

DECLARATION OF AMSTERDAM

on the Right to and the Rights in Education

adopted at

The World Conference on the Right to and the Rights in Education

Organized by

ELA

(European Association for Education Law and Policy)

*with the support and
participation of*

U.S.A.-ELA

(Education Law Association of the U.S.A.)

SAELPA

(South African Education Law and Policy Association)

LEAGUE OF EDUCATION LAW

(Russian Federation)

ANZELA

(Australia and New Zealand Education Law Association)

CAPSLE

(Canadian Association of the Practical Study of Law in Education)

*and in
cooperation with*

UNESCO

25-30 November 2004 - The Netherlands

DECLARATION OF AMSTERDAM ON THE RIGHT TO AND THE RIGHTS IN EDUCATION

preamble

PREAMBLE

The World Conference on the Right to and the Rights in Education, organized from 25 to 30 November 2004 in the Netherlands,

In the presence of:

Mohammed Bedjaoui, Member of the Executive Board of UNESCO, Former President of the International Court of Justice,

Jan Figel, European Commissioner for Education,

Katerina Tomaševski, Former Special Rapporteur on the Right to Education,

Virginia Bonoan-Dandan, Chairperson, United Nations Committee on Economic, Social and Cultural Rights,

Maria J.A. van der Hoeven, Minister of Education, Culture and Science of the Netherlands, Chairperson of the European Council of Ministers of Education,

María Jesús San Segundo, Minister of Education and Science, Spain,

Romain Murenzi, Minister of Education, Rwanda,

Misir Mardanov, Minister of Education, Azerbaijan,

Aziz Polozani, Minister of Education and Science, Republic of Macedonia,

Naledi Pandor, Minister of Education, South Africa,

Marc Rutte, Secretary of State, Ministry of Education, Culture and Science, Netherlands,

Dirk Van Damme, Head of the Cabinet of the Minister of Education of the Flemish Community,

Helge Ole Bergesen, Vice Minister of Education and Research, Norway,

Job Cohen, Mayor of Amsterdam,

Viktoria Mohácsi, Former Ministerial Commissioner for Roma and impoverished children at the Ministry of Education, Member of the European Parliament,

Ariranga Govindasamy Pillay, Chief Justice of Mauritius,

Albie Sachs, Justice of the Constitutional Court, South Africa,

Beverly Mc Lachlin, Chief Justice of Canada,

Kurt Graulich, Judge at Bundesverwaltungsgericht, Germany,

John Dowd, Former Judge of the Supreme Court of New South Wales, Australia,

J.S. Verma, Former Chief Justice of India, and former Chairman of the National Human Rights Commission of India,

Religious authorities, Stakeholders, members of academia, and grassroots organizations coming from over 50 countries,

Having deliberated in forward-looking spirit over key areas such as education as a human right, access and equity in education, the right and the obligation to be educated, the cost of education, the ensuring of equal educational opportunities, safety in education, and religion in education,

Bearing in mind the international obligations for the Right to Education, laid down in the instruments adopted by the United Nations, UNESCO, as well as those adopted at the European level,

Recognizing the importance of facing the crucial challenges that education in general and right to education in particular face today, and acknowledging the importance of UNESCO's work in this field,

Therefore adopts unanimously the conclusions and recommendations in the form of the Declaration of Amsterdam, this day, the 30th of November 2004.

conclusions

CONCLUSIONS

The participants in the World Conference:

EXPRESS their firm determination to continue promoting the Right to and the Rights in Education as expressed in Appendix 1 by networking and professional interactions, intellectual gatherings, research and studies, and advocacy;

RESOLVE to cooperate with the international community, supra-national, international and regional organizations, states and governments, and public authorities to play a more prominent role in supporting education systems that are responsive to the challenges of political, economical, or cultural diversities;

ALSO SUGGEST that professional associations dealing with Education Law and Policy such as those the World Conference has brought together for the first time are important in promoting the right to education, and encourage the creation of similar professional bodies in other regions and different countries for research, studies, and reflections on matters related to the Right to education and Rights in education.

recommendations

RECOMMENDATIONS

The World Conference

APPEALS to international organizations, multinational and regional organizations, UNESCO, and the Office of the High Commissioner for Human Rights to give greater importance to promoting the right to education, indispensable for the exercise of all other human rights;

SUGGESTS the need to review the mandate of United Nations Independent Experts in respect to the right to education, bearing in mind that the right to education and human rights education are two distinct, though interrelated, dimensions of the right to education as provided for in the Universal Declaration of Human Rights;

INVITES states, educational authorities, intellectual communities, research institutions, and academic and professional bodies to undertake studies and research aimed at promoting the realization of the right to education;

APPEALS to states to adhere to international conventions and treaties in the field of education and take measures with a view to incorporating their international legal obligations into the domestic legal order;

RECOMMENDS to states to take action to promote the Right to and the Rights in Education as expressed in the Appendix.

