain the information that is necessary for using the Indicators, how results should be interpreted, and the process for selecting and prioritising indicators, as well as the actors who may potentially be involved in testing and applying the indicators.

### **3.5.b. Publication**

RTE considered how the Indicators may be published for practitioners and decided that the final publication would follow testing. RTE decided to present the Indicators in two formats: a paper version and an online version. The paper version would need to be revised each time the Indicators were altered and so could present some challenges. Considerations for the web version included cross referencing and colour coding, which would help potential users to know which Indicators can be used for a certain heading. The RTE website was seen as providing rich possibilities in this regard, by making sure that the relevant information appeared in easily identifiable categories and that the visitor is not overwhelmed by a series of complex matrices.

### **3.5.c. Adapting and Testing: Initial Considerations**



RTE developed guidance for partners on using the Indicators in practice. This is the methodology which RTE used when in adapting a set of selected Indicators with partners to suit a specific context. The specific approach for using the RTE Indicators was elaborated as follows:

- A. A list of possible foci must first be established
- B. The Indicators to be included under the foci must then be identified and possibly adapted according to both foci and context
- C. The draft set is then refined and presented in an appropriate format to facilitate further use

Concerning the choice of foci, three possible types were considered:

- Vulnerable groups
  - For example girls and women (or more generally gender); people with disability; child labourers; migrants; persons affected by HIV/AIDS; children living in poverty; prisoners; minorities; indigenous people; etc
- Situations
  - For example armed conflict; civil unrest; natural disaster; HIV/AIDS; poverty; etc
- Issues
  - For example primary education; teachers; plans of action; out-of-school children; etc

RTE decided to initially focus on vulnerable groups. This is for two reasons. First, the amount of data necessary for analysis would be limited, thus facilitating the whole process, since data availability one of the greatest challenge to human rights indicators. Second, the principle of non-discrimination is central to international human rights law and could be tested best by focusing on a selected marginalised group.

#### **4. Testing the RTE Indicators**

Testing the RTE Indicators in the national context was a key stage in the development of the Indicators to demonstrate how they can be transformed from a theoretical framework into a practical tool. Lessons were drawn from the testing, comparing how the Indicators were used and adapted in different contexts, with a view towards revising the Indicators as needed. Testing also offered a good opportunity to capture the lessons learned for a User's Guide.

RTE considered testing the Indicators on specific thematic areas in several regions, including Latin America, Nigeria, South Africa, and India. Ultimately, RTE initiated testing in India, South Africa, and a through a multi-country ActionAid International initiative. An additional opportunity to apply the Indicators in the US (Virginia) came about through the collaboration in South Africa at a later stage.

Initially, it was hoped that the testing phase may adopt a more rigorous approach, including a wider selection of testing projects, more direct involvement by RTE staff and a more scientific method for capturing the learning. However, due to limited staff resources and a lack of an express budget for testing (and an unsuccessful funding proposal to expand this), RTE relied on a smaller and less formal method for testing – one whereby partners apply the Indicators with significant assistance from RTE to select and adapt Indicators but monitoring is left to the implementing partners. RTE gathered the learning through this stocktaking exercise and informal discussions with partners.

## 4.1 South Africa

### 4.1.a. Purpose and summary of the initiative

Education Rights Project (ERP) was launched by Katarina Tomaševski in South Africa in 2002, has worked on education rights issues with migrants in South Africa for many years, using the 4A framework as the basis for its work. ERP volunteered to test the Indicators in an ERP project with refugees, asylum seekers and migrants and worked collaboratively with RTE to develop the test.

ERP's research project was carried out in three provinces in South Africa (Gauteng, Limpopo and Western Cape). Its aim was to examine the barriers and violations of the right to education encountered by refugees, asylum seekers and migrants, looking at government policies and practices on the issue as well as the role of school governing bodies, school management teams, trade unions and local municipalities; and to examine education rights awareness amongst migrant communities, social movements and those accountable to ensure the provision of education. The target areas and groups were chosen to enable the study of different refugee groups in a combination of rural communities, urban areas, townships and in the different regions of South Africa.

