



**The Right to  
Education:  
An Analysis  
of UNESCO's  
Standard-setting  
Instruments**

Yves Daudet, Kishore Singh



## **Education Policies and Strategies 2**

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**UNESCO**

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Published in 2001  
by the United Nations Educational, Scientific and Cultural Organization  
7 place de Fontenoy, 75352 Paris 07 SP

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Original in French  
Printed in France

# Preface

The plight of millions of children and adults with no access to basic education in today's "knowledge society" calls for sweeping measures to guarantee education for all. The World Education Forum held in Dakar in April 2000 gave new impetus to an international movement for achievement of the right to education for all. This was occasion for a renewed commitment, under UNESCO's auspices, to this noble goal.

The right to education is central to UNESCO's mission: to ensure "full and equal opportunities for education for all". Guided by that fundamental mission, UNESCO has elaborated standard-setting instruments that give expression to that right in all its aspects. The Dakar Framework for Action – the most recent instrument, adopted at the World Education Forum – vigorously reaffirms the right to education, thus strengthening its moral and political but also legal foundation, with a view to achieving this right for our children and grandchildren: *ensuring that all peoples, the world over, receive proper schooling is the greatest moral challenge of our time.*

Faced with this challenge, UNESCO, which is responsible for coordinating the movement launched at the World Education Forum, needs to act with renewed momentum. It should concentrate on monitoring the implementation in Member States of the international instruments developed by the Organization, particularly since Member States play the central role in UNESCO's standard-setting activity.

I take great pleasure and interest in introducing this publication, *The Right to Education: An Analysis of UNESCO's Standard-setting Instruments*. It highlights the scope and richness of UNESCO's standard-setting activity in order to make it more widely known. It sheds new light on the right to education by analysing all of UNESCO's instruments in support of that right as a coherent whole. This analysis gives us a greater appreciation of both the legal and the moral force of these instruments, bearing in mind those who are beneficiaries of the right to education. It also deals with the organization by UNESCO of means and mechanisms of follow-up – control procedures and, in particular, follow-up action – to conventions, declarations and recommendations, regardless of their binding nature. This study shows how broad UNESCO's standard-setting action actually is, covering as it does tangible measures for fully implementing the right to education.

This work comes in response to the Organization's concern to bring its standard-setting instruments into broader use, with the support not only of Member States as prime movers in that effort, but also of international organizations, decision-makers, teachers, the intellectual community, and all the stakeholders of civil society. Readers of this publication will gain a better grasp of the standard-setting content of UNESCO's instruments in the field of the right to education, and this will lend impetus to the international community's efforts in that regard.

I welcome further reflections on this subject, as a public debate on these vitally important matters can but assist the effort to give effect to the right to education. In short, the standard-setting function of UNESCO is inseparable from its ethical mission of defending education as a *public good*. As it shares this ongoing responsibility with Member States, UNESCO welcomes the invaluable contributions they will surely be making to the future strengthening of its normative action.

*John Daniel*  
Assistant Director-General for Education

**The right to education is inherent in UNESCO's constitutional mandate:**

- *believing in full and equal opportunities for education for all [...]*
- *advance the ideal of equality of educational opportunity [...]*

**Constitution of the United Nations Educational, Scientific and Cultural Organization**

“[...] the States Parties to this Constitution, [...] believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives [...].”

“[...] the Organization will [...] give fresh impulse to popular education and to the spread of culture:

- By collaborating with Members, at their request, in the development of educational activities;
- By instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;
- By suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom [...]” (Art. I, para. 2 (b), of the Constitution of UNESCO, adopted in London on 16 November 1945).

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\* The texts listed here are intended to illustrate UNESCO’s standard-setting activity in the area of education. Only the relevant provisions have been included; the full texts are available on the UNESCO website at <http://www.unesco.org>.

11. *Recommendations. Technical and Vocational Education and Training: A Vision for the Twenty-first Century*, adopted at the Second International Congress on Technical and Vocational Education (Seoul, Republic of Korea, 30 April 1999) 130
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# Introduction

Today the international community is faced with increasingly serious problems: proliferating acts of violence and conflicts; poverty and illiteracy; the gap between rich and poor; and marginalization and social exclusion in a world where one quarter of all human beings live in poverty. The right to education is an invaluable tool in the bid to eradicate poverty and to tackle these problems. How great the challenge is can be seen from the fact that some 113 million children, 60% of them girls, have no access to primary education; at least 880 million adults, including a majority of women, are illiterate.<sup>1</sup> There is a need, therefore, for “a global renewal of and re-commitment to Education for All as a bedrock of peace and all forms of development.”<sup>2</sup> It is increasingly necessary, therefore, for education to be at the very heart of our development strategies.

UNESCO is convinced that resolute action in favour of education for all, such as is now indispensable, should be carried through with greater energy and better cooperation at the national and international levels. The Organization, which was called immediately upon its inception to play a pioneering role in promoting the right to education, needs to redouble its efforts to respond to the fundamental educational needs in the world today. UNESCO’s programme, as adopted in 1952, is concerned with the measures that need to be taken so that the right to free and compulsory education, as set forth in Article 26 of the Universal Declaration of Human Rights, is actually honoured.<sup>3</sup> In this way, UNESCO establishes the fundamental principle of equality of opportunity for the children of the world. “It is just and it is necessary that all the children of the world should have the right to equal opportunity. [...] This ideal is the motivating force which has led UNESCO to undertake a campaign for compulsory education.”<sup>4</sup>

Today, as UNESCO’s vocation for education for all is renewed, the ideals set forth in its Constitution are as relevant as ever. Under its mandate, the Organization must “contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world.” To do so, UNESCO must “give fresh impulse to popular education and to the spread of culture by collaborating with Members, at

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1. Education for All 2000 Assessment, submitted by countries to the World Education Forum, Dakar, April 2000.

2. *World Education Report 2000 – The Right to Education: Towards Education for All Throughout Life*, UNESCO Publishing, Paris, 2000.

3. See Jean Piaget, “The right to education in the modern world” in *Freedom and Culture*, compiled by UNESCO, Wingate, London, (pp. 69-116).

4. Jean Debiesse, “The Right to Free and Compulsory Education” in the *UNESCO Courier*, July-August 1951 (p. 14).

their request, in the development of educational activities; by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social; [and] by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom” (Art. I, 2(b)).

To fulfil its mission, UNESCO has drawn up numerous standard-setting instruments over the last decades in the field of the right to education, collaborating with Member States in educational activities as provided in the Constitution. Member States thus subscribed to the successive commitments intended to assert the right to education. There is no doubt that giving concrete expression to the right to education, in all its various aspects – “extending from initial or basic education to lifelong learning”<sup>5</sup> – is best achieved by means of standard-setting activities coupled with follow-up mechanisms.

The right to education, characterised as a fundamental right, can be considered an “upstream” right in the sense that it determines whether other rights can actually be exercised. None of our civil, political, economic and social rights can be exercised by individuals unless they have received a certain minimum education, without which their access to such rights remains illusory and theoretical. What scope can freedom of opinion and expression have for those who, because they have not obtained, through education, the means of access to knowledge of the full range of opinion (under any but a totalitarian regime), are unable to form any opinions of their own? Again, of what use is freedom of expression to individuals who have not acquired, again through education, the tools they really need for self-expression? One could give many such examples.

Among economic and social rights, therefore, the right to education holds a central place. No one will deny that education is the basis for development, and no State desiring to foster its development can fail to be concerned with that long-term, but unavoidable, investment that is the education of the people, which will generally receive priority. Nor will anyone deny that education, which implies receptiveness and access to others, is the best instrument to combat all forms of discrimination, particularly as affecting women, children, minorities and others. Finally, so central to the human condition is knowledge that the search for democracy, the culture of peace, the protection of the environment, in short the quest for human well-being, all incontestably involve providing individuals – all individuals – with an effective, suitable education, in as much as knowledge and skills are proper to human beings. Education is therefore to be understood in the broad sense, as continuous, ongoing education taking place in a great variety of professional, social and community fields and places.<sup>6</sup>

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5. *World Education Report – The Right to Education: Towards Education for All Throughout Life*, UNESCO Publishing, Paris 2000, op. cit. (Foreword).

6. United Nations Economic and Social Council, E/CN.4/Sub.2/1999/10. The Realization of Economic, Social and Cultural Rights. The Realization of the Right to Education, including Education in Human Rights, paragraph 5.

As part of its education mission and, therefore, with due regard for the principle of speciality, UNESCO has sought to cover all aspects, orders and elements of the right to education, whether the traditional three levels of education (primary, secondary, higher), the nature of the teaching (initial or continuing training, general, technical or vocational training), the recipients (children, adolescents, adults), the conditions under which the right is exercised (respect for the principle of non-discrimination, attention to vulnerable groups: women and girls, minorities, refugees, displaced persons or to States or regions in difficulty – developing countries, least developed countries and those suffering conflicts), or the content of education (basic schooling, fundamental education, literacy). UNESCO also works on all aspects of the subject in an organized, planned and systematic manner. The major instruments, of varying legal weight, which have been adopted and are annexed hereto, in full or in part, testify to this very complete perception of the issue.

According to this outlook, the right to education can be said to acquire a dual dimension, both individual and collective, with progress in either sphere determining progress in the other. Because of its crucial importance, this right was first affirmed – and often at length, with a wealth of detail – in the great founding texts, then made part of the domestic and foreign policy of States so that it could be developed and adapted to the rapid changes in the world context, and affirmed and reaffirmed in ever more numerous conventions, declarations and action programmes (I). One might be tempted to see in this proliferation of texts an abdication of responsibility, an affordable way for the international community to salve its collective conscience. Though the incantatory function of this series of texts cannot be completely ignored, they also, and primarily, serve to keep up the pressure by reaffirming the commitment to achieving an essential objective through the implementation of a right whose content is constantly being reconsidered and updated (II); for that reason, questions can always be raised about their legal value, and hence about the scope and actual enforcement of the commitments made (III).

# I. Affirmation of the right to education

To affirm the right to education, States have adopted a number of international legal standards which fall into various categories and, as they follow one after another, give the impression of being links in a chain. They indisputably give rise today to a fairly comprehensive, if evolving, *corpus*, so that one may rightly speak in that regard of a truly “progressive development” of this right, in the sense that the expression is used to refer to innovative aspects in the formulation of the legal rule. Owing to a set of standards (A), a right to education is established. It then becomes necessary to ensure that it is really enjoyed by individual right-holders and by the society, the State and the international community, which cannot make progress without education (B).

## A. Standard-setting instruments

The right to education was included from the outset among the human rights listed in the major texts adopted by the United Nations: the *Universal Declaration of Human Rights* of 10 December 1948<sup>7</sup>, the *International Covenant on Economic, Social and Cultural Rights*<sup>8</sup> and even the *International Covenant on Civil and Political Rights* of 16 December 1966. In this “Charter of Human Rights”, the right to education holds a key

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7. Article 26 of the Universal Declaration of Human Rights stipulates:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

For a detailed analysis of the preparatory work on Article 26 of the Universal Declaration of Human Rights, see *World Education Report, 2000 – The Right to Education: Towards Education for All Throughout Life*, UNESCO Publishing, Paris, 2000 (pp. 86-107).

8. Article 13 of the International Covenant on Economic, Social and Cultural Rights provides that:

- (1) The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
- (2) The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) primary education shall be compulsory and available free to all;
  - (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - (c) higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - (d) fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
  - (e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

position and is the subject of more precise and detailed provisions than the other rights. Moreover, the longest article of the *International Covenant on Economic, Social and Cultural Rights* is Article 13<sup>9</sup>, which deals with education, setting out its aims and purposes, system and content, while Article 14 deals more specifically with the provision of free primary education. It will be recalled that, as indicated in analyses at the time, as the 1948 Universal Declaration was merely a United Nations General Assembly resolution, it was not recognized as legally binding, however great its political and moral scope. It was therefore necessary, in order to make it binding in character, that its major principles be taken up in an instrument of conventional nature, which was the purpose of the “Covenants”. No doubt, as will be seen later, conceptions have changed today regarding the legal nature of General Assembly resolutions, and the analysis of the scope of the Universal Declaration has also changed, so that the “legal construction” may be somewhat different. But according to the canons of conventional international law, the method followed is the right and only really possible one. Moving from the general to the particular and from the affirmation of great principles to practical procedures designed to permit their implementation, conventions have therefore succeeded the Universal Declaration and, subsequently, the conventions themselves have been joined by other, more specific<sup>10</sup> conventions, proclamations, programmes of action, etc. The basic texts may have aged in respect of one particular aspect or another. This observation does not in any way call into question the basic principles which they express and on which the right to education rests; it is merely intended to underline the need to devise new instruments on specific aspects derived from those principles so that the requisite adjustments can thus be made.

The major texts (conventions, declarations and programmes of action) adopted by UNESCO on the right to education are therefore of great importance in several respects. First, they reaffirm certain principles enshrined in the basic texts and give them concrete substance; otherwise, they would remain mere “principles” whose

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3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
  4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”
  9. For a commentary on and an analysis of the applications of this article, see *Implementation of the International Covenant on Economic, Social and Cultural Rights*, General Comment No. 13 (twenty-first session of the Committee on Economic, Social and Cultural Rights, 1999), The right to education (Art. 13 of the Covenant) Document E/C.12/1999/10, 8 December 1999.
  10. The *Convention on the Rights of the Child* adopted by the United Nations in 1989; Articles 28, 29 and 30 of this Convention deal in particular with the right to education.

application would not be clear. Next, they make it possible for Member States' commitment to the right to education to be enlisted by updating the principles and procedures for exercising that right so as constantly to adapt to individual and collective needs.<sup>11</sup>

Among the regulatory texts established by UNESCO, a key place is given to the *Convention against Discrimination in Education* that was adopted in Paris by the General Conference of UNESCO at its 11th session on 14 December 1960,<sup>12</sup> and which came into force on 22 May 1962. Referring to the *Universal Declaration of Human Rights*, which asserts in Article 7 the general principle of non-discrimination and proclaims in Article 26 that every person has the right to education, and to the *Constitution of UNESCO*, the Convention, while respecting the diversity of national education systems, pursues the twin objectives of not only proscribing any form of discrimination in education but also of promoting equality of opportunity and treatment for all in that field. It is clear that if the two objectives are attained, enjoyment of the right to education is assured.

UNESCO's method of first adopting a convention on the subject was therefore a good one. It was also desirable to keep a firm line on these principles and ensure that they were not watered down. Reservations to the Convention are therefore excluded in Article 9, and Article 15 provides that it can be applied not only to the metropolitan territory of each State but also to territories whose international relations are the responsibility of that State, thus preventing the clause known in treaty law as the "colonial clause" from coming into play.

The question of technical and vocational education is also covered by a text that is a convention, namely, the *Convention on Technical and Vocational Education* adopted by the General Conference of UNESCO at its 25th session, in Paris on 10 November 1989.<sup>13</sup> Referring to the *Universal Declaration of Human Rights*, in particular Articles 23 and 26 relating to the right to work and to education, and to the 1966 Covenants, the 1989 Convention also draws on the 1960 *Convention against Discrimination in Education* in considering that everyone should be able to enjoy this type of education on the grounds that it gives individuals access to employment and professional activity while contributing to the development of the State and to its collaboration with other States. The Convention lays emphasis on cooperation between UNESCO and the

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11. Annex I contains a chart of UNESCO's standard-setting instruments on the right to education.

12. Full text in the Annex. At the same time, the General Conference adopted the *Recommendation against Discrimination in Education*. This Recommendation sought to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Barring differences in wording and in legal scope inherent to the nature of these two categories of instrument, the content of the Recommendation is identical to that of the Convention.

13. Relevant provisions in the Annex.

International Labour Organization since the right to education and the right to work are very closely linked in this particular type of education known as vocational education. In this connection, the Convention is one of the international treaties adopted to complement and clarify the Universal Declaration of Human Rights and the Covenants of 1966. Like the 1960 Convention against Discrimination and by its legal nature as such, it therefore holds a central place in the standard-setting machinery of the right to education. These conventions are necessary as sources of rights and obligations. Such obligations may lead to strengthening international cooperation and exchanges, as in the present case, since the Convention contains several provisions on this point. As this concerns the specific field of human rights, there is greater scope for action, which will be considered later. It includes enabling the judge, before whom such matters can easily be brought by a private individual, to impose sanctions on a State Party for not fulfilling its obligations.

Besides these conventions, there is a set of standard-setting instruments of a less straightforwardly legal nature. These are the various recommendations, declarations, charters and frameworks for action adopted by conferences of representatives of States, sometimes together with members of civil society such as delegates from non-governmental organizations (NGOs), held within the framework of UNESCO or under its auspices.<sup>14</sup>

As far as the principles are concerned, mention may be made of the *Declaration on Race and Racial Prejudice* adopted by the General Conference at its 20th session in November 1978. It proclaims that “the principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law” (Art. 9) and establishes “the right to be different” as well as the role of education.

The *World Declaration on Education for All* and the *Framework for Action to Meet Basic Learning Needs* adopted by the World Conference on Education for All, which met at Jomtien (Thailand) from 5 to 9 March 2000,<sup>15</sup> and, more recently, the *Dakar Framework for Action Education for All: Meeting our Collective Commitments* adopted by the World Education Forum, which met at Dakar (Senegal) from 26 to 28 April 2000,<sup>16</sup> are two comprehensive texts

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14. Non-governmental bodies maintaining relations with UNESCO have also made “declarations”. This is merely noted here because those declarations have no standard-setting force whatsoever, since they do not emanate from subjects of international law. They merely express, on a moral basis, the policy that these actors intend to follow in making their contribution to the development of the right to education. The *Universal Declaration of Linguistic Rights*, 6 June 1996 (Barcelona) and the 1999 *Declaration of Human Duties and Responsibilities*, Valencia, (Spain), 2000, relating to measures that should be taken to secure respect for and implement the right to education for all are cases in point. Similarly, the Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance also supports, through its recommendations and suggestions, UNESCO’s action to promote the right to education.

15. Relevant provisions in the Annex.

16. Full text in the Annex.

of a more uncertain standard-setting character than the conventions but of indisputable political importance. In Jomtien, the representatives of 155 States, officials from some 20 international organizations and the 150 or so NGOs represented adopted by acclamation these texts, whose overall goal was to define the role of education in human development policies and to express the concern to implement the principle of the *Universal Declaration of Human Rights* which states that “everyone has a right to education” in a world that is grappling with growing burdens such as debt, recession, population growth and environmental degradation, besides civil conflicts and crime. The *World Declaration on Education for All* recalls that “education is a fundamental right for all people, women and men, of all ages, throughout our world”. It recognizes “the necessity to give to present and coming generations an expanded vision of, and a renewed commitment to, basic education to address the scale and complexity of the challenge [of ensuring education for all]” (Preamble). The Declaration reaffirms the right to education: “We, the participants in the World Conference on Education for All, reaffirm the right of all people to education. This is the foundation of our determination, singly and together, to ensure education for all”.

The views that emerge from the Jomtien Declaration, while being consistent with the basic texts, tend towards a modernization and broadening of concepts such as basic education as well as reflection on the necessary conditions for basic education.

The Framework for Action resulting from the Declaration is intended as a reference and guide for governments, international organizations, bilateral aid agencies, NGOs and all those committed to the goal of education for all in formulating their own plans of action for implementing the World Declaration. The Framework for Action is decidedly pragmatic in that it envisages “three broad levels of concerted action: (i) direct action within individual countries, (ii) cooperation among groups of countries sharing certain characteristics and concerns, and (iii) multilateral and bilateral cooperation in the world community”.<sup>17</sup>

At the end of the decade of efforts to achieve education for all, the World Education Forum, which was held in Dakar from 26 to 28 April 2000 and marked their culminating point, can be considered as being the largest evaluation ever undertaken in the field of education.<sup>18</sup> One hundred and sixty-four countries were represented, besides 150 “civil

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17. Framework for Action, Introduction.

18. Report by the Director-General on the outcome and implications for UNESCO of the World Education Forum (159 EX/41, 16 May 2000), UNESCO, Paris.

society groups”, including many NGOs, amounting to some 1,500 participants altogether. As a “stock-taking meeting”, the Dakar Forum was all the more important in that, as the preparations for it had been particularly thorough, a considerable mass of information was available, emphasizing a highly contrasted situation from one country to another, with some countries having made remarkable progress in ten years while others were experiencing growing difficulties in various areas of the education sector. Owing to the precision of the objectives and strategies set out in the Framework for Action and the commitment made on those bases by the main partners to achieve education for all by 2015, the Dakar Framework for Action is of decisive importance as far as commitment on the part of the international community is concerned. Unlike the basic texts that perforce affirm principles, one finds here a level that is both more modest and more ambitious - more modest in terms of the status of the text adopted and the approach to the issue of the right to education; more ambitious in terms of the clear commitment, time-bound targets and the setting out of specific measures. The way in which these texts are interlinked and form a coherent whole geared to a clearly identified and defined objective is therefore evident. The right to education, hitherto affirmed in the form of a basic principle that remained somewhat abstract and therefore difficult to put into practice, takes on a clearer meaning as it is given concrete substance. As the efforts to be made are thus better identified, the course of action for attaining the objectives is mapped out more effectively and incentives for taking such action can be found.

Lastly, the *Recife Declaration of the E-9 Countries*, adopted by the E-9 Ministerial Review Meeting, Recife, Brazil, on 2 February 2000 with a view to the setting of an agenda for the next millennium, reaffirms “basic education as a human right”. It stresses the importance of “effecting changes in legislation to extend basic education and include education for all in policy statements” and affirms for the future that “universal access to education will allow our peoples to participate more effectively in an interactive world”.

The meaning and scope of the right to education have thus been clarified, but other texts play a similar clarifying role by dealing with more specific or sectoral aspects. Some may lay the foundations of an issue that will be taken up later in a convention, a method which is followed rather frequently in international law. This was true, as far as technical and vocational education was concerned prior to the 1989 Convention, of the *Revised Recommendation concerning Technical and Vocational Education*, adopted by the General Conference of UNESCO at its 18th session in Paris on 19 November 1974.<sup>19</sup> Technical and vocational education is considered here in con-

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19. Relevant provisions in the Annex.

nection with the various skilled occupations, and therefore implies studying related techniques and sciences together with practical skills in addition to general education. It is, moreover, perceived as the gateway to continuing education and learning, and indeed to the various paths that tend to lead to skilled professions.

Certain other texts may update or modernize themes that have already been covered. This category includes, again in technical and vocational education, the recommendations of the Director-General of UNESCO contained in the document *Technical and Vocational Education and Training: A Vision for the Twenty-First Century*, adopted at the Second International Congress on Technical and Vocational Education, held in Seoul from 26 to 30 April 1999.<sup>20</sup> This text takes up a question already considered at length by UNESCO, but which admittedly requires constant updating, particularly following the emergence of the new concept of “education throughout life” which is currently of great importance since it underpins all continuing training and lifelong education. In the twenty-first century, education is no longer a train that must be caught at a certain time of life and can no longer be caught if it has been missed. Access to education has become permanent, and no opportunity should ever be considered lost, while at the same time technological development and the speed of scientific and technological change necessitate an updating of knowledge and regular retraining. The Seoul Recommendations, in which the Congress participants considered that technical and vocational education had a “crucial role to play”<sup>21</sup> in the radically different society of the twenty-first century, deal with such learning throughout life.

The *Salamanca Statement* and the *Framework for Action on Special Needs Education*, adopted in Salamanca (Spain) on 10 June 1994 by the World Conference on Special Needs Education: Access and Quality, aims to facilitate access to education for persons with special needs still unreached. It proclaims that “every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning”. The Declaration reflects new lines of thinking on principles, policies and practices in special needs education. In recognizing the need to work towards *schools for all*, it marks an important contribution to efforts to achieve education for all and to improve the effectiveness of regular schools. “Those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting these needs”.

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20. Relevant provisions in the Annex.

21. Preamble.

Other texts that are not legally binding also deal with specific matters. The Hamburg Declaration, adopted at the end of the Fifth International Conference on Adult Education (14-18 July 1997),<sup>22</sup> which states in a somewhat strangely worded phrase that “adult education is more than a right; it is a key to the twenty-first century”,<sup>23</sup> develops the new conception of education that extends “throughout life”. The ultimate stated goal is “the creation of a learning society committed to social justice and general well-being”.<sup>24</sup> Supplemented by an *Agenda for the Future*, which sets out in detail the new commitments to the development of adult learning called for by the Hamburg Declaration,<sup>25</sup> the Declaration contains the main principles and concepts adopted so far in the context of the right to education and makes them generally applicable to the population as a whole, which demonstrates the relevance of adult education efforts made by UNESCO from the outset. Moreover, in 1976, UNESCO adopted a very important recommendation on the development of adult education, but the deep-seated changes that had occurred since then warranted the inclusion at the Hamburg meeting of the new concepts highlighted by the International Commission on Education for the Twenty-First Century, chaired by Jacques Delors, stating that the concept of learning throughout life “goes beyond the traditional distinction between initial and continuing education. It links up with another concept [...] that of the learning society, in which everything affords an opportunity of learning and fulfilling one’s potential”.<sup>26</sup> Everyone can thus adapt to a changing world so that each person is involved in society and can contribute to its development.

