

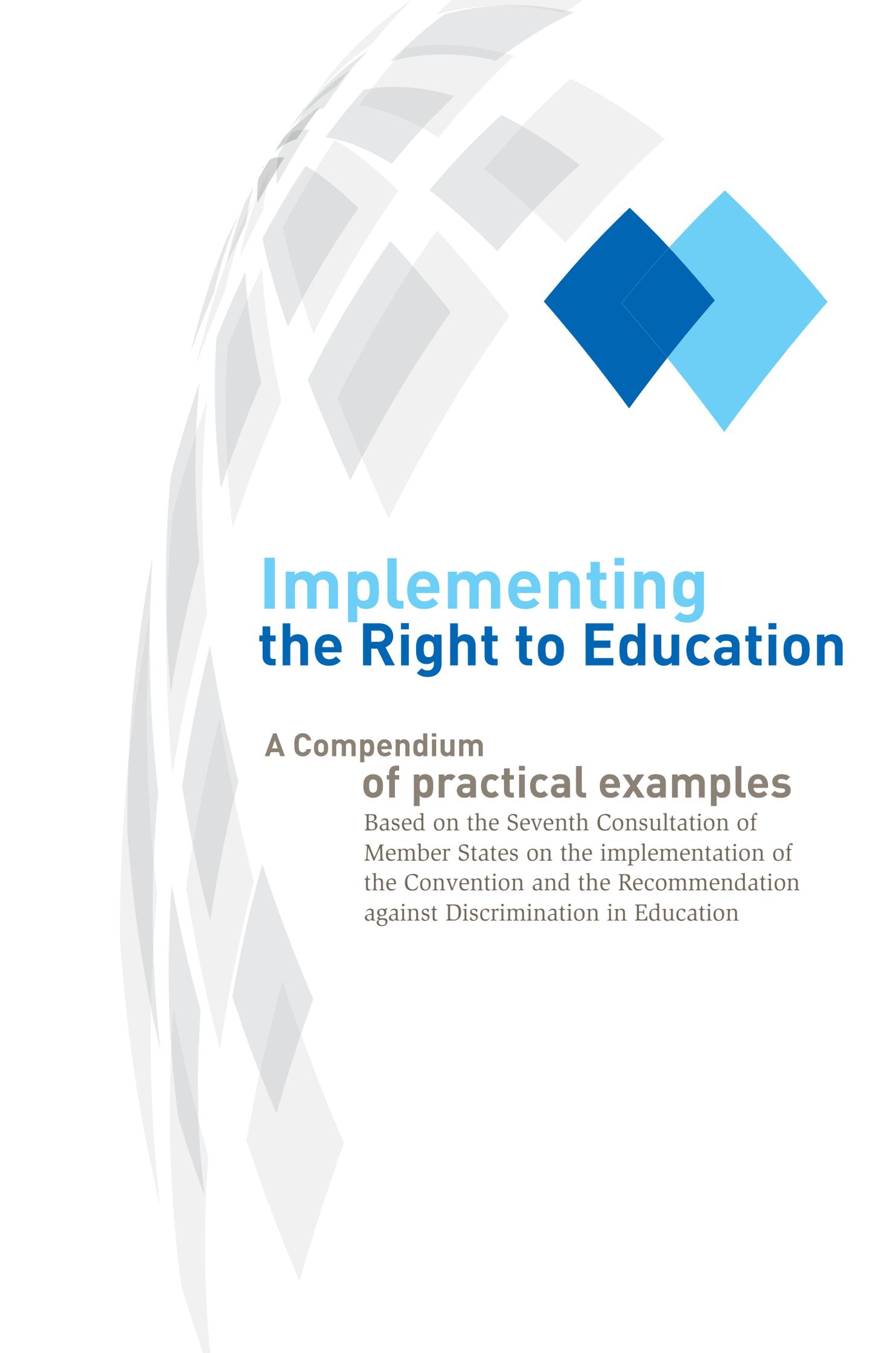


United Nations
Educational, Scientific and
Cultural Organization

Implementing the Right to Education

A Compendium of practical examples

Based on the Seventh Consultation of
Member States on the implementation of
the Convention and the Recommendation
against Discrimination in Education



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Acronyms

ABSTUDY	Aboriginal Study
AIC	Assistance for Isolated Children
BEAM	Basic Education Assistance Module
CESCR	Committee on Economic, Social and Cultural Rights
CIDM	Commission for Equality and Women's Rights
CPE	Certificate of Primary Education
CR	Committee on Conventions and Recommendations (of UNESCO's Executive Board)
CTEVT	Council for Technical Education and Vocational Training
DfES	Department for Education and Skills
EDC	Education for Democratic Citizenship
EFA	Education for All
ETP	Education and Training Policy
FAWECAM	Forum for African Women Educationalists Cameroon
GAC	Gender Advisory Committee
HALDE	High Authority against Discrimination and for Equality (from its French acronym)
HEART	Human Employment Resource Training
HER	Education for Human Rights
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTs	Information and Communication Technologies
IESIP	Indigenous Education Strategic Initiatives Programme
ILO	International Labour Organization
ISP	Indigenous Support Programme
ITAS	Indigenous Tutorial Assistance Scheme
JAMAL	Jamaica Movement for the Advancement of Literacy
JFLL	Jamaica Foundation for Lifelong Learning
LEA	Local Education Authorities
NCEEE	National Centre for Educational Evaluation and Examination
NGO	Non-Governmental Organization
NIELNS	National Indigenous English Literacy and Numeracy Strategy
OFEA	Organisation and Financing of Education Act
PAHO	Pan American Health Organization
PALS	Peace and Love in Society
PEA	Public Education Act
PEPT	Peace and Tolerance Education Programme
PPMU	Programme Planning and Monitoring Unit
PSPI	Parent School Partnerships Initiative
SADC	Southern African Development Community
SECAD	Secretariat of Continuing Education, Literacy and Diversity
SENDA	Special Educational Needs and Disability Act
SRA	Supplementary Recurrent Assistance
STI	Sexually Transmitted Infection
TEP	Teacher Education Programme
TVET	Technical and Vocational Education and Training
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGEI	United Nations Girls' Education Initiative
UNICEF	United Nations Children's Fund
WoSI	Whole of School Intervention
ZEP	Priority Education Area (from its French acronym)

Preface

This publication is a compilation of practical examples of measures taken by Member States in implementing the provisions of the Convention and the Recommendation against Discrimination in Education. These examples are taken from national reports submitted to UNESCO for the Seventh Consultation of Member States on the implementation of these two standard-setting instruments.

The Convention and the Recommendation celebrated their fiftieth anniversary in 2010. Both express the fundamental principles of non-discrimination and equality of education opportunities enshrined in UNESCO's Constitution.

Since these fundamental principles are essential in the process of Education for All (EFA), the instruments have naturally become the cornerstone of this high-priority domain for UNESCO.

Five years from the target date for achieving the EFA goals, their importance in the EFA challenge must be fully recognized. National-level action for guaranteeing the right to education and making quality education accessible to all must be strongly emphasized. Concrete measures taken by Member States at country level contribute to this process, in accordance with their legal obligations.

Such efforts should focus on reaching the unreached and making education accessible and meaningful to all, in today's "knowledge societies", which still remain deprived.

This compendium seeks to provide an overview of promising measures taken to ensure equality of education opportunities and non-discrimination, while also serving as a necessary tool for information-sharing and advocacy in connection with the right to education.

This work will, I hope, contribute to a better understanding of the implementation of the right to education at the national level, responding to the need for an enhanced knowledge of concrete measures that could be taken in order to transform the right to education from an ideal into a living reality.

Mmantsetsa Marope
Director,
Division of Basic Education

Introduction

UNESCO has the constitutional mission of 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.”¹

Such an ideal is reflected in the Convention against Discrimination in Education, which was adopted by UNESCO on 14 December 1960. The Convention expresses the fundamental principles of non-discrimination and equality of educational opportunities enshrined in UNESCO’s Constitution. It provides a normative basis for universal access to education of good quality, and contains provisions on freedom in education, the objectives of education and the rights of national minorities, also covering other dimensions of the right to education. The Convention is also intended to promote human rights education, as reflected in Article 26 of the Universal Declaration of Human Rights (1948).