ERP began work in 2009 with a literature review of the right to education of refugees, asylum seekers and migrants in South Africa and of relevant national and international legislation. Fieldworkers in the three provinces attended training on the 4As and the RTE Indicators, looking at how the Indicators matrices could help shape and refine their research. The Indicators were adapted, and interviews, testimonies, case studies and data collection then followed in Limpopo, and over the next few months in Gauteng and Western Cape. Data was collected from state departments and learners, migrants, parents, and relevant organisations. ERP held workshops in each province with migrant communities, partners and key stakeholders on the right to education for migrants. A national workshop and a research report are being planned by ERP, to be published late summer/autumn 2012.

### 4.1. b Ways in which RTE Indicators were used in developing the project

RTE's specific involvement was in selecting Indicators from the list of 200+ that related particularly to asylum seekers, refugees and migrants. These were refined in early 2010 through discussion with ERP. RTE and ERP met in South Africa in July 2010 to work on

adapting the Indicators, which included a field visit to the local school, Albert Street School, in Johannesburg, where the field testing took place.

## 4.2 India

### 4.2. a Summary of project and RTE's involvement

Testing the Indicators in India was discussed at the Advisory Panel in May 2009, after which RTE had further discussions with ActionAid India. They developed a proposal to examine the extent to which the Indicators could be used to develop a framework for studying compliance with the right to education for disabled girls in Delhi.

RTE prepared an initial list of relevant Indicators drawn from the 200+ Indicators and worked with ActionAid India to refine them. RTE produced guidance notes, outlining issues which should be addressed when applying the Indicators in the India context, including how Indicators should be defined and could be contextualised, how benchmarks should be established and how data should be collected for them. There was also some specific guidance on addressing disability.

Funding was needed to allow the project to go ahead, and in autumn 2009, ActionAid India prepared and submitted a funding proposal. The funding application was not successful, and consequently the test did not go ahead.

## 4.3 Promoting Rights in Schools

### 4.3.a. Purpose and summary

The Promoting Rights in Schools (PRS) joint initiative between ActionAid's International Education Team and the Right to Education Project began in early 2010. The impetus came from ActionAid International, who wanted to adapt the Indicators into a framework that could be practically applied and used as a basis for mobilisation, advocacy and campaigning with local communities in the countries in which they work. An important aspect of the PRS is that it can be used to promote a human rights based approach – now central to ActionAid's way of working. The PRS is, therefore, aimed at parents, children, teachers, unions, communities and local civil society organisations and seeks to engage them in collectively monitoring and improving the quality of public education at the primary school level. A resource pack was produced in 2010 in both English and French and distributed to all ActionAid offices. The PRS has now been adopted by all ActionAid Education teams as a core area of their education work.

The framework was developed jointly by RTE and ActionAid International. The PRS highlights a charter of ten education rights aimed at popularising these rights amongst local communities in a development context. RTE's role was to identify those ten rights, where they are enshrined in international law and their corresponding Indicators. RTE also helped

to adapt the indicators for the PRS and fed into the development of the methodology aimed at guiding the implementation of the PRS in the field.

The resource pack contains:

- a charter of ten rights, including a poster
- a participatory methodology for using the charter for collecting, analysing and using data, and for consolidating information into 'citizens reports' (that could be used for the development of action plans or to encourage discussions and reviews at local, district and national levels with the potential for advocacy at the international level)
- a series of education- and rights-based indicators organised in a survey format to enable users to capture information in a systematic manner, drawn from RTE's 200+ Indicators
- a compilation of key international human rights references providing the foundations and legitimacy of the charter and reports.
- advocacy guidance

The PRS was tested in Nepal in 35 schools through 18 village development committees by ActionAid Nepal in partnership with 20 local civil society organisations. Indicators for Nepal were adapted from the checklist and questionnaires in the PRS resource pack. Teachers, students, Parents and Teachers Associations, parents and local community members were all involved in the process. Thirty five school-level and nine district level Citizens' Education Reports (CERs) were produced, as well as a national CER shared widely at a national level with the ministries of education, finance, and local development as well as with networks, coalitions and alliances. The initiative was successful and is being scaled up across Nepal.

ActionAid Gambia also tested the PRS, working with Members of Parliament of the Select Committee on Education and Training and the General Secretariat for Islamic and Arabic Education in Gambia. These stakeholders used the PRS framework to collect data to illustrate the extent to which each of the ten rights was achieved in 44 madrassas (Islamic schools).