Education also has a physical and sports component, which UNESCO catered for when it adopted on 21 November 1978, in Paris, at the 20th session of the General Conference of UNESCO, the *International Charter of Physical Education and Sport*<sup>27</sup> amended in 1991. The term “Charter” is used here to give the instrument an official character but does not confer on it the legal status of a convention. It is only a recommendation, to which great political and moral importance is nonetheless ascribed (the new Article 7, introduced in 1991, stresses the “protection of the ethical and moral values of physical education and sport”) since it aims at urging “governments, competent non-governmental organizations, educators, families and individuals themselves to be guided thereby, to disseminate it and to put it into practice”. A large number of those beneficiaries, whose legal status is heterogeneous, and the nature of the requirements addressed, obviously make it no more than strictly a guide and a recommendation.

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22. Relevant provisions in the Annex.

23. Paragraph 2.

24. Paragraph 10.

25. Relevant provisions in the Annex.

26. Relevant provisions in the Annex.

27. Relevant provisions in the Annex.

Prompted by a constant concern to adapt the right to education to all political, economic and social changes in the world, UNESCO, at the 28th session of the General Conference, held in Paris in November 1995, endorsed the Declaration adopted in Geneva in October 1994 at the end of the 44th session of the International Conference on Education, together with an Integrated Framework of Action.<sup>28</sup> Observing the “manifestations of violence, racism, xenophobia, aggressive nationalism and violations of human rights, by religious intolerance, by the upsurge of terrorism in all its forms and manifestations and by the growing gap separating wealthy countries from poor countries”,<sup>29</sup> the authors of the Declaration were convinced that appropriate, properly conducted education policies would lead to mutual tolerance and understanding and therefore to the development of human rights and the building of a culture of peace and democracy.

Lastly, in recent years, higher education has in turn received particular attention with the *Recommendation concerning the Status of Higher-Education Teaching Personnel* of 11 November 1997,<sup>30</sup> the *World Declaration on Higher Education for the Twenty-First Century* and the *Framework for Priority Action for Change and Development in Higher Education* adopted on 9 October 1998 by the World Conference on Higher Education for the Twenty-First Century: Vision and Action.<sup>31</sup> These texts, which also have the character of recommendations, take into account the new and widespread emerging demand for higher education. That demand implies that frameworks for action should be developed which take into account the specific difficulties posed by the provision of higher education, the quest for quality and the need for rights to be matched by responsibilities arising from imperatives specific to that level of education, the vital role that it plays in development and the correlative need for access to it to be as broad as possible on the basis of the key principles of the right to education that must now be examined.

## B. The beneficiaries of the right to education

The philosophy underlying Article 13 of the *International Covenant on Economic, Social and Cultural Rights*<sup>32</sup> is to establish a right to education so that everyone accordingly receives a suitable education consistent with the needs of the society in which it is provided. What is significant is that the authors of the Covenant considered the right to education from two standpoints: the individual (conducive to the “full development of the human personality”) and the collective (enabling “all persons to participate effec-

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28. Relevant provisions in the Annex.

29. Preamble, paragraph 1.

30. Relevant provisions in the Annex.

31. Relevant provisions in the Annex.

32. Implementation of the *International Covenant on Economic, Social and Cultural Rights*, General Comment No.13 (Twenty-first session, 1999), The right to education (Art. 13 of the Covenant), Economic and Social Council, United Nations E/C.12/1999/10, 8 December 1999.

tively in a free society”). Furthermore, it fulfils an international cooperation function by promoting “understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups” and encouraging “the development of the activities of the United Nations for the maintenance of peace”. The right to education is clearly perceived as the fundamental, central right that conditions many other rights and without the full exercise of which individuals, the society to which they belong and the world into which they are born cannot develop. Naturally, then, the right to education primarily benefits individuals in that they profit from the education that they have received. In that respect, the whole question is therefore how to make the exercise of that right both possible and effective, or how to enable every individual to enjoy maximum access to it (i). But with the extension of the right to education to the whole population it may also be seen in a more global perspective, in terms of the progress that this entails for the development of society, the State, and, beyond that, even the international community as a whole (ii).

### **(i) The right to education and how it benefits the individual**

According to the modern view of the right to education, as expressed in the most recent texts, such as the *Dakar Framework for Action*,<sup>33</sup> the object is to ensure universal access to that right for all children – regardless of their sex, their ethnic or cultural group, or any disability or particular situation – and for youth and adults, all of whom should have equitable access to appropriate programmes so designed as to enable them to acquire knowledge and the skills necessary for day-to-day life.<sup>34</sup>

To begin by stating the obvious, the simplest way to achieve accessibility for all is by providing free education. But is it realistic to say that this can be done everywhere, if we consider the costs of universal provision, especially in certain States? This is a delicate issue and one that has not been addressed sufficiently consistently or in depth by the international community; instead there has been what has been called a “shift of emphasis”, in other words emphasis has not always been laid upon the same aspects of the right to education since the Universal Declaration of Human Rights was adopted and, consequently, the commitment to one or other of the principles originally proclaimed<sup>35</sup> – including free fundamental education, Article 26 – may not have been total. In Article 4 of the 1960 *Convention against Discrimination in Education*<sup>36</sup> the General Conference of UNESCO recognized that primary education should be compulsory and (by correlation) free, but did not apply the same principle to other levels of education. The *International*

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33. Full text in the Annex.

34. See the *Expanded Commentary on the Dakar Framework for Action* prepared by the World Education Forum Drafting Committee (23 May 2000).

35. See *World Education Report 2000 – The Right to Education: Towards Education for All Throughout Life*, UNESCO Publishing, Paris, 2000 (p. 23).

36. Full text in the Annex.

*Covenant on Economic, Social and Cultural Rights* provides for “the progressive introduction of free education” at the secondary and higher levels, while the 1989 *Convention on the Rights of the Child* calls for primary and secondary education to be made free, but not higher education. In paragraph 7(ii), the *Dakar Framework for Action*<sup>37</sup> requires only compulsory primary education to be free. But how meaningful is *equitable and unrestricted access* to education programmes unless there is a correlative recognition of free provision or assistance for the needy, which is the price to be paid for making these principles a reality. It must be said that less attention is paid to this point in the Dakar Framework for Action than in the World Declaration adopted at Jomtien in 1990.<sup>38</sup> That said, the *Expanded Commentary on the Dakar Framework for Action* does broach the matter directly and in practical terms, asserting that no children should be denied the opportunity to complete a good quality primary education because their family cannot afford it. Child labour must not stand in the way of education. The inclusion of children with special needs, from disadvantaged ethnic minorities and migrant populations, from remote and isolated communities and from urban slums, and others excluded from education, must be an integral part of strategies to achieve universal primary education (UPE) by 2015.<sup>39</sup>

Making education free is not, however, the only way of making it accessible: non-discrimination is no less essential since it enables those from disadvantaged or vulnerable categories to benefit equally from the right to education. There is an even greater obstacle to overcome here, as there are not only economic factors at play but also cultural and sociological constraints that cannot be overlooked and are difficult to circumvent.

It was in fact from this standpoint that UNESCO addressed the right to education when it asserted its desire, in the *Convention against Discrimination in Education* of 14 December 1960,<sup>40</sup> to implement the principles of the Universal Declaration. For the purposes of the 1960 Convention (Art. 1) the term “discrimination” includes any distinction, exclusion, limitation or preference which, being founded on race, colour, sex, language, religion, opinion, economic condition or birth, might impair equality of treatment in education of any kind. The Convention specifies, however, that organizing separate education for the two sexes should not be deemed to constitute discrimination if the study courses are the same or equivalent and the teaching staff and premises are of comparable quality. Similarly, separate education systems may be established for religious or linguistic reasons if they apply the same principle of equivalence, and participation in them remains optional and is left to the free choice of the interested parties. Private education may coexist with education provided by the public authorities if the object is not to secure the exclusion of any group but to provide educational

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37. Full text in the Annex.

38. Relevant provisions in the Annex, in particular Articles 8 and 9.

39. *Education for All: Meeting Our Collective Commitments* – Expanded Commentary on the Dakar Framework for Action prepared by the World Education Forum Drafting Committee, Paris, 23 May 2000.

40. Full text in the Annex.

facilities in addition to those provided by the public authorities. These principles having been established, the States that have ratified the Convention (and, it should be recalled, no reservations are permitted) must, under their obligation to execute its provisions, take all necessary domestic legislative and regulatory measures to abrogate any texts that are contrary to the Convention and adopt those that bring their legislation into line with the Convention. Articles 3 and 4 offer the necessary guidelines for this purpose by indicating the measures to be taken in the matters of school fees, the granting of scholarships and other forms of assistance, standards of education, etc. Non-discrimination also has to do with a very important principle of freedom, that of the right of parents to choose for their children the educational establishment of their choice when there exist institutions other than those maintained by the public authorities and the right to ensure, in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of their children. And lastly, it has to do with the educational rights of minorities. The periodic reports<sup>41</sup> that States are required to submit on the measures adopted are designed to ensure that the Convention is being effectively applied and that the obligations contained in it are being fulfilled.

Later texts support these principles and rules by complementing, specifying or illustrating them in such a way that, from both the economic and political standpoints, and even in terms of administrative practice, which is equally essential here, the principle of non-discrimination is respected. The Jomtien World Declaration – significantly entitled “Education for All” – and the Framework for Action<sup>42</sup> called for “universalizing access and promoting equity” (Declaration, Art. 3). For that purpose “basic education” (not the same as primary education and possibly going beyond it, according to the options taken) must be provided to all children, young people and adults. For it to be equitable, everyone must be given the opportunity to achieve and maintain an acceptable level of learning. That also requires the removal of all “educational disparities” and attention as an “urgent priority” to categories suffering from exclusion or discrimination, such as girls and women and underserved groups (street children, working children, rural and remote populations, nomads and migrant workers, indigenous peoples, ethnic, racial and linguistic minorities, refugees, displaced persons and people under occupation, and the disabled requiring special attention), even if the achievement of equity entails positive discrimination or granting priorities to certain groups.

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41. See *Infra*.

42. Relevant provisions in the Annex.

The *Recife Declaration of the E-9 Countries*, adopted by the Ministers of Education of the nine-high population (E-9) countries, the world's nine most populated countries, in Recife, Brazil, on 2 February 2000, underscores the need "to draft a new visionary agenda for the new millennium that will reaffirm basic education as a human right". It recognizes the challenge of addressing adequately existing inequities in education, particularly in regard to girls' and women's education. It therefore declares as one of its goals "effecting changes in legislation to extend basic education and include education for all in policy statements".

The *Framework for Priority Action for Change and Development of Higher Education* adopted along with the *World Declaration on Higher Education for the Twenty-First Century* provides that "States, including their governments, parliaments and other decision-makers, should (a) establish, where appropriate, the legislative, political and financial framework for the reform and further development of higher education in keeping with the terms of the Universal Declaration of Human Rights, which establishes that higher education shall be accessible to all on the basis of merit. No discrimination can be accepted, no one can be excluded from higher education or its study fields, degree levels and types of institutions on grounds of race, gender, language, religion or age or because of any economic or social distinctions or physical disabilities. [...]"

Mindful of the *Hamburg Declaration on Adult Learning* and the Agenda for the Future, adopted by the Fifth International Conference on Adult Education (Hamburg, 1997), the General Conference of UNESCO noted in 1999 that "effective lifelong learning can help address basic skills needs in literacy, widen participation in and promote access to learning, reduce inequality, improve employability, and contribute to community development and to social inclusion". It is significant that the same concerns were expressed by the United Nations General Assembly in the *Millennium Declaration* (resolution 55/2 adopted on 8 September 2000), in which the heads of State and Government resolved to ensure that by 2015 "children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education".

In the *Integrated Framework of Action on Education for Peace, Human Rights and Democracy* (1995),<sup>43</sup> too, particular attention is paid to "vulnerable populations"; it states that specific actions and strategies are required for ensuring respect for their

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43. Relevant provisions in the Annex.

“educational rights” and that, if they are to enjoy their rights, that must also have implications in the curricula and methods and in the way education is organized (para. 29).<sup>44</sup>

The *Hamburg Declaration on Adult Learning*<sup>45</sup> expresses the same concern, in the sector that it covers, for “ensuring the right to education for all, particularly for the most vulnerable groups of society” (para. 8) [...], namely “the unreached and the excluded” (para. 11), “indigenous peoples” (para. 18), and “disabled persons” (paras. 22 and 25); interestingly it asserts that education is not a matter of age since “basic education for all means that people, whatever their age, have an opportunity, individually and collectively, to realize their potential” (para. 9).

With regard to higher education, the *World Declaration on Higher Education for the Twenty-First Century* (9 October 1998)<sup>46</sup> lays particular emphasis on non-discrimination and addresses it at length. In this area the issue is a particularly important and delicate one since everyone agrees that higher education cannot be open to all without conditions of access. The difficulty lies in ensuring the strict implementation of the principles of Article 13 of the Universal Declaration of Human Rights, namely that higher education shall be equally accessible to all on the basis of merit. This is why Article 3 (Equity of access) of the World Declaration on Higher Education stipulates that admission should be based on “the merit, capacity, efforts, perseverance and devotion shown by those seeking access to it” and that it can “take place in a lifelong scheme, at any time, with due recognition of previously acquired skills”. The conditions of access to higher education being thus defined and specified, no discrimination in granting access to higher education on the previously defined grounds (race, gender, language or religion, physical disability, etc.) is permissible. Indeed, the Declaration goes even further and seeks to ensure real equity, requiring as it does that mechanisms be created to improve the functional aspects of access to higher education, by means of reordering structures or improving linkages with secondary education (Art. 3(b)). “Special target groups” (indigenous peoples, cultural and linguistic minorities, disadvantaged groups and people living under occupation) are the subject of Article 3(d). For their benefit access to higher education must be actively facilitated both in their own interest, to help them overcome the obstacles that they face, and in the

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44. The *Millennium Declaration* (A/RES/55/2), adopted by the General assembly of the United Nations on 8 September 2000 states that “Girls and women constitute a large majority of the world’s educationally excluded and unreached. Ensuring equality of educational access and opportunity between the sexes is a prerequisite for achieving [...] changes of attitude and mind-sets [...]”. In the *Statement on Women’s Contribution to a Culture of Peace*, prepared by UNESCO for the Fourth World Conference on Women: Action for Equality, Development and Peace (Beijing, September 1995), its original signatories - women who at the time were heads of State, heads of government, heads of United Nations Organizations and women Nobel Prize Laureates - pledged to “support national and international efforts to ensure equal access to all forms of learning opportunities, with a view to women’s empowerment and access to decision-making”.

45. Relevant provisions in the Annex.

46. Relevant provisions in the Annex.

interest of society as a whole, since their special experience can be a valuable asset. Article 4 of the Declaration is specially devoted to the status of women, as despite significant progress women continue to be impeded by various socio-economic, cultural and political obstacles from gaining access to higher education. According to the Declaration, sustained efforts in a number of areas are required in order to eliminate those obstacles.

In respect of technical and vocational education, according to the *Convention on Technical and Vocational Education*, adopted on 10 November 1989 by the General Conference of UNESCO,<sup>47</sup> the Contracting States “shall guarantee” (Art. 2, para. 3) that there is no discrimination against individuals who have attained the educational level required for admission into technical and vocational education and “shall take appropriate measures” (Art 2, para. 4) to enable the handicapped and other disadvantaged groups to benefit from technical and vocational education. The *Revised Recommendation concerning Technical and Vocational Education* (Paris, 1974) and the *Recommendations* of the Second International Congress on Technical and Vocational Education (Seoul, 1999)<sup>48</sup> advocate compliance with the same principle of non-discrimination and the same efforts to assist disadvantaged groups or other victims of obstacles to free access to education.<sup>49</sup>

The principle of non-discrimination even applies to physical education and sports. The 1993 *International Charter of Physical Education and Sport*<sup>50</sup> proclaims free access by all to physical education and sport without discrimination in the sense of the Universal Declaration of Human Rights, and recommends guaranteeing such free access since it also declares the existence of a “right to physical education and sport” (Preamble) whose effective realization requires considerable effort and recognition as a “fundamental right for all” (Art. 1.1).

In Dakar, these essential themes were comprehensively addressed in the Framework for Action of 28 April 2000. As has been said, the Dakar Forum is a “stock-taking” meeting. The text adopted there describes as “unacceptable” (para. 5) that some 113 million children have no access to primary education, that discrimination continues to permeate education systems. Reasserting that education is a “fundamental right” (para. 6), it proclaims a collective commitment (whose legal value we shall examine later) to ensuring that, by 2005, gender disparities will be eliminated in primary and secondary education, that gender equality in education will be achieved by 2015 (para. 7(v)), and that, also by 2015, all children will have access to free and compulsory primary education of good quality (para. 7(ii)), thereby apparently acknowledging that the latter two commitments will need more time. It is significant that the notion of

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47. Relevant provisions in the Annex.

48. Relevant provisions in the Annex.

49. See in particular paragraphs 7(f) and (g), 27, 28, 29 and 46(d) of the Revised Recommendation (1974) and themes 1.2, 1.3 and 4 of the 1999 Recommendations.

50. Relevant provisions in the Annex.

“equitable access” features systematically in the wording of all the aims set for the different levels of education.

## **(ii) The right to education and how it benefits society**

From the outset, there has been this inherent dualism in the right to education: as an individual right everyone is entitled to it but at the same time, according to Article 26 of the *Universal Declaration of Human Rights*, whereas education is intended to ensure “the full development of the human personality”, it is also directed towards “the strengthening of respect for human rights and fundamental freedoms”. The authors of the 1948 text did not wish to separate the individual right, which they intended to become universally accessible, from the collective benefit that the social corpus might gain from it: education for all would further the observance of human rights and fundamental freedoms within the State. And beyond the bounds of the State, in their view, education “shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace” (Art. 26, para. 2). This wording is reproduced word for word in Article 5.1.a of the 1960 *Convention against Discrimination in Education*,<sup>51</sup> and taken up again in Article 13 of the *International Covenant on Economic, Social and Cultural Rights*. Education lies at the heart of political, economic and social changes in our societies, which is why, over the years since 1948, the scope of its aims has broadened to encompass all “societal values”, the expression used in Article 1 (e) of the *World Declaration on Higher Education for the Twenty-First Century*. With variants and some shifts in emphasis – in particular by comparison with the *Universal Declaration of Human Rights* – the various texts have established linkages between education and human rights, democracy and peace, and between education and development.

Concerning the first aspect, the *Declaration* and the *Integrated Framework of Action on Education for Peace, Human Rights and Democracy*<sup>52</sup> brings together the elements contained in the various texts of different kinds. It begins with a very broad overview of the world situation and, placing education at the heart of the provisions, assigns it the very general mission of improving troublesome situations. The aim is ambitious, not to say over-ambitious, but the text is nonetheless of considerable interest since it quite successfully sums up the contribution that education can make. “Citizens” are to be educated by means of education policies that “contribute to the development of understanding, solidarity and tolerance among individuals and among ethnic, social, cultural and religious groups and sovereign nations” and by an education that will ensure the promotion of “knowledge, values, attitudes and skills conducive to respect for human rights and to an active

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51. Full text in the Annex.

52. Relevant provisions in the Annex.

commitment to the defence of such rights and to the building of a culture of peace and democracy” (Declaration, Preamble). The Integrated Framework of Action, following on from the Declaration, is replete with references to the promotion of the “values” that go into educating citizens; their personal identities are reinforced in the “convergence of ideas and solutions which strengthen peace, friendship and solidarity between individuals and peoples” (II, 8). In the same train of thought, emphasis is laid (IV, 31) on the specific role to be played by higher education, which is probably better equipped for analysing and examining ethics, values and an appreciation of the “interdependence of States in an increasingly global society”. At Jomtien in 1990 similar notions had already been included among the “basic learning needs” listed in Article 1 of the *World Declaration on Education for All*.<sup>53</sup> This Declaration recommends tolerance towards different social, political and religious systems, the upholding of commonly accepted humanistic values and human rights and working for peace (Art. 1.2), while considering that the transmission and enrichment of common cultural values help individuals and society find their identity and worth (Art. 1.3). It is the satisfaction of basic learning needs that will enable the collective cultural, linguistic, spiritual and environmental heritage to be respected and built upon (Art. 1.2). The fact must be faced, however, that not only will it prove difficult to implement these generous declarations of intent rapidly but they also are too general to be truly workable.

In that regard the *Dakar Framework for Action - Education For All: Meeting Our Collective Commitments* (adopted by the World Education Forum, Dakar, Senegal, 28 April 2000) is probably more realistic. After boldly taking stock of the situation without any complacency, taking a typically very practical approach, the authors declare that, following a long succession of commitments solemnly proclaimed at various meetings, “the challenge now is to deliver on these commitments” (para. 4). In paragraph 3<sup>54</sup>, they simply affirm that education includes learning “to live together” and enables people “to transform their societies” and “improve their lives”. This is, all in all, a more down-to-earth ambition but an essential one nonetheless, and one that ultimately conditions all other, loftier ambitions that cannot be fulfilled until people “improve their lives” – development by another name.

In fact the connection between education and development, the other aspect of the linkages referred to above, is an obvious one with a long history. Although investing in education inevitably produces effects only in the long term, nobody has ever disputed the fact that it is a necessity for States’ development or that it is a priority. One of the recent pronouncements on development was the declaration concluding the World Summit

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53. Relevant provisions in the Annex.

54. Full text in the Annex.

for Social Development, held in Copenhagen in 1995, in which the heads of State and Government included among their ten “commitments” that of promoting universal and equitable access to (quality) education, confirming the well-established view of the role of education in the development process. But in fact a similar commitment was made earlier at Rio, in Agenda 21, and later in the *Agenda for Development* prepared by the Secretary-General of the United Nations in 1997.

Among the specific texts on the right to education, the *World Declaration on Education for All* and the *Framework for Action to Meet Basic Learning Needs*, both adopted at Jomtien, take a very clear stand in declaring that “time, energy and funding directed to basic education are perhaps the most profound investment in people and in the future of a country which can be made” (Declaration, Art. 9, para. 1) and that “today, more than ever, education must be seen as a fundamental dimension of any social, cultural and economic design” (Declaration, Art. 9, para. 2). These views are then taken up in the Framework for Action (for example, in paras. 7, 11, 18 and 20). The wording of these recommendations bears the strong imprint of the new concepts of development, which place more emphasis on social than on economic factors or, to be more precise, incorporate human and social parameters more fully into development, seen as the development of human beings rather than growth in GNP.

Perhaps more realistic, the *Dakar Framework for Action* does not stray from this general line when it designates education as the “key to sustainable development” (para. 6). In turn the *Expanded Commentary on the Dakar Framework for Action* states (para. 13) that “there is a powerful correlation between low enrolment, poor retention and unsatisfactory learning outcomes and the incidence of poverty”. It underscores education’s leading role in development by indicating, in paragraph 21, that “debt reduction programmes should offer governments an opportunity to give priority to education within overall poverty reduction frameworks”. And the question acquires a new dimension (and becomes more serious) when we look at current trends in world society and globalization since, as is observed most judiciously in the text, “countries and households denied access to opportunities for basic education in an increasingly knowledge-based global economy face the prospect of deepening marginalization within an increasingly prosperous international economy”. Against that background, ensuring the exercise of the right to education becomes a real challenge for the poorest countries.

## II. Implementation of the right to education

Thus recognized and accessible to all, the right to education must now be implemented. For this purpose, education systems must be organized around a specific content and be able to function through available resources.

### A. Organization and content of education

The general organizational principles, as established by a variety of texts, hold good whatever the type, level or context of the education in question.

Each State is of course responsible for organizing teaching in accordance with its educational requirements. As stated in the *Dakar Framework for Action*,<sup>55</sup> “the heart of the education for all activity lies at the country level” (para. 16). National plans, taking into account each State’s particular context, set out to define the strategies and resources required for their implementation. It can be beneficial for States to draw up such plans using the UNESCO frameworks for action as a reference. Thus the *Framework for Action to Meet Basic Learning Needs*, adopted in Jomtien in 1990, invites States to use these plans to “develop their own specific plans of action and programmes in line with their particular objectives, mandates and constituencies” (para. 2). Similarly, it is recalled that the UNESCO Major Project in Latin America and the Caribbean operates along these lines. Without disregarding external support, the outcome of educational initiatives will therefore depend on the measures taken by individual countries, whose governments “are the key agents for improvement” (para. 16). Indeed, a document such as the *Framework for Action to Meet Basic Learning Needs (World Declaration on Education for All, 1990)* is by no means a substitute for States in their mission to organize public service education, but only an instrument containing guidelines, advice and proposed or suggested examples which States are free to follow or not. Hence the use of the conditional to express the fact that local plans “could” address various points. There follows a long list of no fewer than 14 items thus proposed (para. 17). In fact, such is generally the principal aim pursued by these various standard-setting instruments when they have no conventional legal value beyond advice and guidance for States in their choices and policies, on the basis of the – most probably correct – assumption that discussion, exchange and the knowledge of other models are essential in this area. The *Dakar Framework for Action*<sup>56</sup> does not depart from this method and indeed calls for its general introduction in all States (para. 9), suggesting that the development of national plans be as open and democratic as possible, by including a large number of

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55. Full text in the Annex.

56. Full text in the Annex.

actors, in particular representatives of the people, community spokespeople, parents, learners, NGOs and civil society (ibid.). These plans, developed in a wider poverty reduction and development framework – such as the *Dakar Framework for Action* conceived them – reflect a conception of education for all which extends well beyond the simple process of acquiring knowledge and fits into the context of a genuine political and social programme for the joint benefit of individuals and society. Educational strategies are therefore intended to complement those applied in the fields of health, population, work, social welfare and even the production sector. Thus education is not confined to specialists but is a matter of concern for all. This is in line with thinking that a strong political commitment is necessary to achieve education for all in practice.