The Convention has been recognized by UNESCO’s Executive Board as a key pillar in the Education for All (EFA) process.² The Recommendation against Discrimination in Education, adopted at the same time as the Convention, carries similar provisions. The 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 in the nature of these two categories of instruments, the content of the Recommendation is identical to that of the Convention. The first seven articles of the Convention and the Recommendation are identical in wording and contain similar provisions.

The purpose of the Convention against Discrimination in Education 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 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”. In other words, States must incorporate the provisions of the Convention in their national constitutions or domestic law and give effect to those provisions in their national legal system and their education policies.

1 Article I.2 (b) of the Constitution of UNESCO.

2 171 EX/Decision 28 (April 2005).

National-level action for creating equal educational opportunities is recognized as crucial to making education accessible to all, without discrimination or exclusion.

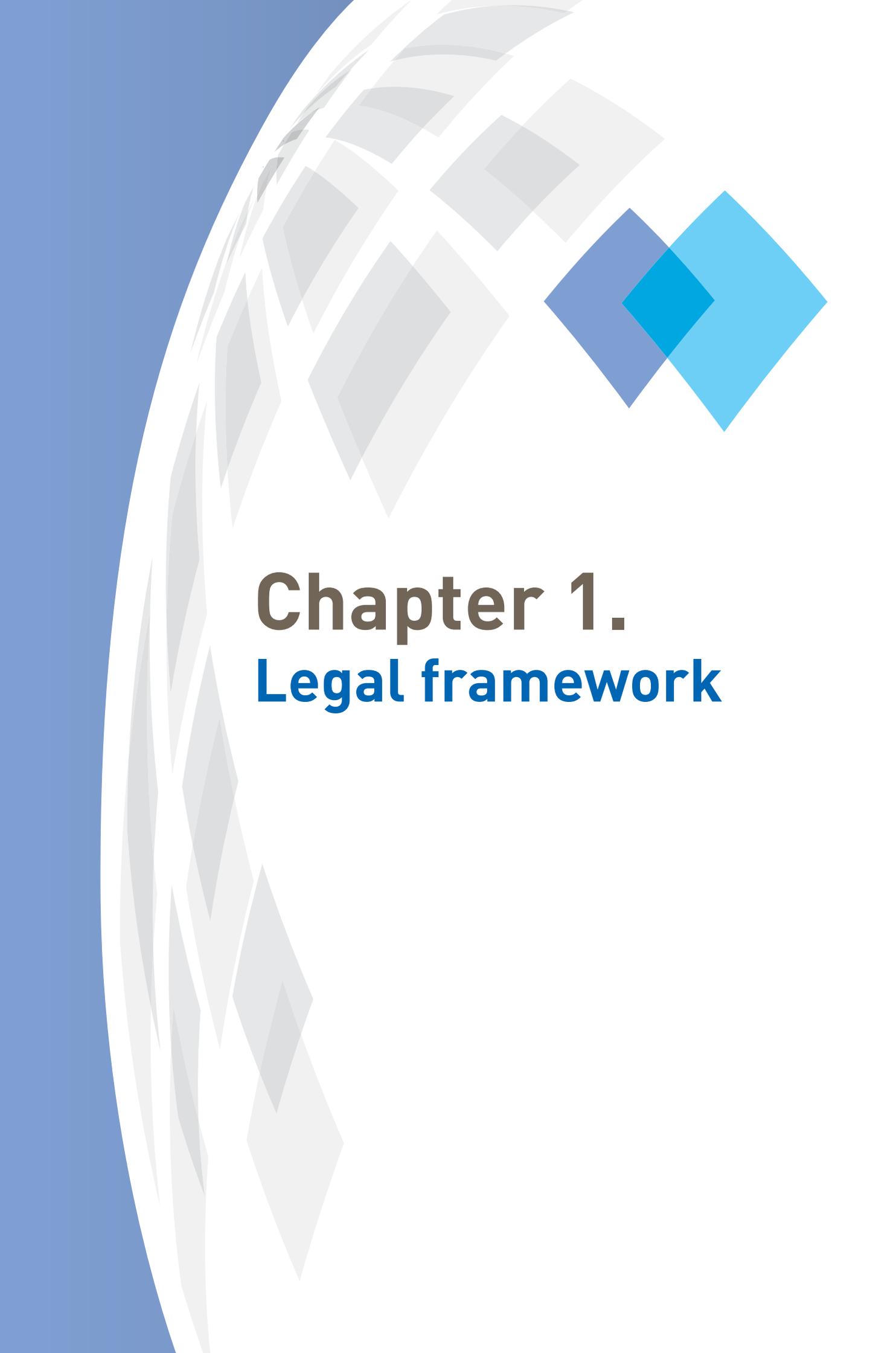
In line with Article VIII of UNESCO's Constitution and 26 C/Resolution 1.18 concerning the statutory obligation of Member States to report on action taken on conventions and recommendations, UNESCO has been conducting periodic consultations with Member States on their implementation of the Convention and the Recommendation. The Seventh Consultation was conducted pursuant to 30 C/Resolution 15 and 171 EX/Decision 28, and its results were examined by the Executive Board and the General Conference in 2007.³ The reporting period for the Seventh Consultation covered the period 2000 to 2005, with several State reports even providing information on more recent (2006) measures that reinforce the implementation of one or more provisions of the Convention and Recommendation.

This publication presents interesting practical examples in implementing the provisions of the Conventions and the Recommendation. These examples are taken from national State reports submitted to UNESCO for the Seventh Consultation and are therefore not intended to be exhaustive; they are just some examples from countries which participated in the Seventh Consultation of Member States of measures taken to apply these instruments. It is important to note that some reported policies and laws may have been adopted or modified since this last reporting period. This information is updated in the present publication.

Aiming as it does at offering an overview of notable measures taken by Member States in implementing the provisions of the instruments, this document will serve as an essential tool for information-sharing and advocacy for the purposes of normative action.

The main body of this publication has seven chapters reflecting the main issues and components included in the Convention. It begins by presenting the legal framework adopted by States. This is followed by a presentation of measures taken for eliminating discrimination in and through education; promoting equality of opportunity and treatment in this field, across all levels of education and through inclusive education; supporting affirmative action; enhancing quality education; religious and moral education; and the rights of minorities and language of instruction.

3 Documents 34 C/56 and 177 EX/36.



Chapter 1.

Legal framework

Chapter 1.

Legal framework

States have the obligation to implement the right to education recognized at the international level, particularly in the UNESCO Convention against Discrimination in Education (1960), and at national level according to the specific educational requirements of their country. However, the right to education is still far from being reflected in all constitutions and laws. This chapter contains constitutional and legislative provisions enacted by States, as well as administrative measures and policy programmes developed and implemented which could serve as examples in this area for other States. Also included are examples of the enforcement of the right to education through judicial and quasi-judicial decisions. Rather than discussing the content of the right to education, this chapter shows examples of different levels of protection of this right: constitutional, legislative and administrative, as well as judicial and quasi-judicial.

A. Constitutional framework

Some States make constitutional guarantees of the right to education, which provides the highest level of protection that can be accorded, by enshrining this right in the legal codes of States.

1. General guarantee of the right to education

⇒ **Constitutions recognizing the universal nature of the right to education**

Article 33 of the Charter of Fundamental Rights and Freedoms of the Czech Republic (1992)⁴:
“Everybody has the right to education.”

⁴ According to Article 3 of the Constitution of the Czech Republic, this Charter forms part of the Constitutional order of the Czech Republic.

Article 11 of the Constitution of Niger (1999): “Everyone has [...] the right to education.”⁵

Article 27 of the Constitution of Spain (1978): “All have the right to education.”⁶

Article 30 of the Constitution of Uganda (1995): “All persons have a right to education.”

Article 41 of the Constitution of Uzbekistan (1992): “Everyone shall have the right to education.”

Article 25 of the Constitution of Malawi (2004): “All persons are entitled to education.”

⇒ Constitution recognizing the right to education as a right of the child

Article 44 of the Constitution of Colombia (1991): “[The following] Are rights of the child: [...] education.”⁷

⇒ Examples of other wording used to recognize the right to education constitutionally

Article 35 of the Constitution of Georgia (1995): “the right to receive education.”