The PRS was rolled out to all ActionAid country offices and training was delivered to ActionAid education leads and partners. Two workshops held in Mombasa in March 2011, and Hanoi in May/June 2011 aimed to equip participants with the skills to implement the PRS, giving them an opportunity to practise how to use the PRS indicators with different stakeholders and to develop an action plan for rolling out and monitoring the PRS.

A follow-up workshop was held in Nairobi in October 2011 to address the challenges that the ActionAid education leads were facing in implementing the PRS. One outcome was the production of written guidance - Promoting rights in schools framework implementation guidelines - in November 2011 by ActionAid for their country offices. This did not involve the participation of RTE as it related more closely to programming.

Following ActionAid's tests, the PRS has become part of ActionAid's core work on education with most of the countries with education programmes using the PRS. Reports are expected later in 2012 of the findings in over a dozen countries across two regions. This will provide additional learning to RTE on a wider scale.

## 5. Sharing work on RTE Indicators

RTE's approach has been to share information about the RTE Indicators as part of an on-going process. This has included producing papers and presentations which were made in several fora related to the right to education, measuring the implementation of human rights, discussions on indicators, and human rights fora in general. The Indicators have also been shared through the RTE website as a means of generating interest in the Indicators and sharing the Indicators as a work in progress with RTE's constituencies.

### 5.1 Main papers or presentations on the RTE Indicators

A number of papers were produced during the process of developing the Indicators, including the Concept Note and the Background Paper. In addition to these, a number of papers were produced after the Indicators were developed. Their purpose was mainly to explain the RTE Indicators, the methodology and approach followed, as well to provide insight on ways in which the Indicators could potentially be used. The following is a highlight of these main papers.

#### 5.1.a. Overview Document

A 2-page Overview Document ("Right to Education Indicators: Measuring education as a human right") was produced to explain the RTE Indicator work to various audiences. It explains how past indicators dealt with the right to education, and the need for and purpose of developing human rights-based education indicators. The document explains that the 4A typology of State obligations in education provides a systematic structure to the development of these indicators, and goes on to explain each of the 4As in relation to the right to education. The document clarifies how identifying appropriate and effective indicators of compliance with human rights is crucial for ensuring accountability. Therefore one objective of the RTE Indicators is to create partnerships with different stakeholders to define a more coherent package that fully corresponds to human rights obligations. The document finally presents an overview of methodology and outputs, timeframe and partnerships. This document was used to introduce the RTE Indicators to various audiences, together with an annex of sample indicators, which were adapted for different contexts.

#### 5.1.b. Roma children

A paper on "The Right to Education: Human Rights Indicators and the Right to Education of Roma Children in Slovakia" was commissioned by UNESCO's Education for All Global Monitoring Report as background information to assist in drafting the 2010 report, the global theme of which was the education rights of minorities. The drafting of the paper started in April 2009 with the preparation of an annotated 2-page outline. The first part of the paper presents the RTE Indicators using the 4A framework with reference to the need to focus on participation and accountability, explaining the difference between this approach and other education indicators. The paper explains each of the 4As, and the second part illustrates how the comprehensive set of RTE Indicators, guided by these 4As, enables the

identification of violations of the right to education of Roma children in Slovakia and may serve as a tool in proceedings before judicial mechanisms such as the European Court of Human Rights. It then goes through each of the 4As and explains how they relate to the specific situation of Roma children as evidenced by available information, primarily reports by human rights organisations. The paper is therefore not an outcome of a process where the Indicators were used for research on the issue; that is an exercise of collecting primary data relating to Roma children in Slovakia using the RTE Indicators. Instead, it shows how human rights indicators, particularly RTE Indicators, can be successful tools for monitoring the realisation of the right to education, providing illustrations of how the comprehensive set of RTE Indicators enables the identification of violations of the right to education in the specific context of Roma children in Slovakia and may serve as a tool in proceedings before judicial mechanisms. Importantly, the paper uses references to case law to illustrate some of the violations of rights of Roma people and how Indicators can be relevant in this context. The paper concludes that “right to education indicators, as proposed both by the OHCHR and the Right to Education Project, can bring us much closer to measuring the extent to which quality education as a human right (rather than a need) is achieved. By evaluating the availability, accessibility, acceptability and adaptability of education for marginalised groups, they can help measure more accurately these group’s enjoyment of their rights.”