Therefore, although it is not the sole actor, the State remains the principal driving force since it is responsible for setting frameworks and guidelines. This mission is explicitly reaffirmed for instance in the 1989 *Convention on Technical and Vocational Education*<sup>57</sup> and also referred to in the 1997 *Hamburg Declaration on Adult Learning* as the “essential vehicle for ensuring the right to education for all” (para. 8). Nevertheless, the latter text recognizes that there is “a new role for the state”, that it is not the sole vehicle<sup>58</sup> and that education should now be organized into *partnerships*.

As stated in the *World Declaration on Education for All* (1990), “Genuine partnerships contribute to the planning, implementing, managing and evaluating of basic education programmes. When we speak of ‘an expanded vision and a renewed commitment’, partnerships are at the heart of it” (Art. 7). The partnerships recommended and described at Jomtien are among the various subsectors and forms of education, between education and other government departments, including planning, finance, health, labour, communication, social sectors and between the State and NGOs, the private sector, local communities, religious groups and families. In the Framework for Action that follows the Declaration, there is a lengthy passage on Undertaking Joint Activities, which would be recommendable in contexts of regional cooperation. This would enable to take advantage of economies of scale and the comparative advantages

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57. Article 2.2 provides that: “The general framework for the development of technical and vocational education shall be determined in each Contracting State by appropriate legislation or other measures [...]”.

58. The *Declaration on Race and Racial Prejudice* (1978) states that: “States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no invidious distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children” (Art. 5, para. 2)).

of the various participating countries. Finally, partnership underpins this entire “trilogy” of action priorities at the national, regional and world levels which constitute the three chapters of the document. Partnerships or joint action and cooperation are recommended and developed at each level. The concept of partnership is reiterated in the *Dakar Framework for Action*, which holds that the implementation of education for all can only be sustainable and effective through “broad-based partnerships within countries, supported by cooperation with regional and international agencies and institutions”. The text highlights the need to build on and strengthen existing mechanisms with the support of all partners. By and large, this further strengthens the idea already expressed that education is a significant common venture requiring a united effort to ensure that the targets set are achievable.

Educational content of course varies from one country to another and differs in accordance with local circumstances, the objectives pursued, and even the resources available. *Respect for the diversity of education systems* is indeed a major principle supported and forcefully expressed by UNESCO in the various instruments adopted under its auspices. The Organization recognizes that not only each individual but also each people, each community and in fact each culture has an inherent dignity, worthy of respect. The *Mexico Declaration on Cultural Policies*, adopted by the General Conference of UNESCO in August 1982 proclaims that “the equality and dignity of all cultures must be recognized, as must the right of each people and cultural community to affirm and preserve its cultural identity and have it respected by others”. Promoting the right to respect for differences and appreciating diversity must therefore be central to any educational project. Such an assertion is made particularly clear in the 1960 *Convention against Discrimination in Education*<sup>59</sup> whose Preamble states that “consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty to proscribe any form of discrimination [...]”. The Preamble to the *World Declaration on Education for All*, requires to take into consideration “traditional knowledge and indigenous cultural heritage [that] have a value and a validity in their own right.” Similarly, in the 1997 *Hamburg Declaration on Adult Learning*, it is stated that “Adult learning should reflect the richness of cultural diversity and respect traditional and indigenous peoples’ knowledge and systems of learning” (para. 15). In other words, although there are common universal principles applicable to all States, namely the requirement for access to education to be universal and non-discriminatory, in contrast the means of implementing these principles may and must vary. As the *World*

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59. Full text in the Annex.

*Declaration on Education for All (Jomtien)* explains very well in Article 1.1: “The scope of basic learning needs and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time”. Such demands for the respect for differences or specificities are not only of an ethical or philosophical nature. They also aim to enhance the effectiveness of the education system, whose performance will be all the more significant since it will take on board values for which there already exists a firm commitment. Finally, such an initiative is also designed to attain the global objectives of a culture of peace only achievable through respect for values based on tolerance and the respect for differences, which are highly recommended teaching elements in the implementation of the right to education.

In paragraph 8 of the *Dakar Framework for Action*, the participants in the World Education Forum described all the measures for organizing an education system that “governments, organizations, agencies, groups and associations” pledge to implement in order to reach the targets set in terms of education for all.<sup>60</sup> A number of particulars on the potential content of these measures are to be found in the “Expanded Commentary on the Dakar Framework for Action”.<sup>61</sup> In addition to non-discrimination and equality issues, and the drawing up of national action plans already mentioned above, these include:

- Linking poverty eradication and development strategies. It was considered in Dakar that evident synergies existed between education promotion and poverty reduction strategies, which it was therefore necessary to exploit. Education strategies must be integrated into broader poverty reduction initiatives implemented at the national and international levels such as the United Nations Development Assistance Frameworks, Comprehensive Development Frameworks and Poverty Reduction Strategy Plans.
- The association of civil society and educational work. It is appropriate that at all levels of educational decision-making, governments develop mechanisms which are not only responsible for endorsing decisions already made by the State but, in contrast, through regular dialogue with citizens and civil society organizations, contribute to the planning, implementation and monitoring of educational activities.
- The characteristics of management and governance systems. The participants in the Dakar Forum consider educational management reform to be an essential requirement for progress from a highly centralized system to more decentralized and participatory decision-making, monitoring and implementation procedures at the

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60. The legal value of such a commitment will be examined *infra*, II.

61. Document prepared by the Drafting Committee of the World Education Forum, 23 May 2000.

lower levels of accountability. Better regulations and administrative mechanisms should therefore be set up, and responsibilities among different levels of government should be more sharply delineated. It is also important to ensure that decentralization does not result in an inequitable distribution of resources, and to provide training for those in charge of school management and other education personnel.

- Dealing with the effects of conflict and instability situations. As such distressing situations take a heavy toll on education, governments should be made better able to carry out rapid assessments of educational needs in crisis and post-conflict situations and to restore destroyed or damaged education systems. Schools, for their part, should be in protected areas.
- The constitution of a healthy educational environment. The creation of such an environment fosters effective learning, namely for the benefit of the socially, culturally or economically excluded. In general, the *World Declaration on Education for All* had already emphasized the essential nature of the “supportive policies” (Declaration, Art. 8, Framework for Action, 1.2) in the social, cultural and economic sectors with a view to ensuring the full provision of basic education. Another important need is improvement of the “learning environment” (Declaration, Art. 6): “Societies, therefore, must ensure that all learners receive the nutrition, health care, and general physical and emotional support they need in order to participate actively in and benefit from their education” (*ibid.*).
- The use of new information and communication technologies. It is important for governments to design clearly defined policies in this field. The fact that these technologies are developing fast and falling in price has direct implications for learning. Nevertheless, they may also tend to increase disparities among individuals and these policies must therefore contribute to bridging the “digital divide”, extending access and reducing inequality. Data gathering and management systems must therefore be devised at the various appropriate levels.
- National, regional and international monitoring systems. It is essential to have reliable data and statistics in the field of education if results are to be appreciated, progress measured, experience shared and lessons learned. These are decisive points when it comes to gauging the ability of partners in education for all to be accountable for their work. Monitoring and evaluation in this area are important and should be encouraged. Yet gaps and shortcomings have been observed in this field and the necessary steps should be taken to overcome them.

A further requirement is to organize quality education. Many texts insist upon this obvious necessity that is, nevertheless not always easy to meet. The *Dakar Framework for Action*<sup>62</sup> refers to this in paragraph 7(vi) among the participants' "collective commitments" aimed at "improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills". In fact, the Jomtien Declaration and Framework for Action seek "quality", "effectiveness", "quality basic education", "effective basic education" (see for instance the Preamble and Article 3 of the Declaration, paragraphs 20, 22, 23, 33 and 45 of the Framework for Action) and are committed to educational quality criteria.<sup>63</sup> Such demands inevitably require resources and the selection of competent teaching staff. They must also be offered the opportunity to update their knowledge. States have been able to make commitments for this purpose (see for example Article 5, paragraph 2 of the 1989 *Convention on Technical and Vocational Education*<sup>64</sup>). The search for quality education also entails the development of programmes which are adapted and specific to certain groups. The Jomtien Framework for Action thus suggested taking this type of initiative for disadvantaged groups such as out-of-school youth or adults with little or no access to basic education services, for women and young girls in order to remove the obstacles they may encounter to attending regular training programmes, for refugees, displaced people, those suffering occupation or the illiterate. The same strategies are also reflected in other documents, such as the 1995 *Declaration on Education for Peace, Human Rights and Democracy (Integrated Framework of Action, paragraphs 25 et. seq.)*.<sup>65</sup> Educational quality requires considerable attention for curricula and teaching methods. Articles 3 et seq. of the 1989 *Convention on Technical*

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62. Full text in the Annex.

63. On this issue, see United Nations, Committee on Economic, Social and Cultural Rights, E/CN.4/Sub.2/1999/10. The realization of economic, social and cultural rights. The realization of the right to education, including human rights education (see above) paragraphs 40 et. seq.

64. Article 5 of the *Convention on Technical and Vocational Education* states that: "1. The Contracting States agree that all persons teaching in the field of technical and vocational education, whether working full time or part time, should have adequate knowledge, theoretical and practical, of their professional field of competence as well as appropriate teaching skills consistent with the type and level of the courses they are required to teach.

2. Persons teaching in technical and vocational education should be given the opportunity to update their technical information, knowledge and skills through special courses, practical training periods in enterprises and any other organized form of activity involving contact with the world of work; in addition, they should be provided with information on and training in educational innovations that may have applications in their particular discipline and be given the opportunity to participate in relevant research and development.

3. Equal employment opportunities should be offered, without discrimination, to teachers and other specialized staff in technical and vocational education, and their employment conditions should be such that it is possible to attract, recruit and retain staff qualified in their areas of competence."

65. Relevant provisions in the Annex.

and Vocational Education<sup>66</sup> contain detailed provisions and emphasize the need for revision and updates in this area. The concern to improve curricula and schoolbooks or other learning tools is very present in the texts (see for example the 1995 *Declaration on Education for Peace, Human Rights and Democracy*,<sup>67</sup> Art. 2.4, and the *Integrated Framework of Action*, paragraph 18), together with reflection on teaching methods, encouraged by discussion, exchange, dialogue within restricted groups, combating underachievement, etc. (*ibid.*, paras. 20 et. seq.) and the development of particular exchange-promoting activities such as learning foreign languages.

## B. Means employed

The *means* required for the exercise of the right to education are of various kinds.

*Institutional support* is most certainly required, and UNESCO itself is playing a leading role in this regard. Education is its foremost field of action and its speciality, and it is therefore from UNESCO that such institutional support should first be sought. UNESCO has already done much, as is evidenced by its achievements, the extensive *corpus* of standard-setting instruments and the various documents and reports it has issued, as well as the numerous forums, meetings, working groups, etc. convened by the Organization or under its auspices, the numerous activities of coordination and of collaboration with States, international intergovernmental organizations (such as ILO, as the Preamble to the 1989 *Convention on Technical and Vocational Education* points out) and NGOs. Further action remains to be undertaken, and in his important *Report on the outcome and implications for UNESCO* of the World Education Forum,<sup>68</sup> the Director-General of UNESCO indicated that “UNESCO is prepared to join hands with governments and civil society, as well as with members of the international community in accelerating progress towards EFA, maintaining its expanded vision, finding new and more effective ways of achieving it, and dealing with the [...] needs” (para. 5). “UNESCO through its mandate and its history of being a chief forum and interlocutor of education ministries, who trust its objectivity and non-partisanship, has a uniquely comprehensive and international perspective. Because UNESCO is concerned with the entire spectrum of the education sector, it is uniquely in a position to locate EFA efforts within it and articulate linkages with other education subsectors” (para. 6).

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66. Relevant provisions in the Annex.

67. Relevant provisions in the Annex.

68. The aforementioned document 159 EX/41, 16 May 2000.

UNESCO is thus the lead agency for international cooperation in education. The Director-General singles out four “most appropriate modalities” of exercising this competence, as follows: EFA support partnerships, as initiated at Jomtien (see above), under the Organization’s *leadership*; policy dialogue and networks, which can be intensified and whose effectiveness can be improved by UNESCO; research and educational expertise, for which UNESCO enjoys a worldwide reputation as a credible source of information; capacity-building for the training of educational management personnel, empowering Member States to improve their human potential. The *Dakar Framework for Action* envisages (para. 19) that UNESCO will continue to co-ordinate EFA partners. To this end, it was decided to create a “small and flexible group” composed of “highest level leaders from governments and civil society of developing and developed countries, and development agencies”. The group “will serve as a lever for political commitment and technical and financial resource mobilization” and “will also be an opportunity to hold the global community to account for commitments made in Dakar”.

UNESCO will serve as the secretariat. A great number of the initiatives fall under UNESCO’s responsibility. An interesting illustration of this is provided by the 1998 *World Declaration on Higher Education and Framework for Priority Action for Change and Development in Higher Education*,<sup>69</sup> which establish a list of proposed actions to be initiated by UNESCO with a view to the development and improvement of higher education (see Framework for Action, III, 10 et seq.).

The Dakar Forum was the outcome of the collaboration and mutual support provided by the “governments, organizations, agencies, groups and associations represented at the Forum” (Framework for Action, para. 8),<sup>70</sup> thus following the line adopted at Jomtien, where it was clearly established that foremost among the means required for the implementation of the right to education was collaboration – both internal and international. According to the Jomtien “trilogy”, such collaboration should take place at three levels: at the national level, by means of partnerships with associations, unions, professional groups, the media, political parties, cooperatives, etc.; at the regional level, by means of exchanges with neighbouring countries or countries belonging to the same geo-cultural or linguistic region, and cooperation with regional organizations; lastly, at world level, with the cooperation of the specialized agencies of the United Nations which, in addition to UNESCO, whose lead role has already been mentioned, will provide support for the educational actions undertaken by the governments. These different means can be

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69. Relevant provisions in the Annex.

70. Full text in the Annex.

used for “strengthening international solidarity” (*World Declaration on Education for All* (1990, Art. X)), an action which is indispensable given that “meeting basic learning needs constitutes a common and universal human responsibility. It requires international solidarity and equitable and fair economic relations in order to redress existing economic disparities” (*ibid.*). The *Dakar Framework for Action* also expresses the conviction that education for all is a “responsibility that will be met most effectively through broad-based partnerships within countries, supported by cooperation with regional and international agencies and institutions” (para. 2).

Knowledge can be transmitted through the use of all the available *information and communication media*. Accordingly, the *World Declaration on Education for All* (1990) calls for the use, in addition to the traditional means (including, for example, school textbooks and documents), of all the potential offered by libraries, television, radio and other media (Declaration, Art. V, Framework for Action, 1.5), to which the Internet should now be added.

Attention must also be paid to the teachers who are at the sharp end of education. The *Recommendation concerning the Status of Higher-Education Teaching Personnel* (1997) concerns a particular category of personnel whose rights and freedoms entail specific characteristics, and states that “similar questions arise in all countries with regard to the status of higher-education teaching personnel and that these questions call for the adoption of common approaches and so far as practicable the application of common standards” (Preamble of Recommendation). It is these common standards that the Recommendation defines in terms of the “educational objectives and policies” in higher education which imply a very wide exchange of ideas and information, a research and publications component, and particular attention to the exodus of personnel, especially from the developing countries, a situation which requires the improvement of the status of teachers. In this context, the autonomy of the institutions and the recognition of academic freedoms are essential, with the corollary of the recognition of the individual freedoms of the teachers themselves in the exercise of their activities of knowledge transfer and research by enabling them to teach “without any interference, subject to accepted professional principles” [...] (para. 28). The Recommendation finally deals, in great detail, with the terms and conditions of employment of higher-education teaching personnel (paras. 40 to 72). The *World Declaration on Education for All* (1990) insists on the need to improve the status of teachers, as “the conditions of service of teachers and their status [...] constitute a determining factor in the implementation of education for all” (Art. 7),

and calls for compliance with the 1966 ILO/UNESCO Recommendation Concerning the Status of Teachers. A similar concern is expressed in the *Declaration on Education for Peace, Human Rights and Democracy*, namely “to adopt measures to enhance the role and status of educators [...]” (Art. 2.5), while in Dakar, the World Education Forum included in the text of the *Dakar Framework for Action* the commitment of the participants (including governments) to “enhance the status, morale and professionalism of teachers” (para. 8(ix)). This therefore applies both to their training and to the qualifications which determine their ability to teach and hence their “professionalism” and their conditions of work, their status and their remuneration, which determine their “motivation” and define their “status”. The *Expanded Commentary on the Dakar Framework for Action* states that, given that no education reform is likely to succeed “without the active participation [...] of teachers”, “teachers at all levels of the education system should be respected and adequately remunerated” (para. 67). In addition, “clearly defined and more imaginative strategies to identify, attract, train and retain good teachers must be put into place” (para. 68).

Lastly, in the material and financial context, in addition to having the right kind of buildings and the required teaching materials, the services of managerial personnel, planners, school architects, teacher educators, curriculum developers, researchers, analysts, etc., are also required, by the *Framework for Action to Meet Basic Learning Needs* (The *World Declaration on Education for All*, 1990), with a view to improving managerial capacities which also stresses the need to mobilize resources. In its turn, the *Dakar Framework for Action* stresses the need to mobilize financial resources and international cooperation, more particularly in favour of the developing countries, which should not be hampered in their efforts by financial constraints if they show a clear political will to work towards education for all. It goes as far as to proclaim: “We affirm that no countries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources” (para. 10). Priority is given to the countries of sub-Saharan Africa and South Asia as well as to the countries in conflict or undergoing reconstruction, which should also be given special attention (para. 14). All of this implies a substantial increase in international assistance, requiring firm financial commitments by national governments and “by bilateral and multilateral funding agencies, including the World Bank and regional development banks”, civil society and the foundations (para. 21).

### III. Sanctioning the right to education

Discussing the matter of sanctioning the right to education raises questions as to the legal force of commitments made and the nature of the obligations imposed upon those in charge of its enforcement.

Before we go any further, it is important to differentiate between the beneficiaries of the obligations. As mentioned earlier in the field of the right to education, they fall into two categories: the individual and society as a whole. First, the individual (sometimes referred to in the instruments as the “learner”) is the direct beneficiary of the right to education since it provides bases for the underlying principle enabling him or her to follow a given programme of studies. When the right established for the individual’s benefit forms part of a convention that is properly ratified and incorporated into a State’s internal order, thereby rendering it legally binding on that State, he or she can use every available legal means to secure compliance: recourse to law courts, for instance, where the judge ultimately has the power to examine whether there is a breach of the States’ legal obligations, and to come to a decision. Technically speaking, of course, individuals do not necessarily have to take such action themselves: groups enjoying legal status and with a stake in the matter (unions, public service users’ or parents’ associations, etc.) may take such action on behalf of their members. Furthermore, general international law – irrespective of whatever specific mechanisms any particular instrument may have additionally established to ensure compliance – provides similar means of sanctioning the right to education internationally within the realm of inter-State relations. If, for instance, individuals living abroad find themselves to be the victims of discriminatory measures in their State of residence that prevent them from exercising their right to education as laid down in a legally binding instrument (e.g. the Convention against Discrimination in Education of 14 December 1960), and failing domestic remedies, their State of origin will be free to exercise diplomatic protection on their behalf with a view to ensuring that the State of residence meets its commitments. Hence – and, in a sense, indirectly – one State can be compelled to meet its treaty obligations by another.

The situation is different with respect to the second category of beneficiary insofar as society, as we have seen, finds it to its advantage – for its development and for social progress, tolerance and harmony within the group – to ensure that its members enjoy generalized access to education. So the right to education has also, as said earlier, been devised to benefit society. Since society per se lacks legal status, however, it cannot claim the benefits of that right through the above-mentioned legal channels.

As a matter of fact, the State tends to meet its obligations of its own accord because they help foster the well-being and progress for which it is responsible; and the only pressure that can be brought to bear is the political and moral influence exerted by society and its constituent parts. One witnesses that when the two beneficiaries of the right to education (the individual and society) are identified, they cannot be placed on the same footing from either the legal point of view or that of the nature of the obligations.

After these preliminary points, the next step is to examine the scope of the obligations forming part of the right to education, on the one hand according to the types of standard-setting instruments that contain those obligations and reflecting a graduated normativity (Section A) and, on the other, on the basis of the mechanisms designed to enforce compliance by States (Section B).

## A. Graduated normativity of the right to education

The right to education, as seen above, is established in texts of a varying legal nature such as conventions, declarations, frameworks for action and charters, which do not, legally speaking, involve the same obligations but which all serve the same end: the promotion and development of the right of every person, without discrimination, to enjoy access to education. So it is interesting to determine how and why, notwithstanding their differing legal nature, these texts still manage to organize efforts to achieve their intended goal in such a way as to preclude the possibility of only those of indisputable mandatory legal force being abided by, while others might easily be ignored.

Conventions are by far the most clear-cut example. Once a convention has been ratified, accepted or acceded to in sufficient numbers (as stipulated by the convention itself) to enable it to enter into force, it ultimately, after some possible delay, becomes binding on the State that has performed such a formality; and once incorporation procedures have been completed, it can be brought into force within that State's internal order. Details of this may be found in Article 14 of the *Convention against Discrimination in Education*<sup>71</sup> and Article 10 of the *Convention on Technical and Vocational Education* (adopted on 10 November 1989). States are bound by the commitment they have made in ratifying or acceding to such conventions and are internationally responsible, according to the customary rules of international law, to account for any failure to comply with their obligations. Since Article 5, paragraph 2, of the *Convention against Discrimination in Education* requires States Parties to "undertake

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71. Full text in the Annex.

to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article”, any of them not adopting the appropriate regulatory framework to guarantee parents the freedom to send their children to the school of their choice would be in breach of their legal commitment and, hence, liable to face the consequences. This, as we shall see (Section B), is backed by mechanisms designed to facilitate and lend weight to the enforcement and fulfilment of those obligations.

Determining the legal force of instruments other than treaties is somewhat harder. In the eyes of legal orthodoxy and according to the rules of traditional international law, they have no legal force and merely express a political or moral stance.

Traditional international law covers a period running roughly from 1648 to 1945. Those were times when international organizations did not yet exist or were not as developed as they are today; when the States were unquestionably the only subjects of international law. The only legal rule applicable to them was of a customary or contractual nature, to which they adhered voluntarily and which they had elaborated themselves. The past half-century, on the other hand, has seen the development of objective rules of international law, the emergence of new principles and the establishment of a certain hierarchy of norms. A typical illustration of these would be the rules of *jus cogens*, peremptory norms of international law from which there can be no derogation (despite frequent questioning). The international organizations, meanwhile, have undergone significant expansion. Their often highly appropriate endeavours in their various areas of expertise, together with the thinking done with – or, under their auspices, by – Member States have led to the adoption of a number of instruments of undeniable importance. Given the horizontal structure of international society and the nature of relations maintained with States (save in the exceptional case of supranational structures), the international organizations’ norm of general law remains an optional recommendation in the eyes of legal orthodoxy. And it is true to say that a State is strictly speaking not legally bound by such texts, even though its vote might have helped to have one adopted, since it will always be able to argue that its intention in so voting had been to endorse a mere recommendation rather than a legally binding document.

Yet the issue is not that simple, and one should no doubt be wary of overly cut-and-dried or Manichaean points of view. When, on 19 January 1977, the arbiter delivered his award in the dispute between the Government of the Libyan Arab Republic and the California Asiatic Oil Company and Texaco Overseas Petroleum Company, for instance, he

stated that the refusal to credit United Nations resolutions with any legal force whatsoever should be qualified in the light of individual texts. He went on to say that the court would bear in mind the usual criteria in its evaluation of the legal force of those resolutions, i.e. a review of voting conditions and an analysis of the prescribed provisions. (Para. 83)

Such reasoning is still quite widely accepted today and, rather than a rift between what is obligatory and what is not, reflects a cursor or graduated rule ranging from the purely optional to the strictly mandatory, but with intermediate stages. It is important to examine, case by case, the voting conditions, the terms employed and the status of participants.

The commitments that States and governments make in adopting standard-setting instruments need to be considered in the light of the legal and moral force of declarations in modern international law. United Nations doctrine considers a declaration to be “a formal and solemn instrument, suitable for occasions when principles of great and lasting importance are being enunciated [...]”. In view of the greater solemnity and significance of a “declaration” (as opposed to a “recommendation”), it may be considered to impart, on behalf of the (United Nations) organ adopting it, a strong expectation that members of the international community will abide by it. Consequently, insofar as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down rules binding upon States.<sup>72</sup>

UNESCO, as part of the United Nations system, adheres to this line of practice.