Article 11 of the Constitution of the United Republic of Tanzania (1997): “the right to self-education.”

Article 18 of the Constitution of Mali (1992): “the right to schooling.”⁸

Article 53 of the Constitution of Algeria (1976): “the right of schooling is guaranteed.”⁹

Turkey chose a negative formulation, Article 42 of its Constitution (1992) stipulating that: “No one shall be deprived of the right to education.”

Article 40 of the Constitution of Kuwait (1962) states that “Education is a right for Kuwaitis”, and Article 49 of the Constitution of Qatar (2003) that “Education is a right for every citizen”.

Article 7 of the Constitution of Bahrain (2002), while not explicitly mentioning the right to education, stipulates that: “the State guarantees educational services to its citizens”.

5 Unofficial translation from French as follows: “*chacun a droit [...] à l'éducation et à l'instruction.*”

6 Unofficial translation from Spanish as follows: “*Todos tienen el derecho a la educación.*”

7 Unofficial translation from Spanish as follows: “*Son derechos de los niños: [...] la educación [...].*”

8 Unofficial translation from French as follows: “*Tout citoyen a droit à l'instruction.*”

9 Unofficial translation from French as follows: “*Le droit à l'éducation est garanti.*”

2. The principle of non-discrimination in education

The Constitution of Malaysia (1957) specifically recognizes the principle of non-discrimination in education. Article 12 stipulates: “[...] there shall be no discrimination against any citizen on the grounds only of religion, race, descent or place of birth, in the administration of any education institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees or in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside the Federation).”

.....

3. The principle of equal access to education and the principle of equality of educational opportunity

⇒ The principle of equal access to education

Some countries guarantee generally the principle of equal access to education.

Article 206 of the Constitution of Brazil (1988): “Education shall be provided on the basis of the following principles: I. equal conditions for access to and remain[ing] in school [...].”

.....

Article 53 of the Constitution of Burundi (2005): “Every citizen has the right to equal access to education.”¹⁰

.....

Article 7 of the Constitution of Côte d’Ivoire (2000): “The State guarantees to every citizen equal access [...] to education [...].”¹¹

.....

Article 27 of the Constitution of Sri Lanka (1978): “The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include: (h) the assurance for all persons of the right to universal and equal access to education at all levels.”

.....

Article 22 of the Constitution of Senegal (2001) refers to children, recognizing that “**all children, boys and girls**, everywhere in the country, have the right to access to school.”¹²

.....

10 Unofficial translation from French as follows: “*Tout citoyen a droit à l’égal accès à l’instruction, à l’éducation.*”

11 Unofficial translation from French as follows: “*L’État assure à tous les citoyens l’égal accès [...] à l’éducation [...].*”

12 Unofficial translation from French as follows: “*Tous les enfants, garçons et filles, en tous lieux du territoire national, ont le droit d’accéder à l’école.*”

Article 65 of the Constitution of Croatia (1990) assures this right at the level of secondary and higher education, stating: “Secondary and higher education shall be equally accessible to everyone according to abilities.”

.....

Article 22 §10 of Chapter 2 of the Constitution of Sweden recognizes the principle of equality regardless of the person’s nationality, not differentiating between Swedes and foreign nationals: “A foreign national within the Realm is equated with a Swedish citizen in respect of the right to an education (Article 21).”

.....

⇒ The principle of equality of educational opportunity

Article 11 (3) of the Constitution of the United Republic of Tanzania (1977) stipulates that: “The government shall endeavour to ensure that there are equal and adequate opportunities to all persons to enable them to acquire education and vocational training at all levels of schools and other institutions of learning.”

.....

Article XVIII of the National Objectives and Directive Principles of State Policy of the Constitution of Uganda (1995) states that: “The State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible.”

.....

4. Free and compulsory education

⇒ Example of a Constitution that guarantees free education (solely)

Article 41 of the Constitution of Uzbekistan (1992): “The State shall guarantee free secondary education.”

.....

⇒ Example of a Constitution that guarantees compulsory education (solely)

Article 21 of the Constitution of Guinea (1990): “The State [...] guarantees youth education, which is compulsory.”¹³

.....

⇒ Examples of Constitutions that guarantee both free and compulsory education

Article 17 of the Constitution of Bangladesh (1972) contains the provision: “The State shall **adopt effective measures** for the purpose of [...] extending free and compulsory education to all children.”

.....

13 Unofficial translation from French as follows: “L’Etat [...] assure l’enseignement de la jeunesse, qui est obligatoire.”

Article 2 of the Constitution of Mali (1992) contains a similar provision: “State education is compulsory, free and non-religious.”¹⁴

Article 49 of the Constitution of Qatar (2003) states that: “The State shall seek to ensure that education is compulsory and free in accordance with the regulation and laws that are in force in the State.”

⇒ Free and compulsory education at primary level

Article 65 of the Constitution of Croatia (1990): “Primary Education shall be compulsory and free.”

Article 112 of the Constitution of Latvia (1992): “The State shall ensure that everyone may acquire primary [...] education without charge. Primary education shall be compulsory.”

Article 42 of the Constitution of Turkey (1982): “Primary education is compulsory **for all citizens of both** sexes and is free of charge in State schools.”

Article 40 of the Constitution of Kuwait (1962) does not refer to “primary level” specifically, but to the “preliminary stages”: “Education **in its preliminary stages** shall be compulsory and free in accordance with the law.”

Article 53 of the Constitution of Algeria (1976) refers to fundamental education (l’enseignement fondamental), stating that: “Education is free within the conditions defined by the law. Fundamental education is compulsory.”¹⁵

According to Article 13 of the Constitution of Benin (1990), “Primary education is compulsory” but “**The State guarantees progressively** free public education.”¹⁶

⇒ Free and compulsory basic education¹⁷

Article 27 of the Constitution of Spain (1978): “Basic education is compulsory and free.”¹⁸

Article 21 of Chapter 2 of the Constitution of Sweden (1974): “All children covered by compulsory schooling shall be entitled to free basic education at public school.”

In 2003, Chile adopted Law No. 19.876 which modified Article 19.10 of the Constitution on the right to education, incorporating compulsory and free basic education. According to this new paragraph, the

14 Unofficial translation from French as follows: “L’enseignement public est obligatoire, gratuit et laïc.”

15 Unofficial translation from French as follows: “L’enseignement est gratuit dans les conditions fixées par la loi. L’enseignement fondamental est obligatoire.”

16 Unofficial translation from French as follows: “L’enseignement primaire est obligatoire. L’Etat assure progressivement la gratuité dans l’enseignement public.”

17 Basic education includes primary education but has a wider definition covering also notions as elementary and secondary education. See chapter 3, page 56 and the Operational Definition of Basic Education, <http://unesdoc.unesco.org/images/0018/001833/183370m.pdf>

18 Unofficial translation from Spanish as follows: “La enseñanza básica es obligatoria y gratuita.”

State has the responsibility to guarantee access to this educational level and to ensure education for all Chileans for at least 12 years of schooling.¹⁹

The Constitution of Uganda of 1995 (XVIII of the National Objectives and Directive Principles of State Policy) also refers to “basic education” but the State has only an obligation to promote: “**The State shall promote** free and compulsory basic education.”

Article 17 of the Constitution of Bangladesh (1972) makes a similar provision, stating that: “**The State shall adopt effective measures** for the purpose of [...] extending free and compulsory education to all children.”

⇒ **Free and/or compulsory education at the secondary level**

The Constitutions of the Czech Republic and Latvia go further than the obligation stated in Article 4 of the UNESCO Convention against Discrimination “To make primary education free and compulsory” by guaranteeing free secondary education.

Article 33 of the Charter of Fundamental Rights and Freedoms of the Czech Republic²⁰ states that: “School attendance shall be obligatory for the period specified by law. Citizens have the right to free elementary and secondary school education [...].”

Article 112 of the Constitution of Latvia (1992) provides: “The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.”

5. Pre-school education

According to Article 50 of the Constitution of Ecuador (1998), the State prioritizes the education of children of six years old and under: “The State shall adopt measures that ensure for all children and young people the following guarantees: priority attention to children of six years old and under that guarantees [...] education [...].”²¹

Article 35 of the Constitution of Georgia (1995) is clearer, stipulating: “Pre-school education shall be guaranteed by the State.”