#### **5.1.c. Human Rights Indicators for the CRC**

A paper on “Human rights indicators to assist the Committee on the Rights of the Child” was prepared and presented in October 2009 on the occasion of the Celebration of the 20th Anniversary of the Adoption of the Convention on the Rights of the Child. The purpose of the paper was to present indicators on measuring the implementation of human rights at the national level, as defined by the CRC and other international instruments, and as periodically reported by State Parties to treaty bodies, regarding the right to education and non-discrimination in education. The paper outlines the broader issues which must be addressed in order to establish a set of right to education indicators based on the 4As framework. It provides a rationale for indicators based on the 4As, as opposed to the structure-process-outcome framework, and it provides a description of the RTE Indicators, including the transversal issues. The paper recommends that the CRC Committee use the Indicators in its work on measuring the implementation of human rights at the national level.

#### **5.1.d. DFID’s education strategy consultation paper**

In October 2009, RTE presented a written response to DFID’s education strategy consultation paper, in which it commented on various sections of the DFID strategy. In this response, RTE called on DFID to support civil society organisations and academics to develop research and tools (such as indicators) for the identification and monitoring of discriminatory practices. Referring to DFID’s acknowledgment that the indicators in use are limited in their capacity to measure what is of value, and given DFID’s prioritisation of quality and equality, RTE suggested that it is important to use additional and more accurate indicators that go beyond statistics and assess all the different dimensions of education as a right. RTE therefore recommended complementing traditional indicators with rights-based ones firmly grounded in international human rights law, referring to the 4As and the three

key principles of non-discrimination, participation and accountability. This submission then concluded with a section illustrating how RTE Indicators can be adapted to the DFID Strategy document, choosing one specific section of the Strategy for illustration.

## 5.2 Consultative Workshop: “Beyond Statistics”

RTE organised a workshop as a consultative forum on Indicators for the right to education. It was held on 9 July 2010 at the Institute of Advanced Legal Studies, University of London and brought together 35 experts in human rights, development, and education from different parts of the world. They included members of the Steering Committee and Advisory Panel, academics, researchers, UN Agencies (UNESCO, UNICEF and UNDP), education specialists, representatives of International NGOs and other activists, in addition to government officials. The purpose of the workshop was to create an international consortium of practitioners in the fields of human rights, development, education, and academia. A reflections report was produced after the workshop in which the workshop aims and objectives were summarised, and which documented some of the reflections and comments that emerged from the consultation. The final report, many of the presentations in the workshop, and the Workshop Paper are available on the RTE website and therefore the information can be accessed widely.

### 5.2.a. Workshop objectives

The workshop aimed to explore reactions from human rights, development and education experts, as well as donors, on the use of RTE’s Indicators. The specific objectives of the workshop included:

- to raise awareness about the RTE Indicators
- to discuss the RTE Indicators and the methodology for developing them with a group of human rights, education, and development specialists
- to share learning from piloting the indicators
- to make international contacts among participants in order to form strategic alliances and networks to pursue further action
- to gather commitments from participants and their respective organisations, both for further involvement and, where possible, sustainable funding.

### 5.2.b. Workshop paper

A paper titled “Beyond Statistics: Measuring education as a human right” was prepared for this workshop as a brief introduction to the RTE Indicators. It provides an overview of work on indicators in general, and the background of RTE’s work on indicators, including its methodology, the 4As and the difference between these Indicators and others. It then explains the methodology for testing, including selecting the foci and selecting and adapting the Indicators. The document finally identifies partnerships that may benefit from the Indicators work. Finally, the document provides an annex of the general structure of the Indicators and sample Indicators. A printed compendium of all 200+ Indicators, corresponding to what is on the website, was also made available to participants at the workshop.

### 5.2.c. Presentations and discussion

Workshop presentations included an overview of the RTE Indicators, including the evolution, methodology and structure. In addition, there were presentations on the Promoting Rights in Schools framework and the testing initiatives in both India and South Africa, which highlighted the lessons learned. Other presentations dealt with various models of methodologies to monitor or measure progress in relation to ESCRs. The following is a summary overview of some of the main power-point presentations:

- The UNDP Governance Assessment ‘Toolbox’ for MDG-based Planning and Implementation, which integrates human rights into governance assessment methodology through focussing on abuse of power, accountability, participation, and a focus on inequality and most disadvantaged groups.
- A project of the Centre on Economic and Social Rights which aims at exposing the role of fiscal policy in non-fulfilment of rights to food, education and health in Guatemala.
- Indicators field testing on the right to education for minorities in Colombia by Cornell University Law School.