APPENDIX TO THE DECLARATION OF AMSTERDAM ON THE RIGHT TO AND THE RIGHTS IN EDUCATION

being aware

BEING AWARE:

- THAT governments have attempted to devise ways to meet legitimate concerns for accountability, inclusion, national cohesion and educational standards, and quality of education in schools and educational establishments in a variety of ways;
- THAT a single model of schooling does not necessarily meet the goals of equality in and quality of education and that this does not call for government administrative control;
- THAT well-designed educational systems with high degrees of educational freedom, including parental choice, are able to provide high degrees of autonomy and quality at the same time;
- THAT in most democratic societies, school choice is recognized as a basic right of parents and many governments have facilitated parental exercise of choice of schools and of education for their children by providing funding for non-governmental schools, while at the same time, guaranteeing the equivalency of educational systems at least at the primary educational level as a condition for societal cohesion;
- THAT subsidiarity has a profound effect on the administration of education systems at all levels. This presents officials and educationalists from the central ministry, regional, municipal and district authorities, and schools with demanding challenges to adapt to new responsibilities;
- THAT as a consequence of the policy move towards decentralization, the role of evaluation has changed, external evaluation has shifted from mere supervision of the legal requirements to educational monitoring and quality assessment, based upon evaluation criteria and standards. School self-evaluation is strongly encouraged in order to complement both improvement and accountability. Educational institutions are expected to bear responsibility for safeguarding the quality of the education they provide and systematic self evaluation is strongly encouraged;
- THAT there is no clear standard for standards of accountability;
- THAT the use of tools of direct democracy in educational governance (such as referenda) is potentially harmful of minority student rights;
- THAT if empirical evidence is to be the measure for evaluating the quality of educational reforms and the results of strategies for school improvement, assessment of school quality and measurement of student results should be kept separate from implementation of policies of education reform;



Jan De Groof,
President ELA



Mohammed Bedjaoui,
former President ICJ



Albie Sachs,
Judge



Ariranga G. Pillay,
Chief Justice



J.S. Verma,
former Chief Justice



Beverly Mc Lachlin,
Chief Justice



Kurt Graulich,
Judge



John Dowd,
former Judge

- **THAT** because in some countries national legislation describes attainment targets in excessively general terms, ensuring school compliance can be difficult;
- **THAT** the role of educational governmental reform is not to change or control change but to shape the environment in which change is to take place by creating conditions that are conducive to successful implementation. Monitoring quality assurance tends to lead to successful implementation of changes.
- **THAT** the processes of educational change, in any country, are extremely complex and can be difficult to control, particularly since responsibility is increasingly delegated to institutions and individuals;
- **THAT** premature school leaving is highly conditioned by the increasing uniformity of schooling and that diversifying education provision in terms of contents, methods, and patterns will promote equity and excellence while helping to encourage students to complete their formal studies;
- **THAT** most education systems are still oriented towards instructing a linguistic and culturally homogeneous population of pupils and must learn to respond effectively to the challenge and opportunity of increased diversity;
- **FURTHER NOTING** that schools are now being given more autonomy and responsibility for their own quality, with fewer rules and regulations at the input side for curriculum and finance. However, on the output side, parents, the government, and other stakeholders want to participate and to hold schools accountable for the quality of the education they provide and want this quality to be monitored in expectation that actions will be taken when necessary;
- **DEEPLY CONCERNED** with situations of violence in schools as well as the role and responsibilities that devolve on all actors in education (school management, teachers, community), there is a need to elucidate and develop the rights and responsibilities in the face of such phenomena;

**THE WORLD CONFERENCE AFFIRMS THAT THE PROMOTION
OF THE RIGHT TO AND THE RIGHTS IN EDUCATION
REQUIRES URGENT ACTION AT
SUPRA-NATIONAL, INTERNATIONAL, REGIONAL,
AND NATIONAL LEVEL.**