The full political and moral force of the declarations, recommendations and, also, decisions adopted by UNESCO with respect to the right to education warrants attention. Member States regard themselves as bound by the instruments adopted not only through General Conference decisions or within the framework of intergovernmental conferences, but also in the form of decisions reached by the Executive Board. A key example of this can be seen in the procedure for the examination of complaints received by the Organization concerning alleged violations of human rights in its fields of competence, namely education, science, culture and information. This procedure is laid down in 104 EX/Decision 3.3 of the Executive Board of UNESCO and implemented by one of its subsidiary organs, the Committee on Conventions and Recommendations (CR). When a State becomes a Member of UNESCO, it is automatically taken to have

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72. *UNESCO's standard-setting instruments*, UNESCO, Paris, 1986 (General introduction, p. xiv).

recognized the authority of the CR: “in practice, even non-Member States of UNESCO have of their own accord agreed to a communication concerning them being considered by the Committee”.<sup>73</sup> The CR considered 460 communications between 1978 and 1997 and in seven cases changes were obtained in specific education laws that discriminated against ethnic or religious minorities.<sup>74</sup>

In common with United Nations General Assembly resolutions, the successive declarations and recommendations on the right to education adopted by States and governments illustrate the gradual development of the right’s normative basis. Through persistent reiteration and reaffirmation of the right to education, the standard-setting instruments (declarations and recommendations) have also come to comprise an *opinio juris* component in international law. This makes for gradual consolidation of the normative basis of the right to education.<sup>75</sup> Meanwhile, the considerable moral commitments formally assumed through such standard-setting instruments serve to further the enforcement of that right.

States and governments adopting these declarations and recommendations are also subscribing to moral commitments. These instruments clearly state their intention to implement them, even though, as in the case of United Nations resolutions, there are no legal penalties for non-compliance. They demonstrate an indisputable moral resolve to abide by the commitments assumed by those States and their partners when voicing their intention to adopt a given set of guidelines, as seen in the *World Declaration on Education for All* or the *Dakar Framework for Action*. The ethical basis and moral force of these declarations therefore needs to be recognized. Although not legally binding, agreed instruments have a normative character in their intent and effects and the States concerned regard them as political or moral commitments. The ethical value of such declarations is set to acquire increasing recognition.

It is worth noting in this respect the strong wording used in the *Dakar Framework for Action*<sup>76</sup> (which, not being a convention, is strictly speaking non-binding): “We affirm that no countries seriously committed to education for all will be thwarted in

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73. Document 146 EX/7, paragraph 50 (footnote 1), UNESCO, Paris, 24 February 1995.

74. Matters relating to the methods of work of the Committee on Conventions and Recommendations and statistics on the Committee’s activities, document 154 EX/16, Annex II, UNESCO, Paris, 24 February 1998.

75. “The Court notes that General Assembly resolutions, even if they are not binding, may sometimes have normative value. They can, in certain circumstances, provide evidence important for establishing the existence of a rule or the emergence of an *opinio juris*. To establish whether this is true of a given General Assembly resolution, it is necessary to look at its content and the conditions of its adoption; it is also necessary to see whether an *opinio juris* exists as to its normative character. Or a series of resolutions may show the gradual evolution of the *opinio juris* required for the establishment of a new rule.” International Court of Justice, Advisory Opinion, Legality of the Threat or Use of Nuclear Weapons, paragraph 70, 8 July 1996.

76. Full text in the Annex.

their achievement of this goal by a lack of resources” (para. 10); “We will strengthen accountable international and regional mechanisms” (para. 13). Participants repeatedly underscored their commitment: “We hereby collectively commit ourselves to the attainment of the following goals” (para. 7); “we [...] pledge ourselves to [...]” (para. 8); and, moreover, the participants even go so far as to commit the international community itself by declaring that it “will deliver on this collective commitment [...]” (para. 11). In the *World Declaration on Education for All*, the present tense is employed more often than the conditional and the text, which reaffirms the “right of all people to education”, makes a number of strong statements. These (non-legally binding) “declarations”, “recommendations” and “charters” generally tend to be adopted by acclamation and convey a clear sense of commitment. Yet do such commitments involve legal liability? Far from it. In actual fact, their unequivocal moral and political force contrasts with their legal frailty, which – apart from the reservations going with the above-mentioned stances – is largely due to the very mixed nature of the participants. One thing is the adoption of a resolution by State representatives acting individually and collectively within the framework of an international organization; quite another is the adoption of a text by a “forum” that unites, in a joint declaration, government representatives (e.g. education ministers) and international organizations (especially UNESCO) within the ambit of the principle of speciality, but also representatives of NGOs, various other groups, civil society and so on. In short, what we have is an array of entities lacking legal personalities in international law and which, as such, are clearly not in a position to adopt texts capable of bringing legally sanctioned obligations under international law to bear on sovereign States. International law is therefore not omnipresent; and quite clearly, while the declarations, recommendations or frameworks for action adopted regarding the right to education may carry great political and moral weight, they are collectively and individually devoid of legal force.

But they cannot be regarded as totally insignificant. That would be tantamount to contempt for the often unequivocal stances taken by, among others, State representatives speaking on behalf of their governments. Moreover, it would mean undermining the role of UNESCO or diminishing the massive amount of work done up to now in its core area of expertise as mere politico-moral affirmations. So the legal force of instruments is not such a cut-and-dried matter. There is a natural tendency to liken international society to national societies with their legislation, judges and sanctioned law, and to transpose that

model to world level. But should international society be necessarily conceived through comparison with national societies? And does international law, rather than being made up exclusively of a body of legally sanctioned obligations, not need to recognize the legal force of – and, hence, incorporate – guidelines and recommendations able to determine the behaviour of States? This applies particularly when such instruments have been elaborated by, or under the auspices of, a specialized international organization, which represents a genuine “quality stamp” that can naturally and readily be conferred on this body of texts of graduated normativity arising within the purview of UNESCO and relating to what is, after all, its own sphere: the right to education.

On the other hand, while the convention process largely remains the route par excellence, owing to the certainty it generates as to the scope of the commitments involved, it is not entirely free of drawbacks or shortcomings since, in particular, conventions often take quite some time to come into force and may be weakened by the uncertainties of ratification and reservations. (This, incidentally, is not the case of the *Convention against Discrimination in Education* of 14 December 1960 since it came very rapidly into force on 22 May 1962; but then it required the deposit of no more than three instruments of ratification or accession and did not permit reservations.) However, if the *Convention against Discrimination in Education* has been ratified by 90 States, the *Convention on Technical and Vocational Education* – adopted on 10 November 1989 – garnered no more than 12 instruments of ratification or accession. It raises the question whether it is better to have texts that unite just a few States with a strong legal bond (from which compliance does not necessarily follow!) or texts approved unanimously yet of more uncertain legal force. It was in precisely these terms that a number of States brought the matter before the International Law Commission, where it was said that in some cases (nationality in the matter of State succession, responsibility or reservations to treaties) a declaration, which is more flexible than a convention and embraces a wider range of issues, could, if adopted by consensus, carry more weight than a convention ratified by just a few States. Current practice in international legal relations also shows at times relatively subtle interplay of balance and cross-referencing between recommendations and conventions, with the former paving the way for the latter and ensuring that people gradually grow accustomed to new rules that ultimately become binding once the process has reached maturity. So there is no standard, clear-cut answer to the question. As far as upholding the right to education is concerned, one can only observe that it is certainly likely to hinge more on governments believing in the need to develop education policy than on

their being concerned to respect a legal obligation, especially whose sanction in any case is quite uncertain.

All in all, then, it is not so much an issue of instruments that are binding as against those that are not; what matters most is how they complement one another. Fortunately, UNESCO has understood this in employing the entire range at its disposal – albeit with a certain preference for recommendatory declarations and resolutions, in line with a brand of realism. This has also led to the development of procedures which, after long remaining unique, have since come into general use in the shape of monitoring and follow-up mechanisms.

## **B. Monitoring and follow-up procedures**

### **(i) Existing procedures**

The international organizations have long had monitoring and follow-up procedures in place, and UNESCO in particular has developed a set of mechanisms designed to permit more effective application of provisions adopted and ensure better fulfilment of obligations. It will therefore be useful to outline their main features. The periodic reports that States are asked to submit have the effect of informing UNESCO, and therefore all the States in the international community, of the measures they have taken domestically to fulfil their obligations under the conventions to which they are parties. Thus, to make it more effective, States Parties to the *Convention against Discrimination in Education*, must give information in their periodic reports to the UNESCO General Conference on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of the Convention.

If there are no obligations under conventions because the principles and standards are laid down in simple recommendations, declarations or frameworks for action, the report is not meant to verify whether a statutory obligation is being properly fulfilled but to indicate measures that a State has decided to take, to implement voluntarily the principles adopted in recommendations. Such behaviour may set an example, and, conversely, a State failing to act may be placed in a politically difficult situation. The reporting procedure therefore to some extent represents a means of applying pressure. It is, moreover, legally enshrined in the form of a State obligation under Article VIII of

UNESCO's Constitution, which provides that each Member State shall submit to the Organization a report on the action taken upon the recommendations and conventions adopted by the UNESCO General Conference. It is therefore apparent that the report produced derives from an obligation whose content will vary depending on the instrument (whether a convention or not) to which it relates. Insofar that the report will give a precise account of the laws, regulations and practices adopted and it is known that all this information will be closely examined by UNESCO, it is clear that States will tend to give the maximum possible effect to the recommendations concerned. Furthermore, dissemination of information is always useful through the comparison it allows between systems that might possibly be taken as models or that provide answers to questions that arise. Lastly, this procedure reveals any problems that States may encounter in implementing measures. From this point of view, moreover, there is no reason to distinguish between a report on implementation of a convention and one relating to a recommendation, since the information value is the same in either case.

In order to ensure smooth operation of this procedure, UNESCO has set up subsidiary bodies responsible for examining the reports of Member States. Such is the role of the Committee on Conventions and Recommendations (CR) for the reports that are specifically entrusted to it by the Executive Board. Thus, for example, the CR examines the reports arising from the *Convention against Discrimination in Education* and those from the Joint ILO/UNESCO Committee of Experts on the Application of the 1997 *Recommendation concerning the Status of Higher-Education Teaching Personnel*. The General Conference then receives the Committee's report – accompanied by comments from the CR and the Executive Board – and Member States' reports. Unfortunately, in practice, not a large number of States reply to consultations, as noted by the Executive Board in March 1999.<sup>77</sup>

These consultations take place in several stages. The General Conference decides to ask Member States to submit reports (Art. VIII of UNESCO's Constitution, Art. 7 of the *Convention against Discrimination in Education* and Art. 7 of the *Convention on Technical and Vocational Education*), whereupon questionnaires are prepared and sent out to Member States, which are given a deadline for replying. Replies are analysed and collated by the UNESCO Secretariat. These documents are then examined by the Committee on Conventions and Recommendations, which draws up its own report and transmits it to the Executive Board. The latter examines all the documents and

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77. Document 156 EX/21, UNESCO, Paris.

transmits them to the General Conference, accompanied by its own comments. The General Conference sets out its observations, recommendations and decisions in a resolution and, if necessary, a general report (Art. 18 of the Rule concerning recommendations and conventions). The United Nations, the National Commissions and any other authorities specified by the General Conference will then receive the report from the General Conference and, where appropriate, that of the Committee on Conventions and Recommendations and even those of the States.<sup>78</sup>

## **(ii) Monitoring measures**

Under existing procedures UNESCO's standard-setting work is accompanied by measures to monitor Member States' application of all the instruments adopted by the Organization irrespective of their legal status.

UNESCO recently conducted a sixth Consultation of Member States on application of the *Convention and Recommendation against Discrimination in Education*. That Consultation, like those before it, was based on the obligation of States Parties to the Convention to submit periodic reports, giving UNESCO information on the legislative and regulatory provisions they have adopted and other action they have taken to apply the Convention, including steps to frame and develop national policy, together with any obstacles encountered in applying the Convention.

At its 156th session in May/June 1999 the Executive Board examined the reports and responses received in the course of the sixth Consultation.<sup>79</sup> This Consultation enabled the Organization to examine the measures taken or encouraged on specific issues such as basic education for women and girls, persons belonging to minorities, refugees and indigenous people. Thus, some Member States "have plans or policy statements to guide their treatment of persons belonging to minorities and appoint special committees or ministerial branches to oversee policy and implementation". The Consultation also revealed specific measures to advance multicultural education: "Many Member States which have a large multicultural population develop and implement special governmental programmes promoting equality of opportunity and treatment of persons belonging to minorities, including creation of special funds

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78. See document 22 C/21, Annex 1, UNESCO, Paris.

79. Document 156 EX/21, UNESCO, Paris.

80. *Ibid.* (paras. 30 and 31).

and necessary social and cultural awareness programmes which are reflected in school curricula and administrations”.<sup>80</sup>

After examining in 1999 the reports and replies received for the sixth Consultation, the Executive Board took a decision that was endorsed by the General Conference of UNESCO<sup>81</sup> in a resolution. That resolution<sup>82</sup> invited the “Director-General to strengthen UNESCO’s action against discrimination in education in order to ensure the widest possible democratization of education and to study, with a view to the seventh consultation and in cooperation with the United Nations, the possibility of creating a coherent mechanism for reporting on and monitoring the right to education as it is set down in various United Nations conventions on human rights”.<sup>83</sup>

In this connection, one may mention the *International Covenant on Economic, Social and Cultural Rights* (1966), and in particular its detailed provisions concerning the right to education (Arts. 13 and 14). Those provisions extend to all levels of education and their scope is broadest in the field of international law on human rights. The Committee on Economic, Social and Cultural Rights, as a supervisory body, is responsible for monitoring implementation of the International Covenant on Economic, Social and Cultural Rights in the States Parties. It examines the national reports submitted regularly by these States and maintains a dialogue with them in order to ensure the most effective implementation of the rights enshrined in the International Covenant. Following such analysis, it draws up a report containing its recommendations and suggestions for the purpose in its concluding observations.

In order to help States Parties to the International Covenant to prepare their national reports, the Committee in 1999 drew up a *General Comment* on the right to education (Art. 13 of the International Covenant).<sup>84</sup> The *General Comment* recognizes the importance of UNESCO’s standard-setting instruments on the right to education, in particular the *Convention against Discrimination in Education* (1960) – which establishes the principle of non-discrimination and equal treatment – together with the *World Declaration on Education for All* (1990), which defines “basic learning needs” (Art. 1) while recommending basic education for all. Thus, according to the General Comment, the normative content of the right to education embodied in Article 13 of the International Covenant and that of UNESCO’s standard-setting instruments are mutually reinforcing. Moreover, the idea of the right to

81. Document 156 EX/21, UNESCO, Paris.

82. 30 C/Resolution 15, adopted in November 1999.

83. See sixth Consultation of Member States on the implementation of the *Convention and Recommendation against Discrimination in Education*, document 30 C/29, 24 September 1999.

84. Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 13 (twenty-first session, 1999). The right to education (Article 13 of the Covenant), Economic and Social Council, United Nations E/C.12/1999/10, 8 December 1999.

85. Report by the Director-General on the outcome and implications for UNESCO of the World Education Forum (159 EX/41, 16 June 2000).

basic education for all as an essential building block for any individual, social or sustainable development<sup>85</sup> is akin to that in the *General Comment*: “Education is both a human right in itself and an indispensable means of realizing other human rights.”

Three levels or categories of obligation devolving on States Parties to the Covenant – the obligation to respect the right to education, to protect it and to fulfil it – are also characteristic of UNESCO’s approach in this field. Enhanced collaboration between the Committee and UNESCO would enable to realize UNESCO’s fundamental objective in the field of education – to achieve universal recognition and effective enforcement of the right to education – which has become more topical than ever. It is all the more urgent to defend education as a “common good”.<sup>86</sup>

Collaboration with the Committee on Economic, Social and Cultural Rights and with the Office of the High Commissioner for Human Rights to study “the possibility of creating a coherent mechanism for reporting on and monitoring the right to education” would be instrumental in more effective application of international instruments covering the right to education. In such initiatives, a key role is played by UNESCO’s Committee on Conventions and Recommendations. Given the expertise of the Committee on Economic, Social and Cultural Rights, its collaboration would also be valuable for implementing the *Dakar Framework for Action*, especially with regard to its legal implications. It was no doubt with this in mind that, during the debate at the 159th session of the Executive Board on the Report by the Director-General on the outcome and implications for UNESCO of the Dakar World Education Forum in May 2000,<sup>87</sup> a number of Member States stressed the importance of collaborating with the Committee.

The *Convention on Technical and Vocational Education* (1989), in its Article 7, provides that “the Contracting States shall specify, in periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization at the dates and in the form determined by it, the legislative provisions, regulations and other measures adopted by them to give effect to this *Convention*”. Since few Member States (only 12) have ratified this Convention, UNESCO is doing its utmost to disseminate the substance of its articles to as many countries and institutions as possible. To this end, a number of the Convention’s articles will be incorporated in the Revised Recommendation (drafted in 1962 and revised in 1974) now being updated, in order to provide best approach to the new challenges faced today by technical and vocational education.

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86. Introduction by the Director-General to the debate on item 5.1: Preliminary proposals concerning the *Draft Medium-Term Strategy for 2002-2007* (31 C/4) and the *Draft Programme and Budget for 2002-2003* (31 C/5), document 160 EX/INF.8 (p. 2), UNESCO, Paris, 12 October 2000.

87. Summary records, Executive Board, 159th session, 159 EX/SR.1-11, Paris, 25 August 2000 (pp. 239-267).

In this connection, UNESCO's work on follow-up to the *Recommendations* adopted by the Second International Congress on Technical and Vocational Education in Seoul (Republic of Korea, 30 April 1999) is also relevant. To follow up these recommendations – on the theme “Lifelong learning and training: a bridge to the future”<sup>88</sup> – the Director-General of UNESCO submitted to the UNESCO General Conference at its 30th session in November 1999 a document entitled “Establishment of an international long-term programme for the development of technical and vocational education following the second International Congress on Technical and Vocational Education, Seoul, Republic of Korea, April 1999”.<sup>89</sup> This programme aims to strengthen “technical and vocational education and training (TVET) as an integral component of lifelong learning, orienting TVET for sustainable development and providing TVET for all”.

Adopted by the General Conference at its 30th session in November 1999, 30 C/Resolution 9 on “Establishment of an international long-term programme for the development of technical and vocational education”, recognized “that the recommendations of the Congress will form the basis for UNESCO's new global strategy for technical and vocational education and training (TVET) in the first decade of the twenty-first century”. The resolution also requested the Director-General of UNESCO “to urge Member States to support a variety of TVET activities envisaged in the recommendations of the Congress”.

As part of the follow-up to the *Recommendations* from the Second International Congress on Technical and Vocational Education, UNESCO is carrying out a consultation with a view to updating the *Revised Recommendation concerning Technical and Vocational Education* (1974) while bearing in mind a vision of technical and vocational education and training for the twenty-first century. Moreover, an agreement between UNESCO and the Government of the Federal Republic of Germany on the establishment of a UNESCO International Centre for Technical and Vocational Education and Training was signed on 12 July 2000.

As the United Nations agency responsible for education, UNESCO must make decision-makers aware that teacher training has to be improved in order to meet special educational needs. The Organization must ensure that the question of special educational needs is systematically addressed in all bodies discussing education for all.

From this point of view, the *World Declaration on Education for All: Meeting Basic Learning Needs* (1990) is highly significant since it has provided a new vision for education. In its Preamble the Declaration recognizes “the necessity to give to present and

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88. On the subject of these *Recommendations*, the Director-General of UNESCO has been asked to develop UNESCO action in this field for 2000 and the following years in the light of Member States' needs.

89. Document 30 C/17, UNESCO, Paris.

coming generations an expanded vision of, and a renewed commitment to, basic education to address the scale and complexity of the challenge [providing basic education for all]”. The authors of the Declaration have expressed their determination to “act jointly” to achieve the objectives that it sets out, asserting that “education is a fundamental right for all people, women and men, of all ages, throughout our world”.

UNESCO made all efforts, by mobilizing the international community, to ensure implementation of the *World Declaration on Education for All* (1990). In the perspective of the World Education Forum (2000), this endeavour resulted in the establishment of six regional frameworks for action: “Education for All – A Framework for Action in sub-Saharan Africa: Education for African Renaissance in the Twenty-First Century” (Johannesburg, South Africa, 10 December 1999); “Asia and Pacific Regional Framework for Action: Guiding Principles, Specific Goals and Targets for 2015” (Bangkok, Thailand, 20 January 2000); “Education for All in the Arab States – Renewing the Commitment: The Arab Framework for Action to Ensure Basic Learning Needs in the Arab States in the Years 2000-2010” (Cairo, Egypt, 27 January 2000); “Regional Framework for Action: Europe and North America” (Warsaw, Poland, 8 February 2000); “Education for All in the Americas: Regional Framework of Action” (Santo Domingo, Dominican Republic, 12 February 2000); and the “*Recife Declaration of the E-9 Countries*” (Recife, Brazil, 2 February 2000). In adopting the Recife Declaration, the Ministers and representatives of the nine high-population countries (E-9) reaffirmed their joint commitment “to sustain, intensify and accelerate” their efforts to achieve the goal of education for all. A continuous sharing of knowledge and experience could make a visible contribution towards more efficient implementation of national policies on education for all, especially in the field of literacy.

We can see from the Education for All assessment presented at the *World Education Forum* (Dakar, April 2000) that considerable progress was made in the course of the 1990s. However, the international community is facing enormous challenges at the beginning of this century and new millennium: a quarter of the world still remains on the sidelines – some 113 million children, 60% of them girls, have no access to primary education, and at least 880 million adults, the majority of whom are women, are illiterate. In fact, despite an expansion in the education system, the disparities observed in access and quality are on an unprecedented scale.

To meet these challenges, the *Dakar Framework for Action – Education for All: Meeting Our Collective Commitments*, adopted at the World Education Forum, expresses the commitment of the entire international community. Some 1,100 participants from 164 countries and from a wide variety of backgrounds – teachers, ministers, decision-makers, academics, policy-makers, political activists and heads of major

international organizations – reaffirmed the right to basic education for all at the World Education Forum.

The *Dakar Framework for Action* sets out six goals for achieving basic education for all by 2015. UNESCO will readjust its education programme to focus on the Dakar results and priorities. As coordinator, UNESCO has a key role in the follow-up to the World Education Forum: providing leadership through partnership, ensuring that measures provide impetus for the follow-up, and the process as a whole, is co-ordinated for meeting countries' needs as effectively as possible, in particular for countries experiencing difficulties.

The strategy for implementing the *Dakar Framework for Action* consists in requesting all States to develop national plans of action – or to strengthen those already existing – by 2002 at the latest.<sup>90</sup> These plans should be integrated into a wider poverty reduction and development framework and should be developed through more transparent and democratic processes, involving stakeholders, especially peoples' representatives, community leaders, parents, learners, non-governmental organizations (NGOs) and civil society. The plans will address problems associated with the chronic under-financing of basic education by establishing budget priorities that reflect a commitment to achieving EFA goals and targets at the earliest possible date, and no later than 2015. They will also set out clear strategies for overcoming the special problems facing those currently excluded from educational opportunities, with a clear commitment to girls' education and gender equity. The plans will give substance and form to the goals and strategies set out in the Dakar Framework for Action, and to the commitments made during international conferences organized successively in the 1990s.<sup>91</sup> Regional activities to support national strategies will be based on strengthened regional and subregional organizations, networks and initiatives. Implementation of the preceding goals and strategies will require national, regional and

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90. Each National EFA Plan will:

- (i) be developed by government leadership in direct and systematic consultation with national civil society;
- (ii) attract coordinated support of all development partners;
- (iii) specify reforms addressing the six EFA goals;
- (iv) establish a sustainable financial framework;
- (v) be time-bound and action-oriented;
- (vi) include mid-term performance indicators;
- (vii) achieve a synergy of all human development efforts through its inclusion within the national development planning framework and process.

91. The various concerns expressed at the Dakar Forum must be duly taken into account in the agendas of international conferences – in particular Beijing+5, Copenhagen+5, ECOSOC and the Millennium Assembly – and major initiatives underway, in particular that on the elimination of poverty and exclusion.

international mechanisms to be galvanized immediately. The heart of EFA activity lies at national level.

The introduction of national action plans requires a crucial input from UNESCO, in particular so as to achieve better synchronization, with all the agencies already present on the ground (World Bank, UNDP, UNICEF, and so on), of measures of practical support to countries in the preparation and implementation of the plans.

In this respect, it must be pointed out that the Framework Agreement between UNESCO and UNICEF on Collaboration in the Field of Education, of 9 February 1999, sets out the main areas of collaboration on the basis of the commitments and interests shared by the two organizations. Consultations between them on the follow-up to the *Dakar Framework for Action* focused on their respective strengths: “UNESCO, with its mandate to take on a leading, normative role” is well placed to “promote policy discussions around basic education; set standards for principles of action and indicators of assessment; engage in high-level advocacy; strengthen partnerships with other EFA actors, particularly to support capacity-building and policy formulation at the regional and national level; provide access to state-of-the-art knowledge about educational theory and practice by drawing on its well-established links with the academic and research community, as well as on its own experience from innovative action-research-oriented pilot activities.” UNESCO will play a “normative role regarding conceptual development and policy formulation for upstream activities [...]”.<sup>92</sup>

The *Dakar Framework for Action* stipulates that “political will and stronger national leadership are needed for the effective and successful implementation of national plans in each of the countries concerned”. The international community acknowledges that many countries currently lack the resources to achieve education for all within an acceptable time frame. New financial resources, preferably in the form of grants and concessional assistance, must therefore be mobilized by bilateral and multilateral funding agencies, including the World Bank and regional development banks, and the private sector. The participants in the World Education Forum affirmed that “no countries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources”.