19 Unofficial translation.

20 According to Article 3 of the Constitution of Czech Republic, this Charter forms part of the Constitutional order of the Czech Republic.

21 Unofficial translation from Spanish as follows: “*El estado adoptará las medidas que aseguren a los niños y adolescentes las siguientes garantías: Atención prioritaria para los menores de seis años que garantice [...] educación [...].*”

6. Vocational education

Article 35 of the Constitution of Georgia (1995) refers to vocational education in providing that: “Citizens shall have the right to receive State-financed vocational and higher education as prescribed by law.”

Article 11 (3) of the Constitution of the United Republic of Tanzania (1997) states that: “The Government shall endeavour to ensure that there are equal and adequate opportunities to all persons to enable them to acquire vocational training at all levels of schools and other institutions of learning.”

7. The use of languages in education

The **Constitutions** of Croatia, Slovakia, Slovenia and Nepal **guarantee minorities the right to education in their own language.**

Article 11 of the Croatian Constitutional Act on the rights of national minorities (2002) states: “A member of a national minority has the right to education and schooling in the language and script the national minority is using.”

Article 34.2 of the Constitution of Slovakia (1992) states: “[...] citizens belonging to national minorities or ethnic groups shall, under the conditions laid down by a law [...] be guaranteed: (a) the right to be educated in their language.”

Article 64.1 of the Constitution of Slovenia (1990) states: “In accordance with laws, these two national communities [Italian and Hungarian] and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographical areas in which bilingual schools are compulsory shall be established by law. [...] The State shall provide material and moral support for the exercise of these rights.”

Article 18 (2) of the Constitution of Nepal (1990) states that: “Each community shall have the right to operate schools up to primary level in its mother tongue for imparting education to its children.”

8. Eliminating illiteracy

The Constitutions of Bangladesh, Kuwait and Sri Lanka recognize the importance of eliminating illiteracy.

Article 17.c of the Constitution of Bangladesh (1972): “The State shall adopt effective measures for the purpose –of removing illiteracy within such time as may be determined by law.”

Article 40.2 of the Constitution of Kuwait (1962): “The law lays down the necessary plan to eliminate illiteracy.”

Article 27 (2) of the Constitution of Sri Lanka (1978): “The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include: (h) the complete eradication of illiteracy.”

9. The financing of education

Article 35 of the Constitution of Georgia (1995) states that: “The State shall fully finance basic education as prescribed by the law.”

Article 54 of the Constitution of Slovenia states that: “Primary education shall be financed by public funds.”

Article 212 of the Constitution of Brazil (1988) goes further, providing that “The Union shall apply, annually, never less than eighteen per cent, and the states, the Federal District, and the municipalities, at least twenty-five per cent of the tax revenues, including those resulting from transfers, in the maintenance and development of education.”

10. Human rights education

Article 27.2 of the Constitution of Spain (1978) stipulates that: “The objective of education shall be the full development of the human personality in respect for the democratic principles of coexistence and for the basic rights and freedoms.”²²

22 Unofficial translation from Spanish as follows: “*La educación tendrá por objeto el pleno desarrollo de la personalidad humana en el respeto a los principios democráticos de convivencia y a los derechos y libertades fundamentales.*”

11. Freedom of education²³

⇒ Examples of Constitutions guaranteeing freedom of education

Article 63 of the Constitution of Croatia (1990): “Parents [...] shall have the right and freedom to decide independently on the upbringing of their children.”

Article 35.1 of the Constitution of Georgia (1995): “Everyone shall have the right to receive education and the right to free choice of a form of education.”

Article 57 of the Constitution of Slovenia (1990): “Freedom of education shall be guaranteed.”

Article 27.1 of the Constitution of Spain (1978): “Freedom of instruction is recognized.”²⁴

⇒ Examples of Constitutions recognizing private schools

Article 18 of the Constitution of Mali (1992): “Private education is recognized and is exercised in conditions laid down by the law.”²⁵

The Constitutions of Brazil and Guinea explicitly recognize both the freedom of education and the right to establish private schools.

Article 206 of the Constitution of Brazil (1988): “Education shall be provided on the basis of the following principles:

[...]

- II. Freedom to learn, teach, research, and express thoughts, art, and knowledge;
- III. Pluralism of ideas and of pedagogical concepts and coexistence of public and private teaching institutions;”

Article 21 of the Constitution of Guinea (1990): “[The State] guarantees the freedom of education and supervises private schools.”²⁶

23 Freedom of education refers to the liberty of parents to choose for their children institutions other than those maintained by the public authorities and to the right of children to receive religious and moral education in conformity with their own convictions (Article 5 of the Convention against Discrimination in Education).

24 Unofficial translation from Spanish as follows: “*Se reconoce la libertad de enseñanza.*”

25 Unofficial translation from French as follows: “*L’enseignement privé est reconnu et s’exerce dans les conditions définies par la loi.*”

26 Unofficial translation from French as follows: “*[L’Etat] garantit la liberté de l’enseignement, et contrôle les écoles privées.*”

B. Legislative framework

Many States guarantee the right to education, as well as the various features of this right, via their legislative framework. While legislative guarantees are not as decisive and do not provide as strong protection as constitutional ones, ensuring the right to education via enacted legislation has the advantage of allowing a State to articulate the right in more precise detail and to alter it more easily to reflect the State's changing needs. Strongest protection is therefore achieved by a combination of constitutional and legislative guarantees.

1. The right to education recognized in statutes

Most of the following countries also recognize the right to education in their Constitutions.

> ALGERIA

Article 4 of the Ordinance of 16 April 1976 on the organization of education and training: "Every Algerian citizen has the right to education and training."²⁷

> BAHRAIN

Article 2 of the Education Law (2005): "Education is the right that the State guarantees for all its citizens [...]."

> LATVIA

Section 3 (Right to Education) of the Education Law (1998): "Every citizen of the Republic of Latvia and every person who has the right to a non-citizen passport issued by the Republic of Latvia, every person who has received a permanent residence permit, as well as citizens from European Union States who have been issued a temporary residence permit, and their children, have an equal right to acquire education, regardless of their property or social status, race, nationality, gender, religious or political convictions, state of health, occupation or place of residence."

27 Unofficial translation from French as follows: *Article 4 de l'Ordonnance du 16 avril 1976 portant organisation de l'éducation et de la formation* : "Tout citoyen algérien a droit à l'éducation et à la formation."

> **MALI**

Article 4 of the Education System Guidance Law (1999): “The right to education is guaranteed to every citizen.”²⁸

> **NIGER**

Article 2 of Education System Guidance Law No. 98-12 (1998): “Education is a right for every citizen of Niger.”²⁹

> **SENEGAL**

Article 3 of National Education Guidance Law No. 91-22 (1991): “National education guarantees to citizens the reality of the right to education through the establishment of a training system.”³⁰

2. The principle of non-discrimination in education

> **CAMEROON**

Article 7 of Education System Guidance Law No. 98/004 (1998): “The State guarantees to everyone equal opportunities in access to education without discrimination based on sex, political, philosophical and religious opinion, social, cultural, linguistic or geographical background.”³¹

> **THE CZECH REPUBLIC**

Section 2 (1) of the Education Act (Act No. 561/2004): “Education shall be based on the principles of (a) equal access of all citizens of the Czech Republic or nationals of any other European Union Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic

28 Unofficial translation from French as follows: *Article 4 de la Loi d'orientation sur l'éducation (1999) : “Le droit à l'éducation est garanti à chaque citoyen.”*

29 Unofficial translation from French as follows: *Article 2 de la Loi d'orientation du système éducatif No. 98-12 (1998) : “L'éducation est un droit pour tout citoyen nigérien.”*

30 Unofficial translation from French as follows: *Article 3 de la Loi d'orientation de l'Education nationale No. 91-22 (1991) : “L'Education nationale garantit aux citoyens la réalité du droit à l'éducation par la mise en place d'un système de formation.”*

31 Unofficial translation from French as follows: *Article 7 de la Loi d'orientation de l'éducation - No. 98/004 (1998) : “L'Etat garantit à tous l'égalité de chances d'accès à l'éducation sans discrimination de sexe, d'opinions politiques, philosophiques et religieuses, d'origine sociale, culturelle, linguistique ou géographique.”*

or social origin, property, kith or kin, or the health condition or any other status of a citizen.”