In addition to presentations, discussions took place on how the RTE Indicators can be used, what for, and by which actors. This was carried out firstly by brief introductions to the discussion in plenary which was then discussed further in working groups related to three themes on role of practitioners, national human rights institutions, and academics. Discussions focused on the following questions: why we use indicators; where can we use them, what do we use indicators for; what are their benefits; how can they be used to help civil society and how to obtain funding?

A final presentation was made highlighting main threads in the discussion. It was pointed out that indicators are used to measure human rights in order to assess and monitor compliance to human rights obligations; to ensure the fulfilment of every person's right to education; and to ensure a special focus on marginalised, excluded, disadvantaged, hard-to-reach, discriminated against individuals and groups.

### 5.3 Sharing the Indicators through presentations and conferences

In order to engage with practitioners in their on-going work, RTE gave presentations on the RTE Indicators on several occasions. RTE produced a series of flyers describing the Indicators work, and adapted them to suit particular audiences for the conferences or events they attended.



Between 2009 and 2011, RTE attended 10-15 events where they were able to talk about the Indicators, linking them to the rest of their work or to the theme or focus of a particular event. They included academic courses, lectures and research conferences in Dakar, Chicago, Istanbul, New Orleans, the University of Virginia and the Institute of Education in London. Most notably, as the keynote speaker at a symposium “Human Rights in Education” hosted by the Curry School of Education at the University of Virginia, USA, in October 2010.

RTE also took part in events and interventions at UN meetings (including those on the CRC, MDGs, Emergencies and extreme poverty), and Global Campaign for Education events. Audiences for these events were diverse, including academics and researchers; policy makers; other NGOs and UN human rights bodies and agencies; the national education coalitions through ANCEFA, CLADE, and ASPBAE.

## 5.4 Sharing the RTE Indicators online

### 5.4.a. The RTE website

The Indicators and corresponding papers were put onto the RTE website to showcase the work in progress and to invite engagement and dialogue. RTE considered testing the indicators before releasing the full list of Indicators to the public. However, RTE preferred to share the work in progress with a wider education and human rights community and made the full list of indicators available in order to share their work and raise interest. The website therefore offers information and resources covering the whole spectrum of RTE’s work.

The Indicators webpage contains a brief description of the Indicators work, and links to specific areas:

- The Indicators as a tree – a visualisation of the Indicators showing how they come from shared human rights principles and their interlinkages
- The full Indicator framework presented as a table
- An interactive online forum on Indicators
- Reflections from the workshop on Indicators, including a summary of the “Beyond Statistics” Consultative Workshop including presentations
- Cases and examples of testing and application, containing a brief introduction to the testing; links to the Albert Street School report in South Africa; and a PRS page which includes a summary of the PRS, the PRS booklet and a link to a YouTube video of ActionAid’s former Head of Education on testing in Nepal.

### 5.4.b. The online forum

An online forum, evolving from the Consultative Workshop, was developed on RTE’s website in July 2010. It was also intended to be a platform for sharing ideas or information about other work on Indicators and research.

There were 10 postings in all, focusing on data availability, who to involve in measuring the right to education, and experiences of working with the Indicators, including challenges and recommendations.

Though lack of data was recognised as an issue by many respondents, it was also felt that better use could be made of what is available (e.g., by looking at it through a human right lens). It was strongly felt that work with Indicators should involve as many as possible who have a stake in education, because of the importance of the process as much as the outcome. Several of those who had used the RTE Indicators in their work recommended tightening up definitions so there was less room for misinterpretation. There were also specific recommendations based on particular experiences, including considering using adaptability as an entry point, and using a more narrative approach in questions.