Supporting that affirmation, the Heads of State and Government of the G 8 stated at the Summit held in Okinawa in July 2000 that “Every child deserves a good education. But in some developing countries access to education is limited, [in] particular for females and the socially vulnerable”. They declared that without accelerated progress in

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92. Recommendations of the UNESCO/UNICEF Joint Committee on Education, documents 160 EX/9 and Corr., Paris, September 2000 (paras. 3 and 4).

the field of basic education, “poverty reduction will not be achieved and inequalities between countries and within societies will widen” [...] “We reaffirm our commitment that no government seriously committed to achieving education for all will be thwarted in this achievement by lack of resources”.<sup>93</sup>

The implementation of the *Dakar Framework for Action* is a matter for inter-agency collaboration. As lead agency in this international movement, UNESCO is responsible for coordinating actions taken to follow up the collective commitments made at the World Education Forum. The field of international cooperation must be expanded, by involving not only UNESCO’s four official partners in the Education for All movement – the World Bank, UNFPA, UNDP and UNICEF – but also other multi-lateral agencies, such as ILO, FAO and WHO in the follow-up to the *Dakar Framework for Action*. UNESCO also acknowledges the importance of adding to the debate on the rationalization of financial flows for funding basic education, in cooperation with the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development.

UNESCO will continue its mandated role in coordinating EFA partners and maintaining their collaborative momentum, working closely with other organizations. In line with this, the Director-General of UNESCO will convene annually a small, flexible, high-level group which will serve as a lever for political commitment and technical and financial resource mobilization. It will also provide an opportunity to hold the global community to account for commitments made in Dakar. It will be composed of top-level leaders from governments and civil society of developing and developed countries, and from development agencies. UNESCO therefore proposes establishing an *informal high-level group* of some 20 to 25 people: representatives of developing countries, donor countries funding basic education and multilateral aid agencies. The group will be convened by the Director-General to coordinate all Dakar follow-up activities. At the operational level, UNESCO has already set up a *working group on education for all*, with a more technical slant, which met in November 2000 at the Organization’s Headquarters in connection with the implementation of activities developed as part of the follow-up to the World Education Forum, and more particularly to coordinate various inter-agency initiatives.

Even non-binding standard-setting instruments adopted by UNESCO carry follow-up mechanisms – for instance, the *Salamanca Statement* has its own Framework for Action, which stipulates that “legislation should recognize the principle of equality

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93. Summit of Heads of State and Government of the G-8, held in Okinawa (Japan), 21-23 July 2000 – G-8 Communiqué.

of opportunity for children, youth and adults with disabilities in primary, secondary and tertiary education carried out, in so far as possible, in integrated settings". The Statement urged all governments to adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools. The guidelines for action at the national level are highlighted, with emphasis being laid on the attainment of equal opportunities, a necessary prerequisite for combating the exclusion of women and the disabled, preparing for adult life and ensuring access by girls to education based on gender equality, and for the enjoyment and exercise of human rights.

The follow-up to the *Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy* (1995) is ensured through the Permanent System of Reporting on education for peace, human rights, democracy, international understanding and tolerance. In that connection, the Director-General of UNESCO sent a letter and questionnaire (dated 27 March 2000) to Member States requesting their national reports. The reports should deal with the period since the adoption of the Declaration and Integrated Framework of Action, that is, from the beginning of 1995 to 2000. They should aim to show general trends and innovative practical measures and will be used as the basis for UNESCO's strategies and activities.

The *Declaration on Race and Racial Prejudice* provides that Member States should communicate to the Director-General of UNESCO "all necessary information concerning the steps they have taken to give effect to the principles set forth in the Declaration". Pursuant to the resolution adopted by the General Conference at its 20th session on the implementation of the Declaration, UNESCO prepared a comprehensive report on the world situation in the fields covered by the Declaration. In the field of education, several countries have taken steps to ensure equality in education, to promote human rights education in schools and the fight against racism, or to encourage human rights training for adults in professional circles. Normative actions concerning the *Convention and Recommendation against Discrimination in Education* (1960) have also contributed to implementation of the *Declaration on Race and Racial Prejudice*.

The Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) contains provisions relating to the monitoring of its implementation in Member States – Part X of the Recommendation is entitled "Utilization and implementation". This states that "Member States and higher education institutions should

take all feasible steps to apply the provisions spelled out above to give effect, within their respective territories, to the principles set forth in this Recommendation”.

The application of this *Recommendation* highlights the importance of cooperation between the agencies of the United Nations system. The mandate of the Joint ILO/UNESCO Committee of Experts on the Application of the *Recommendations concerning Teaching Personnel* (CEART) has been extended to cover responsibility for monitoring the application of the Recommendation. This monitoring also covers the *Dakar Framework for Action*, to the extent it contains the pledge to enhance “the status, morale and professionalism of teachers”. The work of CEART concerns teachers’ initial and in-service training and their skills, and specific strategies on how key provisions of the Recommendations could be used to assist ILO and UNESCO in helping Member States meet their commitments to follow up the World Education Forum and the World Conference on Higher Education (1998). CEART indicated that, by setting up large websites, ILO and UNESCO now offer a useful framework for promoting the ILO/UNESCO Recommendation and the 1997 UNESCO Recommendation.

Much remains to be done, in line with the report of the 1997 session of the Joint Committee, to promote equal opportunities for teachers and resolve problems arising in that respect, in response to the weakening of the status of teachers. It is relevant to recall that the *Dakar Framework for Action* asked teachers to accept major responsibility with regard to reforms aiming to achieve the goal of education for all. Teachers are essential players in promoting quality education.

Since 1997, the Committee has examined four new allegations raising highly diverse questions connected with the ILO/UNESCO Recommendation, and made recommendations to the competent bodies of ILO and UNESCO.

At its seventh session, held at ILO in Geneva from 11 to 15 September 2000, the Committee discussed the idea of drawing up guidelines for Member States on teacher-training programmes, with the aim of encouraging the competent ministries to include in such programmes a small number of definitions from the two Recommendations, in particular about the rights and responsibilities of teachers and their participation in decision-making, so as to publicize and apply their provisions. The Committee recommended that, together with ILO, UNESCO draw up international guidelines for Member States on the establishment of teacher-training programmes.

In addition, every year since 1997, ILO and UNESCO have worked together to promote the celebration of World Teachers' Day. The executive heads of ILO, UNESCO, UNDP and UNICEF issued a joint message on World Teachers' Day, entitled "World Teachers' Day 2000: Expanding Horizons".

The *Hamburg Declaration on Adult Learning* and the *Agenda for the Future* (adopted at the Fifth International Conference on Adult Education, Hamburg, 1997) set out the aims, strategies and commitments for adult learning. The authors of the Declaration solemnly declared that "all parties will closely follow up the implementation of this Declaration and the Agenda for the Future [...]". One of the key actions to implement the Agenda is the launch of International Adult Learners' Week, which is a valuable complement to International Literacy Day. The Week was launched at Expo 2000 in Hanover on 8 September 2000, International Literacy Day.

Many subregional and regional meetings have been held as part of the follow-up to the Hamburg Declaration. They foresee the creation of networks to introduce new approaches in adult education and integrate literacy into the broader perspective of adult education. Moreover, they underscore the importance of the new role of International Adult Learners' Week and the need for national adult education plans, while supporting innovative policies. The emphasis has been laid on putting the Hamburg Declaration into practice. The follow-up meetings dealt with the issue of adult access to basic education and the close relationship between community basic education and sustainable development. The problem of integrating education in the expanded concept of adult education and the question of new partnerships between States and civil society were also considered.

These mobilizing activities show that "effective lifelong learning can help address basic skills needs in literacy, widen participation in and promote access to learning, reduce inequality, improve employability, and contribute to community development and to social inclusion", as noted in Resolution 11 adopted by the UNESCO General Conference at its 30th session, November 1999.

As part of the follow-up to the World Conference on Higher Education (1998), 350 focal points were designated by Member States to stimulate and co-ordinate various initiatives.<sup>94</sup> In a globalizing world, higher education has taken on particular significance, as in today's knowledge-based society, a critical question is that those with knowledge have an edge over those without. It is therefore a matter of urgency to promote the concept of lifelong education. Some themes, such as access to education,

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94. See the Final Report, Meeting of the International Committee for the Follow-Up to the World Conference on Higher Education, held at UNESCO Headquarters on 26 and 27 June 2000.

should be prioritized. The principle of merit-based access to higher education, endorsed by the *World Declaration on Higher Education for the Twenty-First Century* (1998), is closely linked to the follow-up to the *Dakar Framework for Action*. In the decennial review of education for all (Dakar, April 2000), the participants reaffirmed their commitment to basic education but also stressed lifelong education for all as a response to the challenges imposed by the knowledge-based society. Access is a priority issue. UNESCO endeavours to promote access to higher education through a new programme of activities in conjunction with various partners.

The Third International Conference of Ministers and Senior Officials responsible for Physical Education and Sport (MINEPS III), held in Punta del Este (Uruguay) in December 1999, was a key action in the follow-up to the *International Charter on Physical Education and Sport*. The Recommendations of Commission II of the Conference were on “Physical education and sport, an integral part and fundamental element of the right to education and the process of continuing education”. Considering that “physical education and sport is a human right”, the Recommendations recall the “principles enshrined in the *International Charter on Physical Education and Sport*”, and invite “the Director-General of UNESCO, with the cooperation of existing and future regional and national bodies and networks as well as specialists on the subject, to draw up a world traditional games and sports policy, leading eventually to an international charter on traditional games and sports, to be followed by a mid-term and a long-term plan of action”.<sup>95</sup> By the Declaration of Punta del Este, adopted at MINEPS III on 3 December 1999, the Ministers “endorse the Berlin Agenda for Action adopted by the World Summit on Physical Education in 1999 and encourage Member States to ensure that sport and physical education are incorporated in school programmes or, as a minimum, that their legal requirements with respect to physical education programmes in school curricula are being met”. The Intergovernmental Committee for Physical Education and Sport (CIGEPS) has an important role in that respect.

The Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance has also played a role in monitoring the implementation of UNESCO’s standard-setting instruments in the field of education

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95. MINEPS III, Punta del Este (Uruguay), 30 November-3 December 1999. Final Report. (ED-99/CONF.209/CLD.11), UNESCO, Paris.

96. In the Final Report of its third session (1997), the Committee stressed the relevance of UNESCO’s work on the right to education: in the Final Report of its fourth session in September 1998, it stressed activities intended to promote that right.

through its recommendations and suggestions on the right to education.<sup>96</sup> In view of the increasing number of children living in poor, illiterate families, the Committee “considered the question of promoting equal opportunity and access to basic education for all to be of the highest importance”.<sup>97</sup> It emphasized the key role of human rights education for democracy and the importance of civics education. It is undeniably the right to education which, inasmuch as it is a human right, constitutes one of the fundamentals of any democratic society. Today there is growing inequality, both between States and within individual countries, presenting a major challenge to the international community. In the future, it is our duty to take up that challenge by creating the conditions for an education of “learning to care and learning to share”.<sup>98</sup>

Beyond the individual will of Member States to apply the various international instruments to which they have committed themselves, there is a more global, promising will on the part of those same States to achieve common objectives that cannot be achieved without international cooperation. Indeed, it may be recalled that, at the Summit of Heads of State and Government of the G-8, held in Okinawa from 21-23 July 2000, it was stated that “Every child deserves a good education. But in some developing countries access to education is limited, [in] particular for females and the socially vulnerable”. The participants declared that without accelerated progress in the field of basic education, “poverty reduction will not be achieved and inequalities between countries and within societies will widen [...]. We reaffirm our commitment that no government seriously committed to achieving education for all will be thwarted in this achievement by lack of resources”.<sup>99</sup>

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97. Final Report, fifth session of the Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance, UNESCO, Paris, 20-22 March 2000 (ED-2000/CONF501, Paris, 25 March 2000).

98. *Ibid.*

99. Summit of Heads of State and Government of the G-8, held in Okinawa, 21-23 July 2000 – G-8 Communiqué.

## CONCLUSION

UNESCO must be given credit for the considerable amount of work it has done on the right to education and the significant achievements and progress accomplished to date, even though some countries are regrettably still far behind. Yet the task is an exceedingly difficult one, if only – this surely goes without saying – on account of its magnitude. But also because of the highly sensitive nature of the issue: How are we to teach? And whom? Using what content? And to what end? Questions of this kind are legion, and more often than not the answers will depend on the policy and choices of each State and the specific context in each country. It is therefore an extremely delicate matter for an international organization to intervene in an area like this. But UNESCO has received a mandate to take responsibility in the field of education. It has acquitted itself skilfully of this task, and skill has been needed because, with the right to education, as in the field of other human rights, there is the problem of the narrow line between providing universal education (lifelong learning for all and free education), on which everyone cannot but wholeheartedly agree, and the need to take account of certain specific local or regional characteristics that may act as constraints upon the application of the principles of universality. In the field of education this issue is particularly sensitive because educational activity is part and parcel of the social and cultural context in which it operates and which must naturally be respected, protected and even developed. One of the key requirements of education – to fit in with the context and meet society's needs – means that adjustments frequently have to be made through approaches that are often original and innovative and it is approaches such as these that numerous UNESCO forums, meetings, studies and debates have been instrumental in identifying and implementing.

The political, economic and social changes affecting the world over the past half century have also had a considerable impact on education, leading to certain shifts in emphasis and the emergence of new centres of interest. Thus, for example, the idea of fundamental education (to be found, together with elementary education, in Article 26 of the *Universal Declaration of Human Rights*) does not appear in recent texts (one of the last to refer to it is the 1990 Jomtien Declaration<sup>100</sup>). On the other hand, the idea of continuing education and lifelong learning, which did not occur to those who drafted the basic texts, has made its appearance in recent years and is now a key part of education which was naturally taken into account by the Dakar Framework for Action.<sup>101</sup> In some ways, in fact, the concept of basic education is founded on both primary education and lifelong learning. These are major changes that have had to be taken into consideration in the work while serving the international community.

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100. Relevant provisions in the Annex.

101. Full text in the Annex.

Today UNESCO is called upon to play a leading role in mobilizing the entire international community even further in order to ensure that the right to basic education for all becomes a reality. This role is particularly important in the follow-up to the Dakar Framework for Action which, while reaffirming the right to education, suggests that education for all (EFA) should be rethought on a global scale as the basis for peace and all forms of development. The very name of this Framework for Action underlines the importance of taking concrete action. Such action will be taken in the context of UNESCO's Medium-Term Strategy for 2002-2007. Under the Strategy, UNESCO's main objective in education is to achieve universal observance and effective implementation of the right to education. In pursuit of this goal, the main thrust should be to make education generally available and accessible to all on an equal footing as a fundamental human right, transforming this right "from ideal to reality".

This publication is a step in this direction. It shows how the various dimensions of the right to education are reflected in the provisions of the standard-setting instruments adopted (either by the General Conference of UNESCO or by international conferences meeting under the auspices of UNESCO), which are listed in Annex 1. These dimensions cover not only the right to basic education<sup>102</sup> but also the right to learning throughout life,<sup>103</sup> the right to merit-based access to higher education,<sup>104</sup> the right to appropriate education to meet special educational needs,<sup>105</sup> the right to technical and vocational education,<sup>106</sup> the right to academic freedom and institutional autonomy,<sup>107</sup> and, above all, the right to equality of opportunity and treatment in education.<sup>108</sup>

All these instruments, which represent the normative content of the right to education, must be studied in conjunction with those of the United Nations, such as the International Covenant on Economic, Social and Cultural Rights (Arts. 13 and 14), the Vienna Programme of Action (Part I, para. 33 and Part II, para. 80) and the Convention on the Rights of the Child (Arts. 28, 29 and 30). However, certain aspects of the right to education, such as the interdependence of the right to education and the right to development, and especially the contribution made by the right to education to poverty eradication, are not adequately addressed in existing instruments. In this connection, attention should be drawn to a contemporary interpretation of Article 13 provided by the Committee on Economic, Social and Cultural Rights concerning certain elements not expressly provided for in Article 13, such as references to gender equality and respect for the environment.<sup>109</sup>

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102. *World Declaration on Education for All: Meeting Basic Learning Needs*, 1990, and *Dakar Framework for Action – Education for All: Meeting Our Collective Commitments*, 2000.

103. *Hamburg Declaration on Adult Learning*, 1997.

104. *World Declaration on Higher Education for the Twenty-First Century: Vision and Action*, 1998.

105. *Salamanca Statement and Framework for Action on Special Needs Education*, 1994.

106. *Convention on Technical and Vocational Education*, 1989.

107. *Recommendation concerning the Status of Higher-Education Teaching Personnel*, 1997.

108. *Convention against Discrimination in Education*, 1960.

UNESCO recognizes that the time is therefore ripe for the international community to reflect on how it views the right to education and intends to ensure its realization. While encouraging “effective application of existing normative instruments concerning the right to education” – conventions, declarations and recommendations – adopted over the past 50 years, the Organization intends to work on developing a “consolidated normative instrument on the right to education”. The development of such an instrument, which would incorporate all elements of the right to education in all its forms and at all levels in a forward-looking perspective, would indeed be appropriate in the “learning society” of today and tomorrow, in which, as the demand for education grows and offers become more diversified, we see unprecedented disparities in access and quality. Obviously, any work on developing a standard-setting instrument requires lengthy debate and consultations of experts.

In order to identify certain concepts in this process, account should be taken of the ideas put forward in UNESCO’s Draft Medium-Term Strategy for 2002-2007. The Draft Strategy recognizes the paramount importance of the right to education as essential for the realization of all other human rights. It observes that “denial of education and educational deprivation constitute a violation of human rights. UNESCO will intensify its advocacy for a more effective application of existing normative instruments concerning the right to education [...]. Monitoring the implementation of the Convention against Discrimination in Education (1960) will be another important element of UNESCO’s work. UNESCO will further seek to engage Member States and new educational providers in a dialogue highlighting education as a public good and encourage all actors in the field of education to pay due regard in their undertakings to the need for equity, inclusion and social cohesion in today’s societies” (para. 59).

Through its experience and its function of co-operating with Member States to help them develop educational activities by suggesting the educational methods best suited to prepare the children of the world for the responsibilities of freedom, UNESCO is particularly well placed for “promoting education as a fundamental right”<sup>110</sup> on the threshold of the new millennium.

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109. The Right to Education (Art. 13), 8/12/99. E/C.12/1999/10, CESCR General Comment No. 13. Committee on Economic, Social and Cultural Rights, Twenty-first session, 15 November-3 December 1999.

110. Decisions adopted by the Executive Board at its 160th session (160 EX/Decisions, Paris, 22 November, 2000): Draft Medium-Term Strategy, 2002-2007 (31 C/4) and Draft Programme and Budget, 2002-2003 (31 C/5) (para. 28).

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# ANNEX 1 – SUMMARY PRESENTATION OF STANDARD- SETTING INSTRUMENTS CONCERNING THE RIGHT TO EDUCATION

## A. INSTRUMENTS ADOPTED BY THE GENERAL CONFERENCE OF UNESCO

### (i) Conventions

- *Convention against Discrimination in Education*, adopted by the General Conference of UNESCO at its eleventh session, Paris, 14 December 1960, and entered into force: 22 May 1962.

- *Convention on Technical and Vocational Education*, adopted by the General Conference at its twenty-fifth session, Paris, 10 November 1989 and entered into force: 29 August 1991.

### (ii) Declarations and Frameworks for Action

- *Integrated Framework of Action on Education for Peace, Human Rights, and Democracy*, approved by the General Conference of UNESCO at its twenty-eight session, Paris, 15 November 1995.

(Resolution 5.41 adopted by the General Conference of UNESCO at its twenty-fifth session on 15 November 1995 is entitled: “Updating of the 1974 Recommendation on international education: Endorsement of the Declaration of the 44th session of the International Conference on Education and approval of the Draft Integrated Framework of Action on Education for Peace, Human rights and Democracy”).

- *Declaration on Race and Racial Prejudice*, adopted by the General Conference of UNESCO at its twentieth session, Paris, 27 November 1978.

### (iii) Recommendations

- *Recommendation against Discrimination in Education*, adopted by the General Conference of UNESCO at its eleventh session, Paris, 14 December 1960.

- *Recommendation concerning the Status of Teachers*, adopted by the General Conference of UNESCO, Paris, 5 October 1966.

- *Revised Recommendation concerning Technical and Vocational Education*, adopted by the General Conference of UNESCO at its eighteenth session, Paris, 19 November 1974.

- *Recommendation on the Development of Adult Education*, adopted by the General Conference of UNESCO at its nineteenth session, Nairobi (Kenya), 26 November 1976.

- *Recommendation concerning the Status of Higher-Education Teaching Personnel*, adopted by the General Conference of UNESCO at its twenty-ninth session, Paris, 11 November 1997.

- *Recommendation on Education for International Understanding and Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms*, adopted by the General Conference at its eighteenth session, Paris, 19 November 1974.

#### **(iv) Charter**

- *International Charter of Physical Education and Sport*, adopted by the General Conference at its twentieth session, Paris, 21 November 1978 and revised in 1991.

## **B. INSTRUMENTS ADOPTED BY INTERNATIONAL CONFERENCES CONVENED UNDER THE AUSPICES OF UNESCO**

### **(i) Declarations and Frameworks for Action**

- Declaration of the 44th session of the International Conference on Education in Geneva, October 1994, and endorsed by the General Conference of UNESCO at its twenty-eighth session, Paris, November 1995.

- The *Salamanca Statement and Framework for Action on Special Needs Education*, adopted by the World Conference on Special Needs Education: Access and Quality, Salamanca, (Spain), 10 June 1994.

- The *Hamburg Declaration on Adult Learning*, adopted at the fifth International Conference on Adult Education, Hamburg, (Germany), 18 July 1997.

- *The Agenda for the Future*. This Agenda sets out in detail the new commitment to the development of adult learning called for by the *Hamburg Declaration on Adult Learning*. The broad and complex spectrum of adult learning is considered under ten thematic headings.

- *World Declaration on Higher Education for the Twenty-first Century: Vision and Action*, adopted by the World Conference on Higher Education – Higher Education in the twenty-first Century: Vision and Action, Paris, 9 October 1998.

- *Framework for priority Action for Change and Development in Higher Education*, adopted by the World Conference on Higher Education – Higher Education in the twenty-first Century: Vision and Action, Paris, 9 October 1998.

- *Integrated Framework of Action on Education for Peace, Human Rights and Democracy*, approved by the General Conference of UNESCO at its twenty-eighth session, Paris, 15 November 1995.

## **(ii) Recommendations**

- *Technical and Vocational Education and Training: A Vision for the twenty-first Century*. *Recommendations* of the Second International Congress on Technical and Vocational Education, on the theme « Technical and Vocational Education and Training: A Vision for the twenty-first Century » adopted in Seoul (Republic of Korea), 30 April 1999.

## **C. INSTRUMENTS ADOPTED BY INTERNATIONAL CONFERENCES CONVENED UNDER THE AUSPICES OF UNESCO, JOINTLY WITH OTHER INTERNATIONAL ORGANIZATIONS**

### **(i) Declarations and Frameworks for Action**

- *World Declaration on Education for All: Meeting Basic Learning Needs*, adopted by the World Conference on Education for All, Jomtien, (Thailand), 9 March 1990.

- *Framework for Action to Meet Basic Learning Needs: Guidelines for implementing the World Declaration on Education for All*, adopted by the World Conference on Education for All, Jomtien, (Thailand), 9 March 1990.

- The *Delhi Declaration*, adopted by the EFA Summit of Heads of State of the E-9 Countries, New Delhi, (India), 16 December 1993.

- The *Recife Declaration of E-9 countries*, adopted by the Ministers and officials from nine high-population developing countries, Recife, (Brazil), 2 February 2000.

- The *Dakar Framework for Action – Education for All: Meeting our Collective Commitments*, adopted by the World Education Forum, Dakar, (Senegal), 28 April 2000.

## ANNEX 2 – THE RIGHT TO EDUCATION: STANDARD-SETTING INSTRUMENTS OF UNESCO

### 1. *Convention against Discrimination in Education*, adopted by the General Conference of UNESCO at its eleventh session (Paris, 14 December 1960)

#### Summary

The purpose of this Convention is not only the elimination of discrimination in Education, but also the adoption of measures aimed at promoting equality of opportunity and treatment in this field. It is therefore based upon two distinct fundamental principles which are embodied in both UNESCO's Constitution and the Universal Declaration of Human Rights, Articles 2 and 26 of which proscribe any form of discrimination and are aimed at promoting the right to education for all. However, the scope of the commitments entered into by States varies according to whether discrimination or equality of opportunity is involved. Under Article 3, the States undertake to take immediate measures with a view to eliminating and preventing any discrimination within the meaning of the Convention, preventing differences of treatment and forbidding preferences and restrictions in various fields. On the other hand, in many countries, the action to be taken in order to ensure equality of educational opportunity requires a complex effort which is not confined to education, together with a large budgetary outlay which must be spread over a period of time. The Convention therefore stipulates that States must formulate, develop and apply a national policy, which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education.

The Convention came into force on 22 May 1962.

[...]

The Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes, which may arise between States Parties to the Convention against Discrimination in Education was adopted as an instrument complementary to the Convention against Discrimination in Education. It establishes a Commission to settle possible disputes arising in the event of a State Party to the Protocol not giving effect to a provision or provisions of the aforementioned convention.

The Commission consists of eleven members elected by the General Conference for terms of six years.

The Protocol came into force on 24 October 1968.