> **GEORGIA**

Clause 13 of the Law of Georgia on General Education (2005) states: “Either form of discrimination shall not be allowed at school; a school shall not use its powers and resources in a way that may directly or indirectly result in any discrimination of a pupil, parent or teacher or their association; shall observe and encourage the establishment of tolerance and reciprocal respect between pupils, parents and teachers irrespective of their social, ethnic, religious, lingual and world outlook belonging; on the base of equality shall provide the individual and collective right of members of minorities to use their native language, [and to] preserve and express their cultural values.”

Article 3 (2) of the Law of Georgia on Higher Education (2004) guarantees this principle specifically in higher education: “[...] the State shall ensure: [...] (h) Prohibition of all forms of discrimination in the sphere of higher education, including academic, religious and ethnic grounds, and/or views, gender, social origin or any other grounds [...].”

> **MALI**

Article 9 of the Education System Guidance Law (1999): “The right to attend school shall be exercised without discrimination based on sex, social background, race or religion.”³²

> **NIGER**

Article 8 of Education System Guidance Law No. 98-12 (1998): “The right to education shall be recognized for everyone without regard to age, sex, social, racial, ethnic or religious background. Niger reaffirms its commitments with respect to education.”³³

> **SLOVENIA**

Article 2 of the Organisation and Financing of Education Act (OFEA)³⁴ provides that: “The education system in Slovenia shall aim at: guaranteeing the optimum development of individuals regardless of their sex, social and cultural background, religion, national origin, or physical or mental handicaps.”

32 Unofficial translation from French as follows: Article 9 de la Loi d’orientation sur l’éducation (1999) : “Le droit d’aller à l’école s’exerce sans discrimination fondée sur le sexe, l’origine sociale, la race ou la religion.”

33 Unofficial translation from French as follows: Article 8 de la Loi d’Orientation du système éducatif No. 98-12 (1998) : “Le droit à l’éducation est reconnu à tous sans distinction d’âge, de sexe, d’origine sociale, raciale, ethnique ou religieuse. Le Niger réaffirme ses engagements souscrits en matière d’éducation.”

34 Official Gazette of the Republic of Slovenia 98/2005 – UPB 4.

> **UZBEKISTAN**

Article 4 of the Education Act reads: “The right to receive education is given to all, irrespective of sex, language, age, race, nationality, conscience, religious beliefs, social origin, occupation, social status, place of residence, or period of residence in the territory of the Republic of Uzbekistan.”

> **ZIMBABWE**

According to the Education Act of 1987, as amended in 2006, “No child in Zimbabwe shall be refused admission to any school or be discriminated against by the imposition of [...] terms and conditions in regard to his admission to any school on the grounds of his race, tribe, place of origin, national or ethnic origin, political opinions, colour, creed or gender.” This broad legal framework is supported by a number of policies that the Ministry put in place to ensure its implementation.

3. The principle of equality of educational opportunity

> **ALGERIA**

Article 6 of the Ordinance of 16 April 1976, organizing education and training, guarantees this principle in higher education: “The State shall guarantee equality of conditions of access to post-fundamental education without any other limitation than individual ability on the hand and, on the other, the resources and needs of society.”³⁵

> **BENIN**

Article 5 of Law No. 2003-17 on National Education (2003): “The education system shall combat low standards through the culture of excellence while safeguarding equality of opportunity for all”; and its Article 12: “The State shall progressively ensure free education and guarantee equality of opportunity, gender equality and interregional balance...”³⁶

35 Unofficial translation from French as follows: *Article 6 de l’Ordonnance du 16 avril 1976 portant organisation de l’éducation et de la formation : “L’Etat garantit l’égalité des conditions d’accès à l’enseignement post-fondamental sans autre limitation que les aptitudes individuelles d’une part, les moyens et les besoins de la société d’autre part.”*

36 Unofficial translation from French as follows: *Article 5 de la Loi No. 2003-17 du 11 novembre 2003 portant Orientation de l’Education Nationale en République du Bénin: “L’école doit combattre la médiocrité par la culture de l’excellence tout en sauvegardant l’égalité des chances pour tous.” Article 12: “L’Etat assure progressivement la gratuité de l’enseignement public et garantit l’égalité des chances, l’égalité des sexes et l’équilibre inter-régional [...]”*

4. Provisions concerning compulsory education

> BAHRAIN

Article 6 of the Education Law (2002) states that: “Basic education is the right for the children who reach the age of six, at the beginning of the school year, and the kingdom is committed to providing it for them, and their parents or custodians have to abide by this until the minimum of nine years of schooling.”

> BANGLADESH

Bangladesh passed an Act on compulsory primary education on 13 February 1990. The Act envisages that primary education can be made compulsory for children aged from 6 to 10 years old, from any date and for any area of the country through government notification. The Act contains no restriction as to the enrolment of any child in any type/category of educational institution which is regarded as primary education. The Act also provides for the creation of compulsory primary education committees with defined responsibilities.

> NIGER

Article 2 of Education System Guidance Law No. 98-12 (1998): “The State shall guarantee education for children aged from 4 to 18 years.”³⁷

The education laws of Kuwait, Senegal and Turkey explicitly specify that **education is compulsory for both boys and girls**.

> KUWAIT

Article 1 of Compulsory Education Act No. 11 of 1965 states that: “Education shall be compulsory and free for all male and female Kuwaiti children from the beginning of the primary stage until the end of the intermediate stage. The State undertakes to provide school premises, books, teachers and any other human or material resources which guarantee the success of education.”

37 Unofficial translation from French as follows: *Article 2 de la loi d'orientation du système éducatif No. 98-12 (1998) : “L'Etat garantit l'éducation aux enfants de quatre (4) à dix-huit (18) ans.”*

> **SENEGAL**

Article 3 bis of National Education Guidance Law No. 91-22 (1991): (supplemented by Law No. 2004-37): “School education shall be compulsory for all children of both sexes aged from 6 to 16 years. The State has the obligation to retain within the school system children aged from 6 to 16 years.”³⁸

.....

> **TURKEY**

Article 2 of Primary Education and Training Law 222: “Primary education is compulsory for girls and boys at primary education age [...].”

.....

Some States (such as Algeria) provide for **sanctions** in the event of non-compliance.

> **ALGERIA**

Article 12 of the 2005 Education Bill, adopted as a law in 2008:³⁹

“Education shall be compulsory for all girls and boys of 6 to 16 years old.

Nevertheless, the length of compulsory schooling may be extended for two (2) years for disabled students if necessary.

The State shall, in collaboration with the parents, ensure the application of these provisions.

Parents or legal representatives who fail to comply with these provisions shall be liable to a fine ranging from 5,000 to 50,000 Algerian dinars...”⁴⁰

.....

5. Provisions concerning free education

> **BAHRAIN**

Article 7 of the Education Law (2007): “Basic and secondary education is free at the Kingdom’s government schools.”

.....

38 Unofficial translation from French as follows: *Article 3 bis de la loi d’orientation de l’Education nationale No. 91-22 du 16 avril 1991 (ajouté par la loi No. 2004-37) : “La scolarité est obligatoire pour tous les enfants des deux sexes âgés de 6 à 16 ans. L’Etat a obligation de maintenir, au sein du système scolaire, les enfants âgés de 6 à 16 ans.”*

39 Updated by us since the Education Bill had not as yet been adopted when Algeria submitted its report.

40 Unofficial translation from French as follows: *Projet de loi d’orientation sur l’éducation 2005 : “L’enseignement est obligatoire pour toutes les filles et tous les garçons âgés de 6 ans à 16 ans révolus. Toutefois, la durée de la scolarité obligatoire peut être prolongée de deux (2) années, en tant que de besoin, en faveur d’élèves handicapés. L’Etat veille, en collaboration avec les parents, à l’application de ces dispositions. Les manquements des parents ou des tuteurs légaux les exposent à une amende allant de cinq mille (5.000) à cinquante mille (50.000) dinars algériens [...].”*

> **BENIN**

Article 12 of National Education Guidance Law No. 2003-17 (2003): “The State shall progressively ensure free State education [...]”⁴¹

.....