## 6. Achievements

It is important to take stock of achievements in order to identify how to move forward in a realistic way. While not being comprehensive, the following are highlights of the main achievements thus far:

- A comprehensive set of over 200 Indicators have now been developed using a clear structure where there is a matrix for each of the 4As (availability, accessibility, adaptability, acceptability) in addition to the governance framework.
- This framework follows the main approach for measuring right to education obligations under human rights law, and as a feasible framework for measuring progress in the realisation of rights. RTE's Indicators will ultimately provide the basis for a practical tool, linking this to cross-cutting issues (discrimination, participation, accountability).
- The Indicators are presented in a clear visual format through a separate webpage on RTE's website. This webpage includes a number of important documents which can introduce readers to the Indicators.
- The final report of the Consultative Workshop, many of the presentations from the workshop, and the Background Paper are available on the RTE website and therefore RTE is ensuring that the information can be accessed widely.
- The process of developing and testing the Indicators is important in itself. It involved human rights, development and education specialists through Steering Committee meetings, Advisory Panel meetings, an international Consultative Workshop, and an online forum. The testing of the Indicators involved a wide group of stakeholders in education, from students, teachers and parents to administrators, economists and government officials. This approach has strengthened the overall success, participation, ownership and awareness of RTE's work on Indicators.
- The RTE Indicators have been shared with a number of partners and specialised networks like CRIN, ESCR-Net and HREA.

- Documentation about RTE Indicators, including the Concept Paper can be found today on some important websites (see for example UNDP's Global Governance Portal, websites of NAMATI – Innovation in Legal Empowerment, Chalkboard-Education, etc).
- A community of practitioners who are aware of the RTE Indicators are closely linked to RTE and its work, some of whom currently use the Indicators in their work. This is a milestone in a continuing process by RTE aimed at sharing the Indicators widely, as well as sharing experiences on the usage and testing of the Indicators, and engaging in debates on use of indicators to facilitate monitoring human rights obligations.
- The application of the RTE Indicators in various contexts (Virginia and South Africa as a framework for measuring the status and discrimination against refugees and asylum seekers in education, and ActionAid's Promoting Rights in Schools) provides RTE with valuable lessons on which it can be draw. The application and testing is now coming to a close, which will provide RTE with opportunities to apply the learning.
- The PRS was released in 2011 as a joint publication by ActionAid International and RTE. RTE promoted the document among a very large group of practitioners. The use of RTE's Indicators in ActionAid's PRS has provided an opportunity to demonstrate the operationalisation of the Indicators on a large scale and as a means of carrying out a human rights based approach to development.
- The Indicators have been presented in a number of international meetings and to various audiences, including approximately 10-15 prominent presentations. This raised the profile of RTE's work on Indicators, and also allowed RTE to continue its engagement with a variety of practitioners from multi-disciplinary backgrounds.
- Literature about the Indicators has also been used in the framework of UNESCO's work through at least two instances: the paper on Roma Children in Slovakia which was prepared for Education for UNESCO's All Global Monitoring Report 2010, and the workshop by UNESCO in Palestine, to which RTE made a presentation on Indicators (a report on which was produced by UNESCO). This brings the Indicators to a wide audience interested in education.
- Use of the Indicators as a model to measure progress in the realisation of the right to education has been presented to treaty bodies (for example the submission to the CRC). This provides treaty bodies with the opportunity to see alternative indicators to the structure-process-outcome format that is currently used by OHCHR.
- The indicators have provided a new frame of analysis beyond simple measures and operationalise and popularise a human rights based approach to education. The Indicators are a tool to look into not only the right to education, but rights in education. It enables people to look into access to education, education quality, and what happens in the school and classroom. Therefore, RTE Indictors measure not only the right to education but also rights in and through education.

- The Indicators are tools for engaging with government officials, the community and school communities in a constructive dialogue on how to improve education as a right. It allows for examining policies, data collection, and budgetary allocation, in addition to allowing for discussions on cross-cutting issues of discrimination, participation, and accountability.

## 7. Lessons learned

The following lessons are drawn from the overall process of working on the RTE Indicators. Taking stock of these lessons will inform RTE's future direction and further work on the Indicators.