### **Full text<sup>1</sup>**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14 November to 15 December 1960, at its eleventh session;

*Recalling* that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education,

*Considering* that discrimination in education is a violation of rights enunciated in that Declaration,

*Considering* that, under the terms of its Constitution, the United Nations Educational, Scientific and Cultural Organization has the purpose of instituting collaboration among the nations with a view to furthering for all universal respect for human rights and equality of educational opportunity,

*Recognizing* that, consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty not only to proscribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education,

*Having* before it proposals concerning the different aspects of discrimination in education, constituting item 17.1.4 of the agenda of the session,

*Having decided* at its tenth session that this question should be made the subject of an international convention as well as of recommendations to Member States,

*Adopts* this Convention on the fourteenth day of December 1960.

### **Article 1**

1. For the purposes of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

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1. The full text is also available on UNESCO's website at: <http://www.unesco.org>.

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
  - (b) Of limiting any person or group of persons to education of an inferior standard;
  - (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
  - (d) Of inflicting on any person or group of persons conditions which are in-compatible with the dignity of man.
2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

## **Article 2**

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

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

### Article 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

- (a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;
- (b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;
- (c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;
- (d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;
- (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

### Article 4

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

- (a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;
- (b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;
- (c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

(d) To provide training for the teaching profession without discrimination.

## Article 5

1. The States Parties to this Convention agree that:

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

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

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article.

**Article 6**

In the application of this Convention, the States Parties to it undertake to pay the greatest attention to any recommendations hereafter adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization defining the measures to be taken against the different forms of discrimination in education and for the purpose of ensuring equality of opportunity and treatment in education.

**Article 7**

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy.

**Article 8**

Any dispute which may arise between any two or more States Parties to this Convention concerning the interpretation or application of this Convention, which is not settled by negotiation shall at the request of the parties to the dispute be referred, failing other means of settling the dispute, to the International Court of Justice for decision.

**Article 9**

Reservations to this Convention shall not be permitted.

**Article 10**

This Convention shall not have the effect of diminishing the rights which individuals or groups may enjoy by virtue of agreements concluded between two or more States, where such rights are not contrary to the letter or spirit of this Convention.

**Article 11**

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

**Article 12**

1. This Convention shall be subject to ratification or acceptance by States Members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

**Article 13**

1. This Convention shall be open to accession by all States not Members of the United Nations Educational, Scientific and Cultural Organization which are invited to do so by the Executive Board of the Organization.
2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

**Article 14**

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

**Article 15**

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

**Article 16**

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation.

**Article 17**

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States Members of the Organization, the States not members of the Organization which are referred to in Article 13, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 12 and 13, and of the notifications and denunciations provided for in Articles 15 and 16 respectively.

**Article 18**

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession as from the date on which the new revising convention enters into force.

**Article 19**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

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Done in Paris, this fifteenth day of December 1960, in two authentic copies bearing the signatures of the President of the eleventh session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 12 and 13 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its eleventh session, which was held in Paris and declared closed the fifteenth day of December 1960.

IN FAITH WHEREOF we have appended our signatures this fifteenth day of December 1960.

The President of the General Conference

The Director-General

## **2. The *Dakar Framework for Action – Education for All: Meeting our Collective Commitments*, adopted by the World Education Forum (Dakar, Senegal, 28 April 2000)**

### **Summary**

The *Dakar Framework for Action* is based on the most extensive evaluation ever undertaken, the Education for All (EFA) 2000 Assessment, presented at the World Education Forum (Dakar, April 2000). By adopting this Framework for Action, 1100 participants from 164 countries, coming from any horizon – teachers, ministers, decision makers, academics, political figures or leaders of international organizations – subscribed to a collective commitment. They reaffirmed that basic education is a fundamental human right and that it is the key to personal, social and sustainable development. The Dakar Framework for Action reaffirms that every person – child, youth and adult – shall be able to benefit from an education designed to meet their basic learning needs in the best and fullest sense of the term.

Sharing a common vision of basic education, the *Dakar Framework for Action* expresses the commitment of the entire international community in favour of basic education for all in order to accelerate the progress towards EFA goals. In conformity with this collective commitment, it sets out six goals in order to achieve Basic Education for All by 2015. It presents an affirmed practical approach, envisaging three principal levels of joint action: (i) a direct action inside the various countries, (ii) a cooperation between groups of countries sharing certain common characteristics and concerns, (iii) a bilateral and multilateral cooperation within the international community. The *Dakar Framework for Action* invites all the States to develop national action plans or to reinforce those which already exist, in order to give a form and a concrete reality to the goals and strategies. These plans will also set out clear strategies for overcoming the special problems facing those currently excluded from educational opportunities, with a clear commitment to girl's education and gender equity. *The Framework for Action* is intended to be used as instrument of reference and guide to governments, international organizations, multilateral and bilateral funding agencies, non-governmental organizations, and those which work in favour of education for all by helping them formulate their own action plans to fulfil their collective commitment.

The implementation of the Dakar Framework for Action and the formulation of the Action Plans at the national level call for inter-agency cooperation. As the lead agency in this international movement, UNESCO has the responsibility to co-ordinate the actions undertaken to follow up the collective commitments resulting from the *Dakar Framework for Action* so as to broaden the field of cooperation at international level.

While doing so, the four official partners of UNESCO, the World Bank, UNFPA, UNDP, UNICEF, but also other *multilateral agencies*, such as ILO, FAO, WHO must be involved in this follow-up.

The *Dakar Framework for Action* strengthens accountable international and regional mechanisms to give clear expression to the commitments made by the World Education Forum and to ensure that the *Dakar Framework for Action* is on the agenda of every international and regional organization, every national legislature and every local decision-making forum (Paragraph 13).

### **Full text<sup>1</sup>**

1. Meeting in Dakar, Senegal, in April 2000, we, the participants in the World Education Forum, commit ourselves to the achievement of education for all (EFA) goals and targets for every citizen and for every society.
2. The Dakar Framework is a collective commitment to action. Governments have an obligation to ensure that EFA goals and targets are reached and sustained. This is a responsibility that will be met most effectively through broad-based partnerships within countries, supported by cooperation with regional and international agencies and institutions.
3. We re-affirm the vision of the World Declaration on Education for All (Jomtien 1990), supported by the Universal Declaration of Human Rights and the Convention on the Rights of the Child, that all children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together and to be. It is an education geared to tapping each individual's talents and potential and developing learners' personalities, so that they can improve their lives and transform their societies.
4. We welcome the commitments made by the international community to basic education throughout the 1990s, notably at the World Summit for Children (1990), the Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the World Conference on Special Needs Education: Access and Quality (1994), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the mid-term Meeting of the International Consultative Forum on Education for All (1996), the Fifth International Conference

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1. The full text is also available on UNESCO's website at: <http://www.unesco.org>.

on Adult Education (1997), and the International Conference on Child Labour (1997). The challenge now is to deliver on these commitments.

5. The EFA 2000 Assessment demonstrates that there has been significant progress in many countries. But it is unacceptable in the year 2000 that more than 113 million children have no access to primary education, 880 million adults are illiterate, gender discrimination continues to permeate education systems, and the quality of learning and the acquisition of human values and skills fall far short of the aspirations and needs of individuals and societies. Youth and adults are denied access to the skills and knowledge necessary for gainful employment and full participation in their societies. Without accelerated progress towards education for all, national and internationally agreed targets for poverty reduction will be missed, and inequalities between countries and within societies will widen.
6. Education is a fundamental human right. It is the key to sustainable development and peace and stability within and among countries, and thus an indispensable means for effective participation in the societies and economies of the twenty-first century, which are affected by rapid globalization. Achieving EFA goals should be postponed no longer. The basic learning needs of all can and must be met as a matter of urgency.
7. We hereby collectively commit ourselves to the attainment of the following goals:
  - (i) expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
  - (ii) ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
  - (iii) ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skills programmes;
  - (iv) achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;
  - (v) eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality;

- (vi) improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

8. To achieve these goals, we the governments, organizations, agencies, groups and associations represented at the World Education Forum pledge ourselves to:

- (i) mobilize strong national and international political commitment for education for all, develop national action plans and enhance significantly investment in basic education;
- (ii) promote EFA policies within a sustainable and well-integrated sector framework clearly linked to poverty elimination and development strategies;
- (iii) ensure the engagement and participation of civil society in the formulation, implementation and monitoring of strategies for educational development;
- (iv) develop responsive, participatory and accountable systems of educational governance and management;
- (v) meet the needs of education systems affected by conflict, national calamities and instability and conduct educational programmes in ways that promote mutual understanding, peace and tolerance, and that help to prevent violence and conflict;
- (vi) implement integrated strategies for gender equality in education which recognize the need for changes in attitudes, values and practices;
- (vii) implement as a matter of urgency education programmes and actions to combat the HIV/AIDS pandemic;
- (viii) create safe, healthy, inclusive and equitably resourced educational environments conducive to excellence in learning with clearly defined levels of achievement for all;
- (ix) enhance the status, morale and professionalism of teachers;
- (x) harness new information and communication technologies to help achieve EFA goals;
- (xi) systematically monitor progress towards EFA goals and strategies at the national, regional and international levels;
- (xii) build on existing mechanisms to accelerate progress towards education for all.

9. Drawing on the evidence accumulated during the national and regional EFA assessments, and building on existing national sector strategies, all States will be requested to develop or strengthen existing national plans of action by 2002 at the latest. These plans should be integrated into a wider poverty reduction and development framework, and should be developed through more transparent and democratic processes, involving stakeholders, especially peoples' representatives, community leaders, parents, learners, non-governmental organizations (NGOs) and civil society. The plans will address problems associated with the chronic under-financing of basic education by establishing budget priorities that reflect a commitment to achieving EFA goals and targets at the earliest possible date, and no later than 2015. They will also set out clear strategies for overcoming the special problems facing those currently excluded from educational opportunities, with a clear commitment to girls' education and gender equity. The plans will give substance and form to the goals and strategies set out in this Framework, and to the commitments made during a succession of international conferences in the 1990s. Regional activities to support national strategies will be based on strengthened regional and subregional organizations, networks and initiatives.
10. Political will and stronger national leadership are needed for the effective and successful implementation of national plans in each of the countries concerned. However, political will must be underpinned by resources. The international community acknowledges that many countries currently lack the resources to achieve education for all within an acceptable time-frame. New financial resources, preferably in the form of grants and concessional assistance, must therefore be mobilized by bilateral and multilateral funding agencies, including the World Bank and regional development banks, and the private sector. We affirm that no countries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources.
11. The international community will deliver on this collective commitment by launching with immediate effect a global initiative aimed at developing the strategies and mobilizing the resources needed to provide effective support to national efforts. Options to be considered under this initiative will include:
  - (i) increasing external finance for education, in particular basic education;
  - (ii) ensuring greater predictability in the flow of external assistance;

- (iii) facilitating more effective donor coordination;
  - (iv) strengthening sector-wide approaches;
  - (v) providing earlier, more extensive and broader debt relief and/or debt cancellation for poverty reduction, with a strong commitment to basic education;
  - (vi) undertaking more effective and regular monitoring of progress towards EFA goals and targets, including periodic assessments.
12. There is already evidence from many countries of what can be achieved through strong national strategies supported by effective development cooperation. Progress under these strategies could – and must – be accelerated through increased international support. At the same time, countries with less developed strategies – including countries in transition, countries affected by conflict, and post-crisis countries – must be given the support they need to achieve more rapid progress towards education for all.
13. We will strengthen accountable international and regional mechanisms to give clear expression to these commitments and to ensure that the Dakar Framework for Action is on the agenda of every international and regional organization, every national legislature and every local decision-making forum.
14. The EFA 2000 Assessment highlights that the challenge of education for all is greatest in sub-Saharan Africa, in South Asia, and in the least developed countries. Accordingly, while no country in need should be denied international assistance, priority should be given to these regions and countries. Countries in conflict or undergoing reconstruction should also be given special attention in building up their education systems to meet the needs of all learners.
15. Implementation of the preceding goals and strategies will require national, regional and international mechanisms to be galvanized immediately. To be most effective these mechanisms will be participatory and, wherever possible, build on what already exists. They will include representatives of all stakeholders and partners and they will operate in transparent and accountable ways. They will respond comprehensively to the word and spirit of the Jomtien Declaration and this Dakar Framework for Action. The functions of these mechanisms will include, to varying degrees, advocacy, resource mobilization, monitoring, and EFA knowledge generation and sharing.

16. The heart of EFA activity lies at the country level. National EFA Forums will be strengthened or established to support the achievement of EFA. All relevant ministries and national civil society organizations will be systematically represented in these Forums. They should be transparent and democratic and should constitute a framework for implementation at subnational levels. Countries will prepare comprehensive National EFA Plans by 2002 at the latest. For those countries with significant challenges, such as complex crises or natural disasters, special technical support will be provided by the international community. Each National EFA Plan will:
- (i) be developed by government leadership in direct and systematic consultation with national civil society;
  - (ii) attract co-ordinated support of all development partners;
  - (iii) specify reforms addressing the six EFA goals;
  - (iv) establish a sustainable financial framework;
  - (v) be time-bound and action-oriented;
  - (vi) include mid-term performance indicators; and
  - (vii) achieve a synergy of all human development efforts, through its inclusion within the national development planning framework and process.
17. Where these processes and a credible plan are in place, partner members of the international community undertake to work in a consistent, co-ordinated and coherent manner. Each partner will contribute according to its comparative advantage in support of the National EFA Plans to ensure that resource gaps are filled.
18. Regional activities to support national efforts will be based on existing regional and subregional organizations, networks and initiatives, augmented where necessary. Regions and subregions will decide on a lead EFA network that will become the Regional or Subregional Forum with an explicit EFA mandate. Systematic involvement of, and co-ordination with, all relevant civil society and other regional and subregional organizations are essential. These Regional and Subregional EFA Forums will be linked organically with, and be accountable to, National EFA Forums. Their functions will be: co-ordination with all relevant networks; setting and monitoring regional/subregional targets; advocacy; policy dialogue; the promotion of partnerships and technical cooperation; the sharing of best practices and lessons learned;

monitoring and reporting for accountability; and promoting resource mobilization. Regional and international support will be available to strengthen Regional and Subregional Forums and relevant EFA capacities, especially within Africa and South Asia.

19. UNESCO will continue its mandated role in co-ordinating EFA partners and maintaining their collaborative momentum. In line with this, UNESCO's Director-General will convene annually a high-level, small and flexible group. It will serve as a lever for political commitment and technical and financial resource mobilization. Informed by a monitoring report from the UNESCO International Institute for Educational Planning (IIEP), the UNESCO International Bureau of Education (IBE), the UNESCO Institute for Education (UIE) and, in particular, the UNESCO Institute for Statistics, and inputs from Regional and Subregional EFA Forums, it will also be an opportunity to hold the global community to account for commitments made in Dakar. It will be composed of highest-level leaders from governments and civil society of developing and developed countries, and from development agencies.
20. UNESCO will serve as the Secretariat. It will refocus its education programme in order to place the outcomes and priorities of Dakar at the heart of its work. This will involve working groups on each of the six goals adopted at Dakar. This Secretariat will work closely with other organizations and may include staff seconded from them.
21. Achieving Education for All will require additional financial support by countries and increased development assistance and debt relief for education by bilateral and multilateral donors, estimated to cost in the order of \$8 billion a year. It is therefore essential that new, concrete financial commitments be made by national governments and also by bilateral and multilateral donors including the World Bank and the regional development banks, by civil society and by foundations.

### **3 – *World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs*, adopted by the World Conference on Education for All (Jomtien, Thailand, 9 March 1990)**

#### **Summary**

The World Declaration and the Framework for Action recognize the necessity to give to present and coming generations an expanded vision of, and a renewed commitment to, basic education. The Declaration reaffirms that education is a fundamental right for all people, women and men, of all ages. Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the community. The Declaration firmly asserts the objective of universal basic education. The authors of the Declaration express their determination, singly and together, to ensure education for all.

Furthermore, the Declaration defines “basic learning needs” as needs comprising both essential learning tools (such as literacy, oral expression, numeracy, and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their capacities to participate fully in development, and to improve the quality of their lives. It urges the nations of the world to intensify their efforts in favour of meeting basic learning needs.

By adopting this Declaration, the participants at the World Conference on Education for All also approved a Framework for Action to meet basic learning needs, explaining in detail the goals and strategies to be carried out to achieve these goals.

#### **Relevant provisions<sup>1</sup>**

##### **Preamble**

More than 40 years ago, the nations of the world, speaking through the Universal Declaration of Human Rights, asserted that “everyone has a right to education”. [...]

Therefore, we participants in the World Conference on Education for All, assembled in Jomtien, Thailand, from 5 to 9 March, 1990:

*Recalling* that education is a fundamental right for all people, women and men, of all ages, throughout our world;

*Understanding* that education can help ensure a safer, healthier, more prosperous and environmentally sound world, while simultaneously contributing to social, economic, and cultural progress, tolerance, and international cooperation;

*Knowing* that education is an indispensable key to, though not a sufficient condition for, personal and social improvement;

*Recognizing* that traditional knowledge and indigenous cultural heritage have a value and validity in their own right and a capacity to both define and promote development;

*Acknowledging* that, overall, the current provision of education is seriously deficient and that it must be made more relevant and qualitatively improved, and made universally available;

*Recognizing* that sound basic education is fundamental to the strengthening of higher levels of education and of scientific and technological literacy and capacity and thus to self-reliant development; and

*Recognizing* the necessity to give to present and coming generations an expanded vision of, and a renewed commitment to, basic education to address the scale and complexity of the challenge;

proclaim the following:

### **Education for All: the purpose**

#### *Article 1 - Meeting basic learning needs*

1. Every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs.

[...]

3. Another and no less fundamental aim of educational development is the transmission and enrichment of common cultural and moral values. It is in these values that the individual and society find their identity and worth.

[...]

#### *Article 3 - Universalizing access and promoting equity*

1. Basic education should be provided to all children, youth and adults.

[...]

We, the participants in the World Conference on Education for All, reaffirm the right of all people to education.

[...]

There has never been a more propitious time to commit ourselves to providing basic learning opportunities for all the people of the world.

[...]

### **Framework for action to Meet Basic Learning Needs**

#### *Guidelines for Implementing the World Declaration on Education for All*

[...]

1. This Framework for Action to Meet Basic Learning Needs derives from the World Declaration on Education for All, adopted by the World Conference on Education for All, which brought together representatives of governments, international and bilateral development agencies, and non-governmental organizations. Based on the best collective knowledge and the commitment of these partners, the Framework is intended as a reference and guide for national governments, international organizations, bilateral aid agencies, non-governmental organizations (NGOs), and all those committed to the goal of Education for All in formulating their own plans of action for implementing the World Declaration.

[...]

4. The ultimate goal affirmed by the World Declaration on Education for All is to meet the basic learning needs of all children, youth, and adults.

[...]

8. Countries may wish to set their own targets for the 1990s in terms of the following proposed dimensions:

[...]

2 Universal access to, and completion of, primary education (or whatever higher level of education is considered as “basic”) by the year 2000;

[...]

9. Levels of performance in the above should be established, when possible. These should be consistent with the focus of basic education both on universalization of

access and on learning acquisition, as joint and inseparable concerns. In all cases, the performance targets should include equity by gender. However, setting levels of performance and of the proportions of participants who are expected to reach these levels in specific basic education programmes must be an autonomous task of individual countries.

[...]

15. International co-operation should give priority to the countries currently least able to meet the basic learning needs of their populations. It should also help countries redress their internal disparities in educational opportunity. Because two-thirds of illiterate adults and out-of-school children are female, wherever such inequities exist, a most urgent priority is to improve access to education for girls and women, and to remove every obstacle that hampers their active participation.

**4 – Declaration of the 44th session of the International Conference on Education and the *Integrated Framework of Action on Education for Peace, Human Rights and Democracy*, endorsed by the General Conference of UNESCO at its 28th session (Paris, November 1995)**

**Summary**

With this Declaration, Ministers of Education expressed their concern with the “manifestations of violence, racism, xenophobia, aggressive nationalism and violations of human rights” as well as “by religious intolerance, by the upsurge of terrorism in all its forms and manifestations and by the growing gap separating wealthy countries from poor countries”. They also expressed their conviction that well-carried out education policies will contribute to the development of tolerance and understanding, thus to the development of human rights and to the construction of a culture of peace and democracy. They reaffirmed their determination to base education on principles and methods that contribute to forming the human personality, who are respectful of their fellow human beings and determined to promote peace, human rights and democracy.

The Integrated Framework of Action pays attention to the “vulnerable groups” in order to respect “their right to education” and to set up for them programmes and specific means and methods of teaching organized in a way that enables them to fully exercise this right.

**Relevant provisions<sup>1</sup>**

1. We, the Ministers of Education meeting at the 44th session of the International Conference on Education,

*Deeply concerned* by the manifestations of violence, racism, xenophobia, aggressive nationalism and violations of human rights, by religious intolerance, by the upsurge of terrorism in all its forms and manifestations and by the growing gap separating wealthy countries from poor countries, phenomena which threaten the consolidation of peace and democracy both nationally and internationally and which are all obstacles to development,

*Mindful* of our responsibility for the education of citizens committed to the promotion of peace, human rights and democracy in accordance with the letter and spirit of the Charter of the United Nations, the Constitution of UNESCO, the Universal Declaration of Human Rights and other relevant instruments such as the Convention on the Rights

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

of the Child and the conventions on the rights of women, and in accordance with the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms,

*Convinced* that education policies have to contribute to the development of understanding, solidarity and tolerance among individuals and among ethnic, social, cultural and religious groups and sovereign nations,

*Convinced* that education should promote knowledge, values, attitudes and skills conducive to respect for human rights and to an active commitment to the defence of such rights and to the building of a culture of peace and democracy,

*Equally convinced:*

- of the great responsibility incumbent not only on parents, but on society as a whole, to work together with all those involved in the education system, and with non-governmental organizations, so as to achieve full implementation of the objectives of education for peace, human rights and democracy and to contribute in this way to sustainable development and to a culture of peace;
- of the need to seek synergies between the formal education system and the various sectors of non-formal education, which are helping to make a reality of education that is in conformity with the aims of the World Declaration on Education for All, adopted in Jomtien;
- of the decisive role that also falls to non-formal educational organizations in the process of forming the personalities of young people.

*2. Strive resolutely:*

2.1 to base education on principles and methods that contribute to the development of the personality of pupils, students and adults who are respectful of their fellow human beings and determined to promote peace, human rights and democracy;

2.2 to take suitable steps to establish in educational institutions an atmosphere contributing to the success of education for international understanding, so that they become ideal places for the exercise of tolerance, respect for human rights, the practice of democracy and learning about the diversity and wealth of cultural identities;

- 2.3 to take action to eliminate all direct and indirect discrimination against girls and women in education systems and to take specific measures to ensure that they achieve their full potential;
- 2.4 to pay special attention to improving curricula, the content of textbooks, and other educational materials including new technologies, with a view to educating caring and responsible citizens, open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means;
- 2.5 to adopt measures to enhance the role and status of educators in formal and non-formal education and to give priority to pre-service and in-service training as well as the retraining of educational personnel, including planners and managers, oriented notably towards professional ethics, civic and moral education, cultural diversity, national codes and internationally recognized standards of human rights and fundamental freedoms;
- 2.6 to encourage the development of innovative strategies adapted to the new challenges of educating responsible citizens committed to peace, human rights, democracy and sustainable development, and to apply appropriate measures of evaluation and assessment of these strategies;
- 2.7 to prepare, as quickly as possible and taking into account the constitutional structures of each State, programmes of action for the implementation of this Declaration.

3. We are determined to increase our efforts to :

- 3.1 give a major priority in education to children and young people, who are particularly vulnerable to incitements to intolerance, racism and xenophobia;
- 3.2 seek the co-operation of all possible partners who would be able to help teachers to link the education process more closely to real social life and transform it into the practice of tolerance and solidarity, respect for human rights, democracy and peace;
- 3.3 develop further, at the national and international levels, exchanges of educational experiences and research, direct contacts between students, teachers and researchers, school twinning arrangements and visits, with special attention to

experimental schools such as UNESCO Associated Schools, to UNESCO Chairs, educational innovation networks and UNESCO Clubs and Associations;

- 3.4 implement the Declaration and Programme of Action of the World Conference on Human Rights (Vienna, June 1993) and the World Plan of Action on Education for Human Rights and Democracy adopted at the International Congress on Education for Human Rights and Democracy (Montreal, March 1993), and make the internationally recognized instruments in the field of human rights available to all educational establishments;

[...]

Consequently, we, the Ministers of Education meeting at the 44th session of the International Conference on Education, adopt this Declaration and invite the Director-General to present to the General Conference a Framework of Action that allows Member States and UNESCO to integrate, within a coherent policy, education for peace, human rights and democracy in the perspective of sustainable development.

[...]

**The *Integrated Framework of Action on Education for Peace, Human Rights and Democracy*, approved by the General Conference at its twenty-eighth session, Paris, November 1995.**

## **I. Introduction**

1. This Integrated Framework of Action on Education for Peace, Human Rights and Democracy is intended to give effect to the Declaration adopted at the 44th session of the International Conference on Education. It suggests basic guidelines which could be translated into strategies, policies and plans of action at the institutional and national levels according to the conditions of different communities.

[...]

## **II. Aims of education for peace, human rights and democracy**

6. The ultimate goal of education for peace, human rights and democracy is the development in every individual of a sense of universal values and types of behaviour on which a culture of peace is predicated. It is possible to identify even in different socio-cultural contexts values that are likely to be universally recognized.