> **GRENADA**

Section 3 Division 1#16 of the Education Act (2002) states: “Education is free of charge from pre-school up to secondary at post-secondary level.”

.....

> **CÔTE D’IVOIRE**

Article 2 of Education System Guidance Law No. 95-06-95 (1995): “Free education shall be guaranteed for all within public institutions, except for enrolment fees, welfare payments and the cost of textbooks and other school supplies.”⁴²

.....

> **SENEGAL**

Article 3 bis of National Education Guidance Law No. 91-22 (1991): (supplemented by Law No. 2004-37): “Compulsory schooling shall be guaranteed free of charge within State institutions.”⁴³

.....

> **TURKEY**

Article 2 of Primary Education and Training Law 222: “Primary education shall be [...] free of charge in State schools.”

.....

6. Provisions concerning languages in education

In Sri Lanka, according to the Education Act of 1945, education takes place in the child’s mother tongue from kindergarten to university.

41 Unofficial translation from French as follows: *Article 12 de la Loi No. 2003-17 du 11 novembre 2003 portant Orientation de l’Education Nationale en République du Bénin : “L’Etat assure progressivement la gratuité de l’enseignement public [...]”*

42 Unofficial translation from French as follows: *Article 2 de la loi d’orientation de l’enseignement No. 95-06-95 (1995) : “La gratuité de l’enseignement est assurée à tous dans les établissements publics, à l’exception notamment des droits d’inscription, des prestations sociales et des charges relatives aux manuels et autres fournitures scolaires.”*

43 Unofficial translation from French as follows: *Article 3 bis de la loi d’orientation de l’Education nationale No. 91-22 du 16 avril 1991 (ajouté par la loi No. 2004-37) : “La scolarité obligatoire est assurée gratuitement au sein des établissements publics d’enseignements.”*

7. Provisions concerning literacy

Article 9 of the Education Law of Bahrain (2005) states: “Eradication of illiteracy and adult education are a national responsibility which aims at raising citizens’ cultural, social and professional standards and the Ministry makes the necessary plans towards the eradication of illiteracy.”

8. Provisions concerning inclusion (vulnerable groups)

⇒ **The Education Laws of some States emphasize the importance of the education of vulnerable groups**

> **BENIN**

Article 3 of Law No. 2003-17 on National Education (2003): “Greater attention must be given to the education of girls, persons and children in difficult situations, children from deprived areas and vulnerable groups.”⁴⁴

> **COLOMBIA**

Title III of Law 115 of 1995 is devoted to vulnerable groups. The law refers to education for people with limited or exceptional abilities; education for adults; education for ethnic groups; education in rural areas and education for social rehabilitation.

⇒ **relating specifically to minorities**

> **CROATIA**

The Act on the Education in Languages and Scripts of National Minorities (2000)⁴⁵ guarantees national minorities the right to education acquired by earlier regulations and on the basis of international agreements signed by the Republic of Croatia. In accordance with this Act, members of national minorities are educated from kindergarten to university level in institutions where schooling is provided only in the language and script of the national minority, or in institutions with schooling in the Croatian language

44 Unofficial translation from French as follows: Loi No. 2003-17 du 11 novembre 2003 portant orientation de l’éducation nationale en République du Bénin : “Une plus grande attention doit être accordée à l’éducation des jeunes filles, des personnes et enfants en situations difficiles, des enfants des zones déshéritées et des groupes vulnérables.”

45 Official Gazette Nos.51/00 and 56/00, May 2000.

and script with the education of a minority being organized in specialized departments or shifts.

⇒ relating specifically to children with special needs

> ALGERIA

Article 12 of the 2005 Education Bill, adopted as a law in 2008⁴⁶: “The length of compulsory schooling may be extended by two (2) years for disabled students, if necessary.”⁴⁷

> CYPRUS / CZECH REPUBLIC

Some countries devote an entire law or chapter of a law to answering this question.

For example, in 1999 Cyprus adopted the Education and Training of Children with Special Needs Law and, in the Czech Republic, Section 16 of the Education Act (Act No. 561/2004) is dedicated to “Education of Children, Pupils and Students with Special Educational Needs.”

9. Provisions concerning the organization and mechanisms in place to govern private schools

> BAHRAIN

Legislative Decree No. 25 of 1998 with respect to Private Educational and Training Institutions facilitates procedures for establishing private schools for the children of foreign communities living and working in the country.

> BANGLADESH

The Registration of Private Schools Act was passed in 1962 and amended in 1989. This Act covers all types of educational institutions in the country. The principles adopted for registration are: the private schools proposed for registration should be at a distance of at least two kilometres from existing government primary schools and registered non-government primary schools and must serve a population of at least 2,000. However, in special circumstances owing to geographical, topographic or demographic

46 Updated by us since the Education Bill had not as yet been adopted when Algeria submitted its report.

47 Unofficial translation from French as follows: “La durée de la scolarité obligatoire peut être prolongée de deux (2) années, en tant que de besoin, en faveur d’élèves handicapés.”

factors, schools can be established even if the distance is less than two kilometres and population is less than 2,000.

> **CAMEROON**

According to Law No. 2004/022 of 12 July 2004 establishing rules governing the organization and functioning of private education,⁴⁸ private institutions must ensure the same equal opportunities and treatment in education as those enforced in public institutions.

10. Provisions concerning state education goals

> **GUINEA**

Law L/97/022/AN on National Education (1997) stipulates: “The right to education is guaranteed to everyone in order to develop his/her personality, to raise his/her initial training and ongoing level, and to secure his/her incorporation in social and professional life.”⁴⁹

> **MALAYSIA**

The 1996 Education Act stipulates that the National Philosophy of Education is expressed as follows: “Education in Malaysia is an ongoing effort towards further developing the potential of individuals in a holistic and integrated manner so as to produce individuals who are intellectually, spiritually, emotionally and physically balanced and harmonious, based on a firm belief in and devotion to God. Such an effort is designed to produce Malaysian citizens who are knowledgeable and competent, who possess high moral standards, and who are responsible and capable of achieving a high level of personal wellbeing as well as being able to contribute to the betterment of the family, the society and the nation at large.”

48 Unofficial translation from French as follows: *Loi N° 2004/022 du 12 juillet 2004 fixant les règles relatives à l'organisation et au fonctionnement de l'enseignement privé au Cameroun.*

49 Unofficial translation from French as follows: *Loi L/ 97/022 AN du 19 juin 1997 portant orientation de l'Education Nationale : “Le droit à l'éducation est garanti à chacun afin de développer sa personnalité, d'élever son niveau de formation initiale et continue, de s'insérer dans la vie sociale et professionnelle.”*

11. Laws providing for penalties when the terms of the education laws are violated

> ALGERIA

Article 12 of the 2005 Education Bill, adopted as law in 2008⁵⁰: “Education is compulsory for all girls and boys of 6 to over 16 years old. [...] Parents or legal representatives who fail to comply with these provisions shall be liable to a fine ranging from 5,000 to 50,000 Algerian dinars.”⁵¹

> KUWAIT

Compulsory Education Act No. 11 of 1995 imposes penalties on any parent of a child who contravenes its provisions and prevents a child of school age from attending school. Article 10 stipulates: “Penalties are imposed on any parents or guardian of a child who contravene the provisions of law by means of a fine of up to KD10 or detention of up to two weeks. The court is authorized to grant the parent a chance to comply. If he does, he will be cleared of the contravention. Otherwise, he will be penalized as specified and, if the law is broken again, the punishment will include both the fine and the detention.”

> QATAR

Law No. 13 of 2000 includes a provision specifying the procedures outlining school attendance, the parties responsible for enforcing this Law and the penalties for violating the terms of the Law.

> UNITED REPUBLIC OF TANZANIA

Education Act No. 25 of 1978 stipulated that: “No person having control over admission of pupils to any school, whether government, public or private, shall refuse admission to any pupil on the ground of his religion or race. Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.”