THE WORLD CONFERENCE INVITES STATES:

- To guarantee access to education by recognizing and safeguarding the education rights and needs of all students, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth. This includes, but is not limited to, allowing them to express their religious convictions in educational institutions as their conscience dictates so long as they do not disrupt the educational process;
- To pursue educational excellence for all by seeking to:
 - a. Increase graduation rates, especially of poor, minority, refugee, and migrant students, without lowering the achievement standards;
 - b. Introduce programmes for low-achievers; and
 - c. Ensure that entrance examinations do not penalize students from low achieving schools;
- To confront the achievement gap of minority, refugee, and economically and socially poor children by:
 - a. Guaranteeing them adequate access to programmes for literacy and numeracy;
 - b. Working to integrate them into regular school settings;
 - c. Assuring vocational and workplace experiences for them who do not pursue academic studies and by providing legal and insurance assistance for employers of students;
- To collect and measure data on individual student outcomes as the necessary starting point to extend help to the schools to achieve higher standards;
- To stress the importance of strong external accountability systems with clearly established consequences;
- To enact legislation and adopt regulations that stipulates that information reflecting the quality of educational provision in schools, on the basis of individual progress over time, should be made available for public inspection;
- To create conditions to improve the status of educators, providing them with the necessary tools, pedagogical skills, and management responsibilities to make the education system responsive to pupils;
- To standardize qualifications for teacher status and entry to the teaching profession, including international recognition of professional qualifications;
- To support national and international activities to promote better understanding by teachers and other staff of relevant forms of liability to ensure that schools can operate in a lawful manner with due respect to the rights and responsibilities of pupils and their parents;
- To take necessary measures to minimize school violence and crimes committed against students and teachers in schools and ensure safety in schools;
- To prescribe and enforce minimum standards for the quality and safety of public and private school buildings;
- To improve public education or to guarantee parents and students meaningful options in private educational institutions;
- To empower school staff to perform their educational functions and increase the role of local communities in the control of the school;
- To make schools and school boards agents of reform while ensuring that teachers and principals are not hindered by excessive rules and regulations, but given flexibility;
- To recognize that vocational education teachers are professionals with specific characteristics in terms of methodology used and contents taught due to the nature of their subject and should not be the basis of discrimination in treatment;
- To accept the responsibility of providing adequate higher education opportunities as a matter of priority, going beyond the criteria of merit and capacity;
- To support higher education institutions as they pursue their core business of teaching and research while giving due consideration to reasonable systems and mechanisms of accountability that reflect the status and social responsibility of higher education.

invites organizations

THE WORLD CONFERENCE INVITES SUPRA-NATIONAL AND INTERNATIONAL ORGANIZATIONS TO:

- **Promote** the principle of non-discrimination in education by encouraging national governments to engage in measures for eliminating discriminatory practices;
- **Provide** states with guidance to address diversity in education;
- **Support** developing countries to achieve the targets for universal free primary education for the year 2015 under the Millennium Development Goals and assistance within the framework of Fast Track Initiative;
- **Help** developing countries with financial and technical means to monitor school quality and student results while drafting and implementing strategies for school improvement;
- **Take initiatives** in response to the challenges to education created by migration;
- **Meet** the growing demand for lifelong learning;
- **Encourage** high standards in the provision of education and the development of mechanisms and policies as well as adequate allocations of public funding to support them, leaving the degree of specificity of these standards to be determined by individual states;
- **Encourage** states to support independent institutions for the inspection of schools, to conduct inspections at regular intervals, and to ensure that appropriate action is taken in schools where educational service is inadequate;
- **Encourage** research on and the development of a common monitoring system that uses measures of student results and enables comparisons to be made across States while not precluding from indicating and taking into account the existence of differences among student groups;
- **Encourage** states to ensure that there is proper insurance coverage for accidents to pupils and staff in the course of school activities.



Virginia Bonoan-Dandan,
Chairperson CESCO (UN)



Naledi Pandor,
Minister



María Jesús San Segundo,
Minister



Misir Mardanov,
Minister



Aziz Polozani,
Minister



Katerina Tomaševski,
former special Rapporteur



Romain Murenzi,
Minister



Maria J.A. van der Hoeven,
Minister



Viktoria Mohácsi,
member EP



Jan Figel,
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