- Indicators need to be accompanied by clear tools and guidance on why Indicators are used and what they can be useful for, in order not to risk turning data collection into a lengthy exercise without clear purpose.
- The Indicators require strong guidance on how to most effectively use quantitative and qualitative data and when to use which approach.
- They also require guidance on how to benefit from existing data, how to read data with a human rights lens, how to address gaps in data, and how to advocate for better data collection.
- The relationship between data collection and advocacy needs to be spelled out more strongly and clearly.
- Legal terminology requires a glossary or explanation.
- The overall potential target audience for using the Indicators needs to be established, rather than focusing on a wide array of potential stakeholders.
- The purpose of the Indicators needs to be clearer, i.e., that they are used to collect data, to identify gaps in the right to education and to inform advocacy efforts.
- A participatory approach should be encouraged through a human rights based approach, as a means of gaining community involvement, raising awareness of rights and tackling the task of collecting data.
- Introduction to the Indicators requires good training on human rights, data collection, methods of working with communities, human rights analyses of government policies and laws, and strategies for report writing and advocacy.
- Consideration should be given towards how the Indicator framework can be applied in different contexts (for example primary, secondary and tertiary education).
- The 4A framework may be confusing when applied in the field. The framework should be reconfigured to be more user-friendly, e.g., inking local level (ie school) to national and international levels of research and advocacy. Collecting information using the Indicators must not focus only on quantitative data, but must aim to expose lack of will and power relations through qualitative information.
- The purpose of the Indicators as a tool to ensure that education as a right is enjoyed equally by those who don't have it must be emphasised.
- It is essential to keep tools rigorous yet accessible and user-friendly.
- Local partners and communities should play a lead role in using the Indicators in national contexts.

- Use of Indicators as an impetus for dialogue between human rights practitioners, educationalists and grass-roots activists must be emphasised and ensured.
- Also, use of Indicators as a means to raise awareness of rights among children, teachers, and the school community at large, and therefore as an empowering tool in human rights education, also must not be ignored.
- Donors need clear, contextualised reasons for using the framework of the Indicators. They need 'proof' of the success of their application.

## 8. Conclusions and Recommendations

### Conclusions

Human rights indicators, like those developed by RTE, are essential for measuring progress in the realisation of education as a right. Education is a right that has corresponding entitlements, responsibilities, and duty-bearers, and has to be seen as such. This transforms the frame of analysis and methods for addressing inadequacies in education. Human rights indicators provide a mechanism for monitoring in a clear and measurable way. This is a cornerstone of the work of RTE, and the RTE Indicators.

Whilst the work on Indicators has used a considerable proportion of RTE resources, the Indicators have been imbedded throughout RTE's work more generally, providing RTE with a platform to share its work as a whole with a wide array of partners.

RTE Indicators are not and should not be seen as an end in themselves. They are tools for human rights based analysis, reporting, and formulating human rights based recommendations. Indicators should help specify and analyse the situation from the perspective of human rights obligations.

RTE Indicators are particularly important for analysis in relation to discrimination, participation and accountability. They are easily adaptable to each marginalised group. Therefore, through the RTE Indicators, practitioners are able to advocate for a separate programme for each situation (conflict, disaster, poverty); and a separate programme for each issue (primary education, teachers, out-of-school children).

### Recommendations

It is very important for the future of the work that adequate time is devoted to preparing the adaptation of the Indicators to specific contexts in a way which ensures that RTE plays a support role, but is not the leading role. The lead and the substance of the work should come from the national level. Ownership will not be achieved otherwise. International NGOs, like RTE, should guide the use of the indicators through an intermediary, reflective, and capacity-building process which should engage the CSOs.

There is a clear need for various tools and guides for the following:

- A general guide/tool on the purpose of the use of the Indicators as monitoring, impact assessment and advocacy, and framework of analysis.
- A general guide to help make the Indicators more accessible, through guidance on how to adapt the Indicators at the national level.

- A guide on quantitative data collection and interpretation, including identification of missing data, benefiting from existing data, a human rights lens for data analysis, advocating for better data collection, etc
- A guide on how Indicators can be used as a framework for analysis of a state's current performance and gauging whether violations have been committed, and whether the state is moving expeditiously and effectively towards full realisation of the right to education. It will attempt to answer the question: now we have the information, so what? What does that mean? This will also include guidance on how associated violations may be resulting from acts of omission or commission, for example through the use of the governance framework. However, this will require a clear guidance on the nature of the obligations of the states in relation to steps to be taken for the realisation of the right to education, in order to allow for data collected to be analysed in relation to the nature of state obligations.
- A guide/tool on impact assessment. Therefore, not only analysing whether states have or have not taken steps, but a framework for analysing the impact of the various steps, policies and laws in the realisation of the right to education.
- A guide/tool on how to use the Indicators and the data collected, including the process of collecting the data, for advocacy.