50 Updated by us since the Education Law Project had not yet been adopted when Algeria submitted its report.

51 Unofficial translation from French as follows: *Projet de loi d'orientation sur l'éducation 2005* : “L'enseignement est obligatoire pour toutes les filles et tous les garçons âgés de 6 ans à 16 ans révolus [...]. Les manquements des parents ou des tuteurs légaux les exposent à une amende allant de cinq mille (5.000) à cinquante mille (50.000) dinars algériens [...]”

C. Administrative framework

Information provided by States concerning the adoption of administrative measures in the area of education demonstrates that the majority of these measures seek to eliminate discrimination and guarantee equal opportunities in education.

1. Adoption of rules

> UZBEKISTAN

Resolution No. 321 (2004) of the Cabinet of Ministers of the Republic of Uzbekistan and Decree of the President of the Republic of Uzbekistan “On the National State Programme for Development of School Education in 2004-2009” focuses on fostering sustainable improvement in secondary education by developing advanced standards and educational materials, which will ultimately lead to the creation of equal conditions for the education of all children, urban and rural.

> UNITED REPUBLIC OF TANZANIA

The Government of the United Republic of Tanzania has been taking measures to implement the Convention against Discrimination in Education since its independence in 1961. All forms of discrimination in education were prohibited in 1965, when schools were opened to all races, tribes and religions through a policy on education which abolished racial and religious schools.

Further policies were evolved which emphasized equality in education. The Musoma Resolution is such a policy which emphasized equity in education, especially for girls.

In 1995 the Ministry of Education and Vocational Training produced the Integrated Education and Training Policy (ETP 1995). Among other things the policy advocates equality in education with regard to:

- the number of places available at the secondary school level;
- the enrolment of every child aged 7 years old;
- the distribution of trained teachers to all regions, depending on requirements;
- the provision of education to all vulnerable groups – girls, hunters, fishermen and pastoralists;
- special provisions for normal schools such as of hostels at the primary school level;
- the construction of boarding facilities for girls;
- the establishment of schools solely for girls or which are co-educational.

2. Establishment of special ministries

Beyond the adoption of rules, some States have established special ministries to implement their educational policies.

> HUNGARY

In 2002, the Hungarian Government appointed a minister responsible for equal opportunities. The new minister has developed a governmental programme promoting the social integration of the Roma population, which addresses the need to increase both access to and quality of education for Roma children. In addition, a political state secretary responsible for Roma matters has been appointed to the Prime Minister's Office and an Office for Roma Matters has been set up.

> CAMEROON

In Cameroon, a Ministry of Basic Education was established with the aim of promoting access to fundamental knowledge for children and of guaranteeing equal access to quality education for learners in non-formal settings.

D. Enforcement of the right to education: examples of judicial and quasi-judicial decisions

Justiciability is essential for upholding the right to education as an entitlement and promoting its realization. As underlined by the Joint Expert Group UNESCO (CR) . ECOSOC (CESCR), “judicial pronouncements in the field of education have tremendous effect on the implementation of the right to education.”⁵² This section considers the actions taken by some States to make the provisions of the Convention against Discrimination in Education able to be invoked before national courts, tribunals or administrative authorities.

52 *Report on the third Meeting of the Joint Expert Group UNESCO (CR) / ECOSOC (CESCR) on the Monitoring of the Right to Education*, document 172 EX/25, UNESCO Executive Board, 172nd session, UNESCO Paris, 18 July 2005, para. 15.

1. Possibility of directly invoking the Convention before national courts

In some States it is possible directly to invoke the provisions of the Convention before judicial or administrative organs.

> MALI

The provisions of the Convention are guaranteed by the Constitution and the Education System Guidance Law (1999).⁵³ Its articles can thus be invoked before courts and administrative authorities.

> SLOVENIA

Pursuant to Article 8 of the Constitution of the Republic of Slovenia, which provides for direct application of international treaties, the Convention against Discrimination in Education (1960) became, after its ratification and publication (Slovenia notified succession to the Convention in 1992),⁵⁴ part of Slovenia's national law and legal order. Provisions of the Convention may thus be invoked directly in cases before administrative and judicial bodies in Slovenia.

> SPAIN

Articles 24 and 53 of the Constitution of Spain grant the public the right to invoke the provisions of the Convention before national courts and administrative authorities.

> SOUTH AFRICA

In South Africa, if citizens feel that they have been victims of discrimination in education, they can approach the Constitutional Court with their case against the Government. Should a person require legal representation, use can be made of the Legal Aid Board, which provides free legal services to citizens unable to afford them.

2. Quasi-judicial mechanisms

On the side of judicial mechanisms, there are quasi-judicial mechanisms to national human rights institutions, such as ombudsmen or human rights commissions. Although they typically do not have the power to make binding decisions in response to complaints of human rights violations or maladministration by government, they

53 Unofficial translation from French as follows: “*Loi d’orientation sur l’éducation (1999)*”.

54 *Official Gazette of the Republic of Slovenia* 15-86/92 (RS 54/1992).

still can play a valuable role in human rights protection and oversight of administrative behaviour, thereby increasing government accountability.⁵⁵ Below are some examples put in place at country level and which contribute to guaranteeing respect of the right to education.

➤ **SWEDEN: A range of ombudsmen and national agencies**

The Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Ombudsman against Discrimination because of Sexual Orientation, the Disability Ombudsman and the Child and School Student Representative in the National Agency for Education in Sweden, each ensure that the Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students⁵⁶ is enforced. The National Agency for Education also has a special responsibility to ensure that the Act is followed. Furthermore, the “Child and School Student Representative” was established to provide information about the Act and to serve as an ombudsman for any child or school student representative who feels that their situation is not being handled appropriately. The four Ombudsmen are also responsible for the Act of Equal Treatment of Students at Universities.

➤ **MAURITIUS: The Ombudsperson’s office**

Mauritius established an Ombudsperson’s office to investigate and intervene on behalf of victims of any type of discrimination, including in education. Educational institutions or individuals can appeal to the court or to the Ombudsperson in the event of any kind of discrimination.

➤ **NORWAY: The Equality and Anti-Discrimination Ombud**

The Equality and Anti-Discrimination Ombud in Norway, established in January 2006, is responsible for ensuring that the regulations of several acts and regulations against discrimination have their intended effect. The Ombud also monitors implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (1965), both of which regulate, inter alia, the right to education.

55 Linda C. Reif, *Building democratic institutions: The role of national human rights institutions in good governance and human rights protection*, Harvard Human Rights, Journal, 13, 2000, <http://www.law.harvard.edu/students/orgs/hrj/iss13/reif.shtml>

56 The purpose of this new law, which entered into force in 2006, is to promote equal rights for children and school students and to combat discrimination on grounds of sex, ethnic origin, religion or other belief, sexual orientation or disability. The Act also has the purpose of combating other degrading treatment, such as bullying, and it is applicable to education and other activities referred to in the Act on Education and the national curricula – pre-school, compulsory school, upper secondary school and adult education.

A person who believes that he or she has been discriminated against may submit the matter to the Ombud, who will request information from both parties, carry out an objective assessment of the case and issue an opinion as to whether discrimination has occurred. The Ombud's opinion may be brought before the Equality and Anti-Discrimination Tribunal. The Ombud also has the authority to make binding administrative decisions in cases where it would be unreasonable to have to await the decision of the Tribunal.

The Ombud can be looked upon both as an institution to which individuals can turn and as an institution that oversees the regulations in its own right. The Ombud monitors developments in society with a view to exposing and calling attention to factors that impede equality and equal treatment and actively promotes changes in attitudes and behaviour.

➤ **FRANCE: The High Authority against Discrimination and for Equality (HALDE)**

France has shown good practices in the area of using institutional mechanisms to combat discrimination, particularly in the area of education. In 2004, a High Authority on the Fight against Discrimination and for Equality (HALDE) was established.⁵⁷ Its purpose is to combat discrimination, to provide the necessary information, to assist victims and to identify and promote good practices in order to implement the principle of equality in actual fact. It can also investigate cases going to trial. Between 2005 and 2006, HALDE registered 1,822 claims. About 5% were cases of discrimination in education. When HALDE is informed of a case, it must verify the claim and can either propose mediation if a solution can be found without trial, or suggest that the case be brought to court. HALDE can pass on information to the attorney, which is a unique aspect of this process. HALDE can also state its opinion in the event of a trial or transmit information about the case to the relevant disciplinary authority. Moreover, since 2006 and the adoption of the Equal Opportunities Act,⁵⁸ HALDE has new powers. It can now propose financial transactions, with compensation for the victims, and make all decisions public. If a transaction is not accepted, HALDE can refer the matter to a court by the process of direct summoning. In this case, the complaint cannot be closed and must be put before a judge.