7. Education must develop the ability to value freedom and the skills to meet its challenges. This means preparing citizens to cope with difficult and uncertain situations and fitting them for personal autonomy and responsibility. Awareness of personal responsibility must be linked to recognition of the value of civic commitment, of joining together with others to solve problems and to work for a just, peaceful and democratic community.
8. Education must develop the ability to recognize and accept the values which exist in the diversity of individuals, genders, peoples and cultures and develop the ability to communicate, share and co-operate with others. The citizens of a pluralist society and multicultural world should be able to accept that their interpretation of situations and problems is rooted in their personal lives, in the history of their society and in their cultural traditions; that, consequently, no individual or group holds the only answer to problems; and that for each problem there may be more than one solution. Therefore, people should understand and respect each other and negotiate on an equal footing, with a view to seeking common ground. Thus education must reinforce personal identity and should encourage the convergence of ideas and solutions which strengthen peace, friendship and solidarity between individuals and people.
9. Education must develop the ability of non-violent conflict-resolution. It should therefore promote also the development of inner peace in the minds of students so that they can establish more firmly the qualities of tolerance, compassion, sharing and caring.
10. Education must cultivate in citizens the ability to make informed choices, basing their judgements and actions not only on the analysis of present situations but also on the vision of a preferred future.
11. Education must teach citizens to respect the cultural heritage, protect the environment, and adopt methods of production and patterns of consumption which lead to sustainable development. Harmony between individual and collective values and between immediate basic needs and long-term interests is also necessary.
12. Education should cultivate feelings of solidarity and equity at the national and international levels in the perspective of a balanced and long-term development.

### III. Strategies

[...]

### IV. Policies and lines of action

[...]

#### *Content of education*

17. To strengthen the formation of values and abilities such as solidarity, creativity, civic responsibility, the ability to resolve conflicts by non-violent means, and critical acumen, it is necessary to introduce into curricula, at all levels, true education for citizenship which includes an international dimension. Teaching should particularly concern the conditions for the construction of peace; the various forms of conflict, their causes and effects; the ethical, religious and philosophical bases of human rights, their historical sources, the way they have developed and how they have been translated into national and international standards, such as in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child; the bases of democracy and its various institutional models; the problem of racism and the history of the fight against sexism and all the other forms of discrimination and exclusion. Particular attention should be devoted to culture, the problem of development and the history of every people, as well as to the role of the United Nations and international institutions. There must be education for peace, human rights and democracy.

[...]

#### *Educational establishments*

20. [...] Teaching and learning methods, forms of action and institutional policy lines have to make peace, human rights and democracy both a matter of daily practice and something that is learned. With regard to methods, the use of active methods, group work, the discussion of moral issues and personalized teaching should be encouraged.

[...]

21. Direct contacts and regular exchanges should be promoted between pupils, students, teachers and other educators in different countries or cultural environments.

[...]

### *Teacher training*

23. The training of personnel at all levels of the education system – teachers, planners, managers, teacher educators – has to include education for peace, human rights and democracy.

[...]

24. Teacher education activities must fit into an overall policy to upgrade the teaching profession.

[...]

### *Action on behalf of vulnerable groups*

25. Specific strategies for the education of vulnerable groups and those recently exposed to conflict or in a situation of open conflict are required as a matter of urgency, giving particular attention to children at risk and to girls and women subjected to sexual abuse and other forms of violence.

[...]

26. The organization of education programmes for abandoned children, street children, refugee and displaced children and economically and sexually exploited children are a matter of urgency.

27. It is equally urgent to organize special youth programmes, laying emphasis on participation by children and young people in solidarity actions and environmental protection.

28. In addition, efforts should be made to address the special needs of people with learning difficulties by providing them with relevant education in a non-exclusionary and integrated educational setting.

[...]

29 Furthermore, in order to create understanding between different groups in society, there must be respect for the educational rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as indigenous people, and this must also have implications in the curricula and methods as well as in the way education is organized.

[...]

*Research and development*

30. [...] It is essential to work out strategies for making better use of research findings, to develop new teaching methods and approaches and to improve co-ordination in choosing research themes between research institutes in the social sciences and education in order to address in a more relevant and effective way the complex nature of education for peace, human rights and democracy.

[...]

*Non-formal education of young people and adults*

35 Young people who spend a lot of time outside school and who often do not have access to the formal education system, or to vocational training or a job, as well as young people doing their military service, are a very important target group of education programmes for peace, human rights and democracy.

[...]

*Regional and international co-operation*

[...]

40. In this context, UNESCO, in line with the United Nations actions such as “Agenda for Peace”, “Agenda for Development”, “Agenda 21”, “Social Summit” and “the Fourth World Conference on Women”, should launch initiatives to implement this operation with other institutions in the United Nations system and other regional and international organizations, so as to establish a global plan of activities and set priorities for joint, co-ordinated action. This could include a UNESCO-managed fund for international co-operation in education for peace, human rights and democracy.

[...]

## 5 – The ***Hamburg Declaration on Adult Learning*** adopted at the Fifth International Conference on Adult Education (Hamburg, Germany, 18 July 1997)

### Summary

That Declaration expresses the concern of “ensuring the right to education for all, particularly for the most vulnerable groups of society” (paragraph 8), “the unreached and the excluded” (paragraph 11), “indigenous peoples” (paragraph 18), disabled persons (paragraphs 22 and 25)”. It adds the interesting consideration that education is not a matter of age because “basic education for all means that people, whatever their age, have an opportunity, individually and collectively, to realize their potential” (Paragraph 9).

### Relevant provisions<sup>1</sup>

[...]

2. Adult education thus becomes more than a right; it is a key to the twenty-first century. It is both a consequence of active citizenship and a condition for full participation in society. [...] Adult learning can shape identity and give meaning to life. Learning throughout life implies a rethinking of content to reflect such factors as age, gender equality, disability, language, culture and economic disparities.
3. Adult education denotes the entire body of ongoing learning processes, formal or otherwise, whereby people regarded as adults by the society to which they belong develop their abilities, enrich their knowledge, and improve their technical or professional qualifications or turn them in a new direction to meet their own needs and those of their society. Adult learning encompasses both formal and continuing education, non-formal learning and the spectrum of informal and incidental learning available in a multicultural learning society, where theory and practice-based approaches are recognized.
- 4.[...], adult learning and [...] education for children and adolescents will vary according to the economic, social, environmental and cultural context, and the needs of the people in the societies in which they take place, both are necessary elements of a new vision of education in which learning becomes truly lifelong.

[...]

7. The representatives of governments and organizations participating in the Fifth International Conference on Adult Education have decided to explore together the

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

potential and the future of adult learning, broadly and dynamically conceived within a framework of lifelong learning.

8. [...] The State remains the essential vehicle for ensuring the right to education for all, particularly for the most vulnerable groups of society, such as minorities and indigenous peoples, and for providing an overall policy framework. [...] Governments and social partners must take the necessary measures to support individuals in expressing their educational needs and aspirations, and in gaining access to educational opportunities throughout their lives. [...]

9. Basic education for all means that people, whatever their age, have an opportunity, individually and collectively, to realize their potential. It is not only a right, it is also a duty and a responsibility both to others and to society as a whole. It is essential that the recognition of the right to education throughout life should be accompanied by measures to create the conditions required to exercise this right.

[...]

11. Adult literacy. Literacy, broadly conceived as the basic knowledge and skills needed by all in a rapidly changing world, is a fundamental human right. In every society literacy is a necessary skill in itself and one of the foundations of other life skills. There are millions, the majority of whom are women, who lack opportunities to learn or who have insufficient skills to be able to assert this right. The challenge is to enable them to do so. This will often imply the creation of preconditions for learning through awareness-raising and empowerment. Literacy is also a catalyst for participation in social, cultural, political and economic activities, and for learning throughout life. We therefore commit ourselves to ensuring opportunities for all to acquire and maintain literacy skills, and to create in all Member States a literate environment to support oral culture. The provision of learning opportunities for all, including the unreached and the excluded, is the most urgent concern. The Conference welcomes the initiative for a literacy decade in honour of Paulo Freire, to begin in 1998.

12. Recognition of the right to education and the right to learn throughout life is more than ever a necessity; it is the right to read and write, the right to question and analyse, the right to have access to resources, and to develop and practise individual and collective skills and competences.

13. Women's integration and empowerment. Women have a right to equal opportunities; [...] Youth and adult learning policies should be responsive to local cultures and give priority to expanding educational opportunities for all women, while respecting their diversity and eliminating prejudices and stereotypes that both limit their access

to youth and adult education and restrict the benefits they derive from them. Any attempts to restrict women's right to literacy, education and training should be considered unacceptable. Practices and measures should be taken to counter them.

[...]

15. Diversity and equality. Adult learning should reflect the richness of cultural diversity and respect traditional and indigenous peoples' knowledge and systems of learning; the right to learn in the first language should be respected and implemented. Adult education faces an acute challenge in preserving and documenting the oral wisdom of minority groups, indigenous peoples and nomadic peoples. In turn, intercultural education should encourage learning between and about different cultures in support of peace, human rights and fundamental freedoms, democracy, justice, liberty, coexistence and diversity.

[...]

18. Indigenous education and culture. Indigenous peoples and nomadic peoples have the right of access to all levels and forms of education provided by the state. However, they are not to be denied the right to enjoy their own culture, or to use their own languages. Education for indigenous peoples and nomadic peoples should be linguistically and culturally appropriate to their needs and should facilitate access to further education and training.

[...]

21. The ageing population. [...] There are now more older people in the world in relation to the total population than ever before, and the proportion is still rising. These older adults have much to contribute to the development of society. Therefore, it is important that they have the opportunity to learn on equal terms and in appropriate ways.

[...]

22. In line with the Salamanca Statement, integration and access for people with disabilities should be promoted. Disabled persons have the right to equitable learning opportunities which recognize and respond to their educational needs and goals, and in which appropriate learning technologies match their special learning needs.

[...]

26. We solemnly declare that all parties will closely follow up the implementation of this Declaration and the Agenda for the Future, [...].

27. We, gathered together in Hamburg, convinced of the necessity of adult learning, pledge that all men and women shall be provided with the opportunity to learn throughout their lives. To that end, we will forge extended alliances to mobilize and share resources in order to make adult learning a joy, a tool, a right and a shared responsibility.

### **The Agenda for the Future**

1. This *Agenda for the Future* sets out in detail the new commitment to the development of adult learning called for by the Hamburg Declaration on Adult Learning.

[...]

### **Theme 1: Adult learning and democracy: the challenges of the twenty-first century**

[...]

We commit ourselves to:

[...]

13. Raising awareness about prejudice and discrimination in society:

[...]

(d) by recognizing and affirming the rights to education of women, of indigenous peoples and nomadic peoples, and of minorities by ensuring equitable representation in decision-making processes and provision, and by supporting the publication of local and indigenous learning materials;

(e) by recognizing that all indigenous peoples and nomadic peoples have the right of access to all levels and forms of state education, and the right to enjoy their own cultures and to use their own languages. Their education should be linguistically and culturally appropriate to their needs and should facilitate access to further education and training by working together and learning to respect and appreciate each other's differences in order to ensure a shared future for all members of society.

[...]

### **Theme 2: Improving the conditions and quality of adult learning**

[...]

We commit ourselves to:

17. Creating conditions for the expression of people's demand for learning:

- (a) by adopting legislation and other appropriate means recognizing the right to learn of all adults, proposing a broader vision of adult learning and facilitating co-ordination between agencies;

[...]

### **Theme 3: Ensuring the universal right to literacy and basic education**

[...]

### **Theme 4: Adult learning, gender equality and equity, and the empowerment of women**

[...]

We commit ourselves to:

29. Promoting the empowerment of women and gender equity through adult learning:

- (a) by recognizing and correcting the continued marginalization and denial of access and of equal opportunities for quality education that girls and women are still facing at all levels;
- (b) by ensuring that all women and men are provided with the necessary education to meet their basic needs and to exercise their human rights;

[...]

- (d) by eliminating gender disparities in access to all areas and levels of education;

[...]

- (g) by removing barriers to access to formal and non-formal education in the case of pregnant adolescents and young mothers; [...]

### **Theme 5: Adult learning and the changing world of work**

[...]

We commit ourselves to:

31. Promoting the right to work and the right to work-related adult learning:

[...]

32. Ensuring access to work-related adult learning for different target groups:

[...]

**Theme 8: Adult learning for all: the rights and aspirations of different groups**

43. The right to education is a universal right of all people. While there is agreement that adult learning must be accessible to all, the reality is that many groups are still excluded, such as the aged, migrants, gypsies and other non-territorial and/or nomadic peoples, refugees, disabled people and prison inmates. These groups should have access to education programmes that accommodate them within an individual-centred pedagogy capable of meeting their needs and facilitating their full participation in society. All members of the community should be invited and, where necessary, assisted in participating in adult learning. This implies meeting a diversity of learning needs.

We therefore commit ourselves to:

44. Creating an educational environment supporting all forms of learning for older people: [...]

45. Ensuring the right of migrants, displaced populations, refugees and people with disabilities to participate in adult education:

[...]

47. Recognizing the right to learn of all prison inmates:

[...]

**6 – *World Declaration on Higher Education for the Twenty-first Century: Vision and Action and Framework for Priority Action for Change and Development in Higher Education*, adopted by the World Conference on Higher Education, (Paris, 9 October 1998).**

### **Summary**

The purpose of this Declaration is to preserve and reinforce the core mission of higher education - to educate, to train, to undertake research - and, particularly to contribute to the sustainable development and improvement of society as a whole. This Declaration recommends that higher education must be considered as a public service. It provides that higher education shall be accessible to all and shall be based on merit, without any discrimination on grounds of sex, race, language, religion and physical handicap, etc. If the diversification of private and public financing sources is necessary, public support for higher education and research remains essential so that the educational and social missions are assured in a balanced manner. Higher education teaching personnel should enjoy full academic autonomy and freedom, conceived as a set of rights and duties. While being fully responsible and accountable to society, they should have an appropriate professional and financial status, which can guarantee excellence in research and in teaching.

### **Relevant provisions<sup>1</sup>**

#### **Preamble**

[...]

We, participants in the World Conference on Higher Education, assembled at UNESCO Headquarters in Paris, from 5 to 9 October 1998,

[...]

*Recalling also* the Universal Declaration of Human Rights which states in Article 26, paragraph 1, that 'Everyone has the right to education' and that 'higher education shall be equally accessible to all on the basis of merit', and endorsing the basic principles of the Convention against Discrimination in Education (1960), which, by Article 4, commits the States Parties to it to 'make higher education equally accessible to all on the basis of individual capacity',

[...]

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

*Convinced* that education is a fundamental pillar of human rights, democracy, sustainable development and peace, and shall therefore become accessible to all throughout life [...]

Proclaim the following:

[...]

## **Shaping a new vision of higher education**

### **Article 3. Equity of access**

- (a) In keeping with Article 26.1 of the Universal Declaration of Human Rights, admission to higher education should be based on the merit, capacity, efforts, perseverance and devotion, showed by those seeking access to it, and can take place in a lifelong scheme, at any time, with due recognition of previously acquired skills. As a consequence, no discrimination can be accepted in granting access to higher education on grounds of race, gender, language or religion, or economic, cultural or social distinctions, or physical disabilities.
- (b) Equity of access to higher education should begin with the reinforcement and, if need be, the reordering of its links with all other levels of education, particularly with secondary education. [...] However, access to higher education should remain open to those successfully completing secondary school, or its equivalent, or presenting entry qualifications, as far as possible, at any age and without any discrimination.
- (c) As a consequence, the rapid and wide-reaching demand for higher education requires, where appropriate, all policies concerning access to higher education to give priority in the future to the approach based on the merit of the individual, as defined in Article 3(a) above.
- (d) Access to higher education for members of some special target groups, such as indigenous peoples, cultural and linguistic minorities, disadvantaged groups, peoples living under occupation and those who suffer from disabilities, must be actively facilitated, since these groups as collectivities and as individuals may have both experience and talent that can be of great value for the development of societies and nations. Special material help and educational solutions can help overcome the obstacles that these groups face, both in accessing and in continuing higher education.

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**Article 4. Enhancing participation and promoting the role of women**

- (a) Although significant progress has been achieved to enhance the access of women to higher education, various socio-economic, cultural and political obstacles continue in many places in the world to impede their full access and effective integration. To overcome them remains an urgent priority in the renewal process for ensuring an equitable and non-discriminatory system of higher education based on the principle of merit.

[...]

**Article 6. Long-term orientation based on relevance**

- (a) [...] The concern is to provide access to both broad general education and targeted, career-specific education, often interdisciplinary, focusing on skills and aptitudes, both of which equip individuals to live in a variety of changing settings, and to be able to change occupations.

[...]

**Article 8. Diversification for enhanced equity of opportunity**

- (a) Diversifying higher education models and recruitment methods and criteria is essential both to meet increasing international demand and to provide access to various delivery modes and to extend access to an ever-wider public, in a lifelong perspective, based on flexible entry and exit points to and from the system of higher education.

[...]

**Article 9. Innovative educational approaches: critical thinking and creativity**

- (a) In a world undergoing rapid changes, there is a perceived need for a new vision and paradigm of higher education, which should be student-oriented, calling in most countries for in-depth reforms and an open access policy so as to cater for ever more diversified categories of people, [...]

[...]

*We, the participants in the World Conference on Higher Education, adopt this Declaration and reaffirm the right of all people to education and the right of access to higher education based on individual merit and capacity.*

*[...] To achieve the goals set forth in this Declaration and, in particular, for immediate action, we agree on the following Framework for Priority Action for Change and Development of Higher Education.*

## **Framework for Priority Action for Change and Development of Higher Education**

### **I. Priority action at national level**

1. States, including their governments, parliaments and other decision-makers, should:

(a) establish, where appropriate, the legislative, political and financial framework for the reform and further development of higher education, in keeping with the terms of the Universal Declaration of Human Rights, which establishes that higher education shall be 'accessible to all on the basis of merit'. No discrimination can be accepted, no one can be excluded from higher education or its study fields, degree levels and types of institutions on grounds of race, gender, language, religion, or age or because of any economic or social distinctions or physical disabilities;

[...]

(d) develop higher education institutions to include lifelong learning approaches; [...];

(j) establish clear policies concerning higher education teachers. [...]

[...]

3. The interface with general, technical and professional secondary education should be reviewed in depth, in the context of lifelong learning. [...] However, preparation for higher education should not be the sole or primary purpose of secondary education, which should also prepare for the world of work. [...]

4. Concrete steps should be taken to reduce the widening gap between industrially developed and developing countries, in particular the least developed countries, with regard to higher education and research. Concrete steps are also needed to encourage increased co-operation between countries at all levels of economic development with regard to higher education and research. [...]

[...]

### **III. Actions to be taken at international level and, in particular, to be initiated by UNESCO**

10. Co-operation should be conceived of as an integral part of the institutional missions of higher education institutions and systems [...]
11. UNESCO, and other intergovernmental organizations and non-governmental organizations [...] should further promote international academic mobility as a means to advance knowledge and knowledge-sharing in order to bring about and promote solidarity as a main element of the global knowledge society of tomorrow, [...]
12. [...] UNESCO should take initiatives to develop higher education throughout the world, setting itself clear-cut goals that could lead to tangible results. One method might be to implement projects in different regions renewing efforts towards creating and/or strengthening centres of excellence in developing countries, in particular through the UNITWIN/UNESCO Chairs Programme, relying on networks of national, regional and international higher education institutions.
13. UNESCO [...], should also undertake action in order to alleviate the negative effects of 'brain drain' and to shift to a dynamic process of 'brain gain'. [...] A vigorous campaign should be launched through the concerted effort of the international community and on the basis of academic solidarity and should encourage the return to their home country of expatriate academics, as well as the involvement of university volunteers - newly retired academics or young academics at the beginning of their career - who wish to teach and undertake research at higher education institutions in developing countries. [...]
14. Within this framework, UNESCO should:
  - (a) promote better co-ordination among intergovernmental, supranational and non-governmental organizations, agencies and foundations that sponsor existing programmes and projects for international co-operation in higher education. [...]
  - (b) jointly with the United Nations University and with National Commissions and various intergovernmental and non-governmental organizations, become a forum of reflection on higher education issues [...]
  - (c) take specific action to support institutions of higher education in the least developed parts of the world and in regions suffering the effects of conflict or natural disasters; [...]

- (d) make renewed efforts towards creating or/and strengthening centres of excellence in developing countries; [...]
- (e) take the initiative to draw up an international instrument on academic freedom, autonomy and social responsibility in connection with the Recommendation concerning the Status of Higher-Education Teaching Personnel;

[...]

## **7 – Recommendation concerning the Status of Higher-Education Teaching Personnel, adopted by the General Conference of UNESCO (Paris, 11 November 1997)**

### **Summary**

This Recommendation contains provisions relating to the duties and responsibilities of institutions (institutional autonomy and institutional accountability) and also to the rights and freedoms of the teaching personnel (individual rights and freedoms, civil rights, academic freedom, publication rights and international exchange of information, self-governance and collegiality). According to these duties and responsibilities, higher education teaching personnel have the obligation to respect the rights of other members and to base work on an honest search for truth. The Recommendation states that higher education shall be directed to human development and to the progress of society, whose financing is a public investment. Higher education teaching personnel should have access to libraries, which have up-to-date collections, to international computer systems, without censorship. The interplay of ideas and information among higher education teaching personnel throughout the world is vital and should be encouraged.

Concerning the follow-up of this Recommendation, (Part X, « Utilization and implementation »), Member States and higher education institutions should take all feasible steps to improve the conditions of higher education teaching personnel, and to apply the provisions to give effect, within their respective territories, to the principles set forth in this Recommendation.

### **Relevant provisions<sup>1</sup>**

#### **Preamble**

*The General Conference* of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Paris from 21 October to 12 November 1997, at its 29th session,

*Conscious* of the responsibility of states for the provision of education for all in fulfilment of Article 26 of the Universal Declaration of Human Rights (1948),

*Recalling* in particular the responsibility of the states for the provision of higher education in fulfilment of Article 13, paragraph 2(c), of the International Covenant on Economic, Social and Cultural Rights (1966),

[...]

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

*Convinced* that higher-education teaching personnel, like all other citizens, are expected to endeavor to enhance the observance in society of the cultural, economic, social, civil and political rights of all peoples, [...]

*Considering* that the right to education, teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education, [...]

*Bearing in mind* such instruments as the UNESCO Convention against Discrimination in Education (1960), which recognizes that UNESCO has a duty not only to proscribe any form of discrimination in education, but also to promote equality of opportunity and treatment for all in education at all levels, including the conditions under which it is given, as well as the Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation on the Status of Scientific Researchers (1974), [...]

#### **IV. Educational objectives and policies**

10. At all appropriate stages of their national planning in general, and of their planning for higher education in particular, Member States should take all necessary measures to ensure that:

[...]

(b) higher education contributes to the achievement of the goals of lifelong learning and to the development of other forms and levels of education;

[...]

#### **V. Institutional rights, duties and responsibilities**

[...]

##### **B. Institutional accountability**

22. In view of the substantial financial investments made, [...]. Higher education institutions should endeavor to open their governance in order to be accountable. They should be accountable for:

[...]

(d) ensuring high quality education for as many academically qualified individuals as possible subject to the constraints of the resources available to them;

(e) a commitment to the provision of opportunities for lifelong learning, consistent with the mission of the institution and the resources provided;

- (f) ensuring that students are treated fairly and justly, and without discrimination;
- (g) adopting policies and procedures to ensure the equitable treatment of women and minorities and to eliminate sexual and racial harassment;

[...]

- (l) assistance in the fulfillment of economic, social, cultural and political rights while striving to prevent the use of knowledge, science and technology to the detriment of those rights, or for purposes which run counter to generally accepted academic ethics, human rights and peace.

## **VI. Rights and freedoms of higher-education teaching personnel**

### **A. Individual rights and freedoms: civil rights, academic freedom, publication rights, and the international exchange of information**

- 25. Access to the higher education academic profession should be based solely on appropriate academic qualifications, competence and experience and be equal for all members of society without any discrimination.

[...]

- 27. [...] Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion. [...].

- 28. Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigor with regard to standards and methods of teaching. [...].

- 29. Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigor, scientific inquiry and research ethics. [...].

[...]

## **VII. Duties and responsibilities of higher-education teaching personnel**

- 33. Higher-education teaching personnel should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to

respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.

[...]

#### **X. Utilization and implementation**

[...]

74. Member States and higher education institutions should take all feasible steps to apply the provisions spelled out above to give effect, within their respective territories, to the principles set forth in this Recommendation.

[...]

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## **8 – The *Salamanca Statement and Framework for Action on Special Needs Education*, adopted by the World Conference on Special Needs Education: Access and Quality (Salamanca, Spain, 7-10 June 1994)**

### **Summary**

The Salamanca Statement and the Framework for Action on Special Needs Education express the new main lines of reflexion in this field. The Statement constitutes an important contribution to the efforts undertaken for achieving Education for All and for making schools educationally more effective. Its principal purpose is to facilitate access to education for persons with special needs still unreached. The Statement proclaims that “every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning”. “Those with special educational needs must have access to regular schools which should accommodate them with a child-centred pedagogy capable of meeting these needs”.

A Framework for Action accompanies the Statement in hope that the spirit of its provisions and recommendations will guide governments and organizations. The Statement urges all governments to adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools.