The above guide(s) need to be written in accurate legal language, but at the same time need to be accessible in style and presentation, easy to read and understand for non-legal practitioners.

Such guide(s) also need to address how various audiences can benefit from the information: what does that mean for policy makers, community leaders, education specialists, head-teachers, parents, students, etc.

In addition to the guides, RTE should consider producing a handbook of glossary of terms used in the Indicators. This, again, while being legally accurate, must be user-friendly and accessible for non-legal practitioners.

All these tools should be made available in print form as well on the website.

While the Indicators are useful in identifying the status in relation to a certain vulnerable group or situation, and information is collected for that regard, it is very important to use the process as an advocacy tool to expose and analyse which data is available, which data must be available, which data is costly but still must be available, which data is not costly, and the need to clearly focus in order to make the data collection exercise manageable.

Good analysis using the RTE Indicators at the country level will require various expertise including knowledge of the country context in order to develop the adaptation of the relevant Indicators; skills carrying out the data collection; and specialisation in education and human rights to analyse the data and formulate recommendations.

Therefore, it is essential that training in data collection and interpretation, and in human rights precede the use of the Indicators at the national level in order to ensure that the process is efficient and effective.

It is important that RTE identifies and shares examples of how the Indicators have been used successfully in order to promote their use further at the national level. Material presenting brief documentation of successful examples of using the Indicators, and identifying lessons learned, need to be prepared and made available in print and on the website.

RTE should explore further how NHRIs can be potential partners in the data collection, analysis advocacy and further monitoring, using the Indicators. It will be helpful for RTE to produce a short document on how the Indicators can be useful for NHRIs in their work. It is very important that the work on the Indicators is integrated within RTE's general strategy; otherwise it will compete with other priorities and resources.

There is also a need for forward-looking strategy for the work on the Indicators. This should identify the next steps over the coming 2-3 years and should tackle various elements including:

- 1) Refining the framework. A workshop on how to achieve this may need to be convened as a follow up to the previous Consultative Workshop. A proposal could be prepared for discussion in this future workshop
- 2) Guides and explanatory notes for the use of the Indicators;
- 3) Training partners and potential end-users;
- 4) Fundraising; and
- 5) Promotional work (including developing promotional literature explaining the Indicators and showing success stories in application).

It will be useful if literature is also produced to clarify how the RTE Indicators relate to the methodology used by OHCHR (structure-process-outcome). Some human rights practitioners are more familiar with this methodology, and may have resistance to the RTE Indicators methodology, assuming that there is a conflict between the two. The Concept Paper and other documents explain how the RTE Indicators link with the OHCHR indicator's methodology. It will be helpful if this is highlighted in explanatory notes on the RTE Indicators.

Documents relating to the RTE Indicators often refer to free and compulsory education, using the term 'education' to refer mainly to primary education. International law does not require other levels of education to be free and compulsory as an immediate obligation. This is a good example of how further material is needed to define terminology, reference points, issues of quality and quantity, etc.

It is important that the issues and lessons learned identified in the "Beyond Statistics" Consultative Workshop are revisited. It might be useful to hold follow up discussions with some or all of the specialists present to engage them in the next phases of the work on the RTE Indicators.

Through the process of developing the Indicators, RTE has collected a large amount of very useful background material on the right to education, economic, social and cultural rights in general, and on indicators in particular. This includes material on the normative framework, the nature of state obligations, important related concepts, the work of international and

regional monitoring mechanisms, case law, legal documents, as well as examples of other indicators. Some of this material include manuals which cover practical issues around the use of international and regional mechanisms, budgetary analyses, how to present and analyse information, as well as substantive manuals on specific rights. Some of this information is already available on the RTE website. However, it will be useful to carry out an exercise where a review of such literature is carried out to decide what else needs to be made available to the website users.

As interest in the Indicators grows, it is very important for RTE management to have a clear strategy on how to manage expectations and requests for assistance in using the Indicators.

Finally, in order to achieve the above, RTE should raise funds for further work on the Indicators. Therefore, there is a need for a coherent fundraising strategy which benefits from lessons learned, is able to reflect success stories, and identifies important targets including producing guides, promotional work, training, and refining the presentation of the Indicators.

[END]