### **Relevant provisions<sup>1</sup>**

*Reaffirming* the right to education of every individual, as enshrined in the 1948 Universal Declaration of Human Rights, and renewing the pledge made by the world community at the 1990 World Conference on Education for All to ensure that right for all regardless of individual differences,

*Recalling* the several United Nations declarations culminating in the 1993 United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which urges States to ensure that the education of persons with disabilities is an integral part of the education system,

*Noting* with satisfaction the increased involvement of governments, advocacy groups, community and parent groups, and in particular organizations of persons with disabilities, in seeking to improve access to education for the majority of those with special needs

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

still unreachd; and recognizing as evidence of this involvement the active participation of highlevel representatives of numerous governments, specialized agencies and inter-governmental organizations in this World Conference,

1. We, the delegates of the World Conference on Special Needs Education representing ninety-two governments and twenty-five international organizations, assembled here in Salamanca, Spain, from 7-10 June 1994, hereby reaffirm our commitment to Education for All, recognizing the necessity and urgency of providing education for children, youth and adults with special educational needs within the regular education system, and further hereby endorse the Framework for Action on Special Needs Education, that governments and organizations may be guided by the spirit of its provisions and recommendations.
2. We believe and proclaim that: every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning, [...] those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting these needs, [...]
3. We call upon all governments and urge them to: [...] adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise, [...]
4. We also call upon the international community; in particular we call upon:
  - governments with international cooperation programmes and international funding agencies, especially the sponsors of the World Conference on Education for All, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), and the World Bank: – to endorse the approach of inclusive schooling and to support the development of special needs education as an integral part of all education programmes.

[...]

## Framework for Action on Special Needs Education

### Introduction

1. This Framework for Action on Special Needs Education was adopted by the World Conference on Special Needs Education organized by the Government of Spain in co-operation with UNESCO and held in Salamanca from 7 to 10 June 1994. Its purpose is to inform policy and guide action by governments, international organizations, national aid agencies, non-governmental organizations and other bodies in implementing the Salamanca Statement on Principles, Policy and Practice in Special Needs Education. The Framework draws extensively upon the national experience of the participating countries as well as upon resolutions, recommendations and publications of the United Nations system and other intergovernmental organizations, especially the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. It also takes account of the proposals, guidelines and recommendations arising from the five regional seminars held to prepare the World Conference.
2. The right of every child to an education is proclaimed in the Universal Declaration of Human Rights and was forcefully reaffirmed by the World Declaration on Education for All. Every person with a disability has a right to express their wishes with regard to their education, as far as this can be ascertained. Parents have an inherent right to be consulted on the form of education best suited to the needs, circumstances and aspirations of their children.
3. The guiding principle that informs this Framework is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. [...]

[...]

### I. New thinking in special needs education

[...]

6. The trend in social policy during the past two decades has been to promote integration and participation and to combat exclusion. Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. Within the field of education, this is reflected in the development of strategies that seek to bring about a genuine equalization of opportunity.

[...]

11. Educational planning by governments should concentrate on education for all persons, in all regions of a country and in all economic conditions, through both public and private schools.
12. Because in the past relatively few children with disabilities have had access to education, especially in the developing regions of the world, there are millions of adults with disabilities who lack even the rudiments of a basic education. A concerted effort is thus required to teach literacy, numeracy and basic skills to persons with disabilities through adult education programmes.
13. It is particularly important to recognize that women have often been doubly disadvantaged, bias based on gender compounding the difficulties caused by their disabilities. Women and men should have equal influence on the design of educational programmes and the same opportunities to benefit from them. Special efforts should be made to encourage the participation of girls and women with disabilities in educational programmes.

[...]

## **II. Guidelines for action at the national level**

### **A. Policy and organization**

15. Integrated education and community-based rehabilitation represent complementary and mutually supportive approaches to serving those with special needs. Both are based upon the principles of inclusion, integration and participation, and represent well-tested and cost-effective approaches to promoting equality of access for those with special educational needs as part of a nationwide strategy aimed at achieving education for all. Countries are invited to consider the following actions concerning the policy and organization of their education systems.
16. Legislation should recognize the principle of equality of opportunity for children, youth and adults with disabilities in primary, secondary and tertiary education carried out, in so far as possible, in integrated settings.
20. Special attention should be paid to the needs of children and youth with severe or multiple disabilities. They have the same rights as others in the community to the achievement of maximum independence as adults and should be educated to the best of their potential towards that end.

[...]

## **E. Priority areas**

[...]

### *Girls' education*

55. Girls with disabilities are doubly disadvantaged. A special effort is required to provide training and education for girls with special educational needs. In addition to gaining access to school, girls with disabilities should have access to information and guidance as well as to models which could help them to make realistic choices and preparation for their future role as adult women.

### *Adult and continuing education*

57. Persons with disabilities should be given special attention in the design and implementation of adult and continuing education programmes. Persons with disabilities should be given priority access to such programmes. Special courses should also be designed to suit the needs and conditions of different groups of adults with disabilities.

## **F. Community Perspectives**

58. Realizing the goal of successful education of children with special educational needs is not the task of the Ministries of Education and schools alone. It requires the co-operation of families, and the mobilization of the community and voluntary organizations as well as the support of the public at large. Experience from countries or areas that have witnessed progress in equalizing educational opportunities for children and youth with special educational needs suggests several useful lessons.

[...]

## **III. Guidelines for Action at the Regional and International Level**

84. International co-ordination should exist to support universal accessibility specifications in communication technology underpinning the emerging information infrastructure.

[...]

## **9 – *Convention on Technical and Vocational Education*, adopted by the General Conference of UNESCO at its twenty-fifth session (Paris, 10 November 1989)**

### **Summary**

This Convention recognizes that technical and vocational education meets the global aim of development. It also recognizes the “right of equal access to technical and vocational education”. It provides that the Contracting States “shall guarantee that no individual who has attained the educational level for admission into technical and vocational education shall be discriminated against” (Article 2, paragraph 3) and “shall take appropriate measures” to enable the handicapped and other disadvantaged groups to benefit from technical and vocational education (Article 2, paragraph 4). Furthermore, the Contracting States agree to review periodically the structure of technical and vocational education. Like the Convention against Discrimination in Education (1960), the Convention on Technical and Vocational Education contains provisions for its implementation. Thus, the Convention must be translated into national legislation.

So far, 12 Member States have adhered to this Convention which came into force on 29 August 1991.

### **Relevant provisions<sup>1</sup>**

#### **Preamble**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting at Paris from 17 October 1989 to 16 November 1989 at its twenty-fifth session,

*Recalling* that it is the Organization’s constitutional duty to promote and develop education,

*Recalling also* the principles set forth in Articles 23 and 26 of the Universal Declaration of Human Rights which relate to the right to work and to education, the principles contained in the Convention against Discrimination in Education, adopted in Paris on 14 December 1960, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, adopted in New York on 16 December 1966, as well as the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979,

[...]

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1. The full text is available on UNESCO’s website at: <http://www.unesco.org>.

*Having noted* further the provisions of the Recommendation on the Development of Adult Education, adopted by the General Conference in 1976, and the Recommendation concerning the Status of Teachers, adopted by the Special Intergovernmental Conference in 1966,

[...]

*Considering* the need to make a special effort to promote the technical and vocational education of women and girls,

[...]

*Recognizing* that the pace of technological, social and economic development has considerably increased the need to expand and improve the technical and vocational education provided for both young people and adults,

[...]

*Convinced* of the utility of an international legal instrument to reinforce international collaboration in the development of technical and vocational education,

Adopts the present Convention this tenth day of November 1989.

## **Article 1**

The Contracting States agree that:

[...]

- (c) this Convention shall be applied in accordance with the constitutional provisions and legislation of each Contracting State.

## **Article 2**

1. The Contracting States agree to frame policies, to define strategies and to implement, in accordance with their needs and resources, programmes and curricula for technical and vocational education designed for young people and adults, within the framework of their respective education systems, in order to enable them to acquire the knowledge and knowhow that are essential to economic and social development as well as to the personal and cultural fulfilment of the individual in society.
2. The general framework for the development of technical and vocational education shall be determined in each Contracting State by appropriate legislation or other measures [...].

3. The Contracting States shall guarantee that no individual who has attained the educational level for admission into technical and vocational education shall be discriminated against on grounds of race, colour, sex, language, religion, national or social origin, political or other opinions, economic status, birth, or on any other grounds.

The Contracting States shall work towards the right to equal access to technical and vocational education and towards equality of opportunity to study throughout the educational process.

4. The Contracting States shall pay attention to the special needs of the handicapped and other disadvantaged groups and take appropriate measures to enable these groups to benefit from technical and vocational education.

### **Article 3**

[...]

2. Technical and vocational education should be designed to operate within a framework of open-ended and flexible structures in the context of lifelong education and provide:

- (a) an introduction to technology and to the world of work for all young people within the context of general education;
- (b) educational and vocational guidance and information, and aptitude counselling;
- (c) development of an education designed for the acquisition and development of the knowledge and knowhow needed for a skilled occupation;
- (d) a basis for education and training that may be essential for occupational mobility, improvement of professional qualifications and updating of knowledge, skills and understanding;

[...]

### **Article 7**

The Contracting States shall specify, in periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization at the dates and in the form determined by it, the legislative provisions, regulations and other measures adopted by them to give effect to this Convention.

[...]

**10 – Revised Recommendation concerning Technical and Vocational Education, adopted by the General Conference of UNESCO at its eighteenth session (Paris, 19 November 1974)**

**Summary**

This Recommendation stipulates that technical and vocational education should respond to social, economic and educational imperatives and encourage greater democratization. Its objective is to promote education as an integral part of basic general education in relation to the educational process. Emphasis must be placed on continuing education. It foresees an implementation mechanism and underlines the importance of international co-operation in this field.

**Relevant provisions<sup>1</sup>**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris, at its eighteenth session, held from 17 October to 23 November 1974,

[...]

*Recognizing* that technical and vocational education have to contribute to the maintenance of peace and friendly understanding between the various nations,

*Considering* that education must now be seen as a lifelong process,

[...]

*Recalling* the principles set forth in Articles 23 and 26 of the Universal Declaration of Human Rights guaranteeing all the right to work and to education,

*Considering* therefore that all have a right to an education enabling full participation in contemporary society,

[...]

*The General Conference* recommends that Member States should report to it, at such times and in such manner as shall be determined by it, on the action they have taken to give effect to the Recommendation.

[...]

**II. Technical and vocational education in relation to the educational process: objectives**

[...]

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

7. Technical and vocational education should begin with a broad basic vocational education [...], thus contributing to the elimination of all forms of discrimination and should be designed so that it:

(a) is an integral part of everyone's basic general education in the form of initiation to technology and to the world of work;

[...]

(e) is readily available to all and for all appropriate types of specialization [...];

(f) is available on the above terms and on a basis of equality to women as well as men;

(g) is available to disadvantaged and handicapped persons in special forms adapted to their needs in order to integrate them more easily into society.

[...]

#### **IV. Technical and vocational aspects of general education**

19. An initiation to technology and to the world of work should be an essential component of general education without which this education is incomplete. An understanding of the technological facet of modern culture in both its positive and negative attributes, and an appreciation of work requiring practical skills should thereby be acquired. This initiation should further be a major concern in educational reform and change with a view to greater democratization of education. It should be a required element in the curriculum, beginning in primary education and continuing through the early years of secondary education.

20. Opportunities for general technical and vocational initiation should continue to be available to those who wish to avail themselves of it within the educational system and outside it in places of work or community centres.

[...]

#### **V. Technical and vocational education as preparation for an occupational field**

24. [...] Consequently the structure and content of traditional education, whether general or technical and vocational, should be adapted accordingly through:

(a) the diversification of secondary education in the later stages so that it may be pursued in conjunction with employment or training, or may lead to employment or to higher education, thereby offering to all youth educational options corresponding to their needs;

(b) the introduction of new programmes into tertiary education more relevant to the career needs of young adults;

[...]

25. Technical and vocational education as preparation for an occupational field should provide the foundation for productive and satisfying careers and should:

(a) lead to the acquisition of broad knowledge and basic skills applicable to a number of occupations within a given field so that the individual is not limited by his education in his freedom of occupational choice, and later transfer from one field to another in the course of working life is facilitated;

[...]

(c) provide the background in terms of skills, knowledge and attitudes, for continuing education at any point in the individual's working life.

[...]

27. Because it is desirable that women seek wider participation in all kinds of occupations outside family and domestic activities, they should have the same educational opportunities available to them as men in order to prepare for an occupation and should be encouraged to take advantage of these through appropriate legislative measures and widespread distribution of information concerning these opportunities.

28. Special provision should be made for out-of-school and unemployed youth and children of migrant workers with the minimum or less of primary education, as well as for those not entering education or training programmes after completion of compulsory schooling, in order that they may acquire employable skills.

29. Given the necessity of integrating the physically and mentally disadvantaged into society and its occupations, the same educational opportunities should be available to them as to the non-handicapped in order that they may achieve qualification for an occupation; special measures or special institutions may be required.

### *Organization*

30. Technical and vocational education as preparation for an occupational field should be organized on a national or, if possible, regional basis, so as to respond positively to overall social, economic and educational requirements and to the needs of different groups of the population without discrimination.

[...]

### *Programme content*

[...]

37. In particular programmes should:

[...]

- (d) include the study of at least one foreign language of international use which, while conducive to a higher cultural level, will give special emphasis to the requirements of communication and the acquisition of a scientific and technical vocabulary;

[...]

## **VI. Technical and vocational education as continuing education**

45. The development and expansion of technical and vocational education as continuing education, both within and outside the formal education system, and within the framework of lifelong education, should be a priority objective of all educational strategies and broad provision should be made for allowing everyone, whatever the educational qualifications achieved prior to employment, to continue both their professional and general education.

[...]

52. Special provision should be made for groups with particular requirements:

- (a) in the case of women, because of the necessity of periods of absence from the labour force imposed by maternity and family responsibilities, in order to enable them to update their knowledge and to improve their professional skills for re-entry into employment;
- (b) to enable older workers to adapt to new occupations;
- (c) to provide foreign workers and handicapped workers with specific facilities for pre-training to enable them to adapt to a training programme or to working life;

(d) the resources of continuing education should be used to offer unskilled and semi-skilled workers the opportunity to improve their qualifications.

[...]

## **X. International co-operation**

93. Member States should give priority to international co-operation in the field of technical and vocational education:

(a) This co-operation, whether in the framework of bilateral or multilateral agreements, or through international organizations, should be directed to improving the quality of technical and vocational education and developing and expanding it where necessary;

(b) Every effort should be made to co-ordinate within any given country the international assistance activities in the field of technical and vocational education.

94. States should take special measures to provide foreigners (in particular migrants and refugees) and their children living within their territory with technical and vocational education. Such measures should take into account the special needs of such persons in the host country as well as in view of their possible return to their country.

[...]

98. Member States should encourage the creation of a climate of opinion favourable to international co-operation in the field of technical and vocational education.

[...]

## **11 – Recommendations: Technical and Vocational Education and Training: A Vision for the Twenty-first Century, adopted by the Second International Congress on Technical and Vocational Training (Seoul, Republic of Korea, 30 April 1999)**

### **Summary**

The Recommendations of the Second International Congress on Technical and Vocational Education (Seoul, 1999) are aimed at promoting lifelong education and training. They recognize the need, in an era of globalization, for stronger international partnerships, particularly to respond to the needs of developing countries. They also aim at giving a new direction and a new holistic approach to vocational and technical education to meet the needs of human development. In addition, they reflect the principle of non-discrimination and efforts to help disadvantaged groups or those who have difficulties in freely accessing education.

### **Relevant provisions<sup>1</sup>**

#### **Preamble**

*We, the participants* in the Second International Congress on Technical and Vocational Education whose theme was Lifelong Learning and Training: A Bridge to the Future, meeting on the eve of a new century and millennium in Seoul, the capital of the Republic of Korea [...].

*We have considered* the emerging challenges of the twenty-first century, a century that will be an era of knowledge, information and communication. Globalization and the revolution in information and communication technology have signalled the need for a new human-centred development paradigm. We have concluded that technical and vocational education (TVE), as an integral component of life-long learning, has a crucial role to play in this new era [...].

*Mindful* of the opportunities that lie ahead of us and those which will progressively unfold, and cognizant of the policies, partnerships and resources needed to raise the status and broaden the traditional vision of Technical and Vocational Education, and recognizing the need for strengthened international partnerships particularly to address the needs of developing countries, we are forwarding the following recommendations to the Director-General of UNESCO and requesting him to submit them to the next session (30th) of the Organization's General Conference in view of its intention to launch a new global strategy for Technical and Vocational Education.

[...]

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

## **The Changing Demands of the Twenty-First Century: Challenges to Technical and Vocational Training**

1.1 The twenty-first century will bring a radically different economy and society with profound implications for technical and vocational education (TVE). TVE systems must adapt to these key features which include globalization, an ever-changing technological scenario, the revolution in information and communications, and the consequent rapid pace of social change.

[...]

1.2 [...] The values, attitudes, policies and practices of TVE must have their foundations in this paradigm which will encompass inclusiveness and wider access, a shift to human development needs and empowerment for effective participation in the world of work. Its focus must be on the needs and potential of the individual in society. TVE has a crucial role to play in this new paradigm by providing skills for all and should include the poor, the excluded and the unreached so that education remains an accessible basic human right. The universalization of TVE and the learning skill it imparts would enhance access to education for all citizens of the world. A new holistic approach is required so that education for the twenty-first century will include all domains of learning incorporating general and vocational education to enable the learner of the twenty-first century to launch into a lifelong continuum of knowledge, values and attitudes, and competences and skills. The ultimate goal of such an approach would be the creation of a learning society.

[...]

### **Improving Systems Providing Education and Training Throughout Life**

[...]

2.5 All nations require a coherent education policy and coordinated education systems within which TVE must be a fundamental part. TVE should develop close interfaces with all other education sectors, particularly schools and universities, to facilitate seamless pathways for learners. The emphasis must be on articulation, accreditation and recognition of prior learning to enhance their opportunities. Within this spectrum TVE has a responsibility to ensure a sound initial education and training aimed at learning to learn, the most precious skill for all citizens both young and adult.

[...]

## **Technical and Vocational Education for All**

[...]

4.2 TVE programmes should be designed as comprehensive and inclusive systems to accommodate the needs of all learners; they must be accessible to all. Special efforts are needed to reach previously marginalized groups. Where specialized programmes are required, these should be designed to facilitate entry into the mainstream, thus ensuring continued access to life-long learning.

[...]

4.5 For the promotion of equal access of girls and women to TVE courses, more effective forms of educational and vocational guidance and counselling must be provided along with gender- sensitive guidance and counselling materials. At the same time the learning and working environments must be made more suitable for the participation of girls and women, overt and covert bias and discrimination must be removed and a positive image and appropriate incentives for female participation in TVE should be created.

[...]

## **Changing Roles of Government and Other Stakeholders in TVE**

5.2 [...] Training for all occupations directly related to human development should include human rights and responsibilities. [...]

5.6 [...] Government should also be considered a provider of last resort to ensure that potentially excluded populations are not overlooked and are ensured access to TVE programmes.

[...]

## **Enhancing International Cooperation on TVE**

[...]

6.7 In the light of the new expanded vision for TVE, which has been endorsed at this Congress and which stresses the need for incorporating a new relationship between the various sectors of education and training, an holistic approach to the preparation for life and the world of work and increasingly seamless pathways in lifelong learning, the Congress recommends that the Director-General of UNESCO, in close collaboration with the ILO, develops a common concept of Technical and Vocational Education and Training (TVET) to guide the UNESCO strategy for the twenty-first century.

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## **12 – *Declaration on Race and Racial Prejudice*, adopted and proclaimed by the General Conference of UNESCO at its twentieth session (Paris, 27 November 1978)**

### **Summary**

This Declaration is evidence of the reflection and studies on the question of race conducted by UNESCO over more than thirty years. It is a legal instrument of reflection that covers the overall issue of racism. It reaffirms equality in dignity and rights of all people who are an integral part of humanity. Any violation of this principle constitutes a crime against humanity, or crimes against the conscience and dignity of mankind, responsibility for which devolves upon the State. The Declaration also reaffirms the role of culture and of education. It furthermore declares that the State is responsible for ensuring that educational resources are used to combat racism. To this end, appropriate measures must be taken to remedy the handicaps from which certain racial or ethnic groups suffer.

The Declaration takes its strength from the fact that it is accompanied by a resolution for its implementation, a mechanism that, moreover, is intended to contribute to the equality of all people, including in the field of education.

### **Relevant provisions<sup>1</sup>**

#### **Preamble**

[...]

#### **Article 1**

[...]

4. All peoples of the world possess equal faculties for attaining the highest level in intellectual, technical, social, economic, cultural and political development.

[...]

#### **Article 3**

[...]

The right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and worldwide.

[...]

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

**Article 5**

[...]

2. States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no invidious distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children.

[...]

**Article 6**

[...]

3. Since laws proscribing racial discrimination are not in themselves sufficient, it is also incumbent on States to supplement them by administrative machinery for the systematic investigation of instances of racial discrimination, by a comprehensive framework of legal remedies against acts of racial discrimination, by broadly based education and research programmes designed to combat racial prejudice and racial discrimination and by programmes of positive political, social, educational and cultural measures calculated to promote genuine mutual respect among groups. Where circumstances warrant, special programmes should be undertaken to promote the advancement of disadvantaged groups and, in the case of nationals, to ensure their effective participation in the decision-making processes of the community.

[...]

**Article 9**

[...]

2. Special measures must be taken to ensure equality in dignity and rights for individuals and groups wherever necessary, while ensuring that they are not such as to appear racially discriminatory. In this respect, particular attention should be paid to racial or

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ethnic groups which are socially or economically disadvantaged, so as to afford them, on a completely equal footing and without discrimination or restriction, the protection of the laws and regulations and the advantages of the social measures in force, in particular in regard to housing, employment and health; to respect the authenticity of their culture and values; and to facilitate their social and occupational advancement, especially through education.

3. Population groups of foreign origin, particularly migrant workers and their families who contribute to the development of the host country, should benefit from appropriate measures designed to afford them security and respect for their dignity and cultural values and to facilitate their adaptation to the host environment and their professional advancement with a view to their subsequent reintegration in their country of origin and their contribution to its development; steps should be taken to make it possible for their children to be taught their mother tongue.

### **13 – *International Charter of Physical Education and Sport*, adopted by the General Conference of UNESCO at its twentieth session, (Paris, 21 November 1978).**

#### **Summary**

The General Conference of UNESCO meeting in Paris at its twentieth session in 1978 adopted the *International Charter of Physical Education and Sport*. It is a standard-setting text, valid in all the Organization's Member States.

Developments over the following decade led the General Conference meeting at its twenty-sixth session in 1991 to add a new article 7: "Protection of the ethical and moral values of physical education and sport must be a constant concern for all".

#### **Relevant provisions<sup>1</sup>**

##### **Preamble**

[...]

*Convinced* that one of the essential conditions for the effective exercise of human rights is that everyone should be free to develop and preserve his or her physical, intellectual and moral powers, and that access to physical education and sport should consequently be assured and guaranteed for all human beings,

[...]

*Considering* that responsibilities and obligations are incumbent upon the industrialized countries and the developing countries alike for reducing the disparity which continues to exist between them in respect of free and universal access to physical education and sport,

[...]

*Taking into account*, furthermore, the enormous efforts that have to be made before the right to physical education and sport can become a reality for all human beings,

[...]

##### **Article 1**

The practice of physical education and sport is a fundamental right for all.

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1. The full text is available on UNESCO's website at: <http://www.unesco.org>.

- 1.1. Every human being has a fundamental right of access to physical education and sport, which are essential for the full development of his personality. The freedom to develop physical, intellectual and moral powers through physical education and sport must be guaranteed both within the educational system and in other aspects of social life.
- 1.2. Everyone must have full opportunities, in accordance with his national tradition of sport, for practising physical education and sport, developing his physical fitness and attaining a level of achievement in sport, which corresponds to his gifts.
- 1.3. Special opportunities must be made available for young people, including children of pre-school age, for the aged and for the handicapped to develop their personalities to the full through physical education and sport programmes suited to their requirements.

## **Article 2**

Physical education and sport form an essential element of lifelong education in the overall education system.

[...]



The right to education is at the very heart of UNESCO's mission to "ensure full and equal opportunities for education for all". A number of standard-setting instruments elaborated by UNESCO on this subject bear evidence to the great importance that Member States accord to normative action to realize this right.

However, much remains to be done to ensure that the right to basic education for all becomes a reality. Thus, it was with this goal in mind that, during the World Education Forum (Dakar, Senegal, April 2000), the entire international community pledged itself to take up this challenge.

In this respect, it is incumbent upon Member States to strengthen the legal and political bases of this right and to draw upon international instruments for putting this into effect.

"The Right to Education: An Analysis of UNESCO's Standard-setting Instruments" brings into prominence the scope and richness of UNESCO's normative action. Readers of this publication will find in it necessary elements to fully appreciate the work of the Organization in this field. From this standpoint, the analysis of instruments that Member States have elaborated within the Organization facilitates an understanding of challenges ahead.

UNESCO proposes to strengthen its action so as to transform this ideal of the right to education into a living reality. The Organization's standard-setting function is inseparable from its ethical mission of defending education as a "public good".