57 “Haute Autorité de lutte contre les discriminations et pour l'égalité”, established by the Law of 30 December 2004.

58 “Loi pour l'égalité des chances”, adopted on 31 March 2006.

3. Alternative procedures

> HUNGARY

Hungary provides an interesting example of the **various types of procedure (judicial, administrative and conciliatory) that may be employed to eliminate discrimination and guarantee equal opportunities in education.**

Regarding judicial procedures, Articles 75 and 76 of the Civil Code state that victims of discrimination may pursue their case in a civil court. This is justified by the fact that civil rights are protected by the Civil Code and the right to equal treatment is a civil right. Moreover, judicial review of decisions brought pursuant to an educational complaint is available under Article 84 of the Public Education Act (PEA).

Regarding administrative procedures, Articles 83 and 84 of the PEA provide for a mechanism of administrative complaint in the event of unlawful decisions by a school to the notary or, in the case of schools run by local government, to the Office of Public Administration. Decisions that discriminate are null and void. Judicial review is available against such decisions, but in the latter case can only be brought by the Office. Moreover, according to Article 80 of the PEA, notaries at the local or county level are in charge of controlling the legality of operations in private schools. They can challenge an illegal action, decision or omission in court. In the event that the private school continues not to comply with the law, notaries are empowered to revoke permission and strike the school off the registry. It is noted that sanctions available under Article 80 of the PEA against unlawful acts of private schools seem far more effective than those available against public schools.

Finally, regarding conciliation procedures, mediation is possible by the Equal Treatment Authority and there is a special procedure before the Commissioner for Educational Rights, which is an independent, internal organizational unit of the Ministry of Education that promotes citizens' rights concerning education.⁵⁹ Parents, students and teachers have the right to complain, provided that all available administrative remedies have been exhausted and less than a year has elapsed since the incident.⁶⁰ For instance, in 2001, the Commissioner examined charges of discrimination against disabled students. Complaints that were not dismissed by the Commissioner then moved towards conciliation. The Commissioner sends the petitions to the institution that received the complaint for a statement and determines that a consensus is to be reached with the petitioner. If a solution is reached, the Commissioner prepares a report on the results of the conciliation and calls on the institution to terminate the infringement. Should no consensus be reached, the Commissioner sends a recommendation to both the

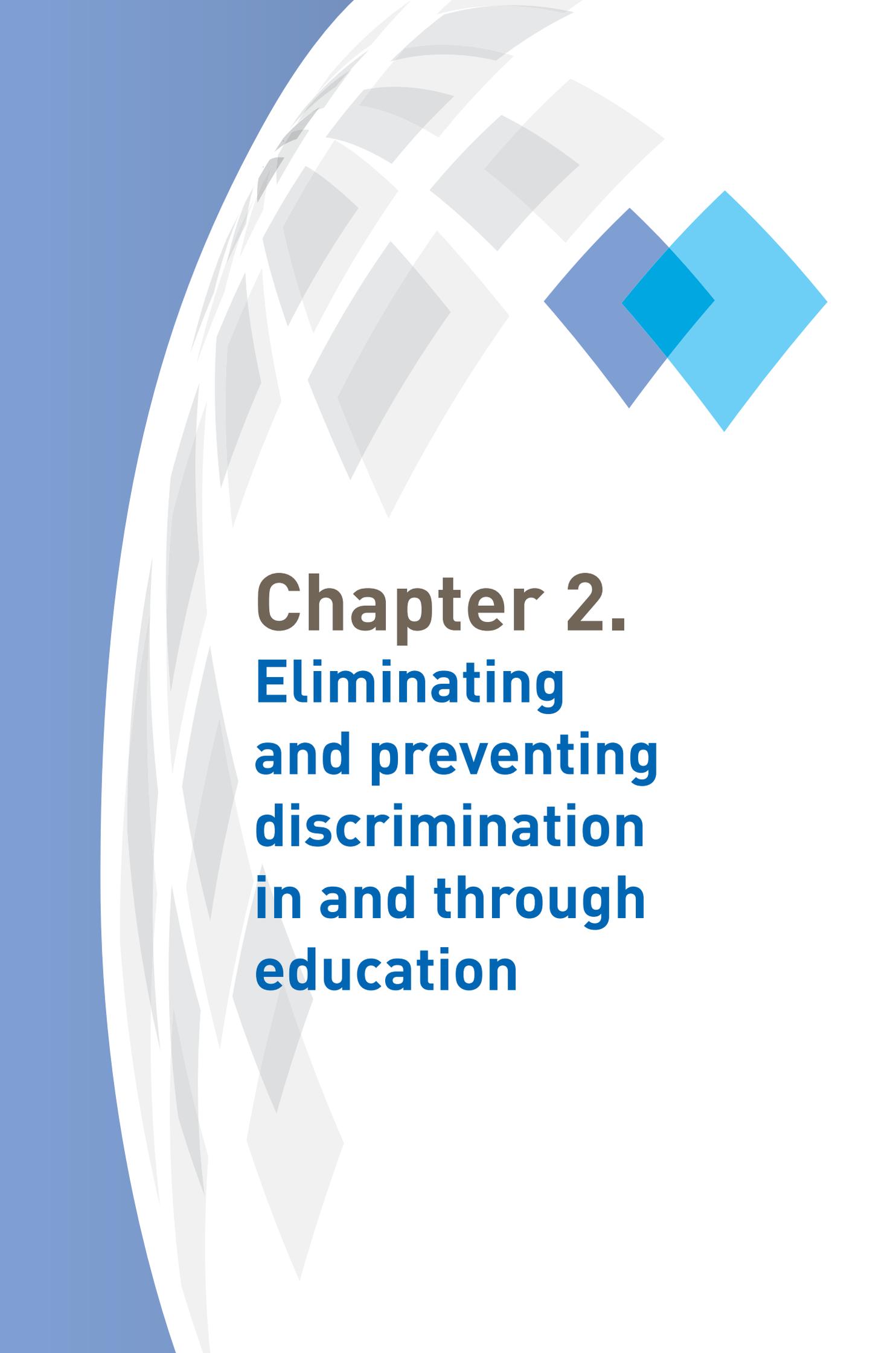
59 Article 1 of Decree 40/1999.

60 Article 5 of Decree 40/1999.

institution and its supervisory organ. The latter must respond within 30 days. The Commissioner reports to the Minister of Education.⁶¹ In 2002, the Ministry established another conciliation procedure: the *Education Mediation Services*, which has a small number of staff.⁶²

61 Article 7 of Decree 40/1999.

62 Its mandate is based on Act No. 55 of 2002 on mediation in civil law disputes. It is not expressly mentioned in the PEA.

A decorative graphic on the left side of the page features a blue arc at the top left, transitioning into a series of overlapping, semi-transparent diamond shapes in shades of grey and white. To the right of these diamonds, there are two overlapping solid diamonds: a darker blue one on the left and a lighter blue one on the right.

Chapter 2.

Eliminating and preventing discrimination in and through education

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Eliminating and preventing discrimination in and through education

Article 3 of the Convention against Discrimination in Education contains the measures that States Parties must implement in order to eliminate and prevent discrimination within the meaning of the Convention. It sets forth precise obligations to counter discrimination.

A. Non-discrimination in the admission of pupils to educational institutions

According to Article 3(b) of the Convention against Discrimination in Education, States “undertake [...] to ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions”. Reports submitted by States provide interesting examples of legislative measures taken to guarantee this principle. Some laws state a general principle of non-discrimination in education, whereas others specify what kinds of discrimination are prohibited. Some even provide sanctions if this principle is not respected.

1. General principle of non-discrimination

> NIGER

Article 14 of Niger’s Education System Guidance Law of 1998⁶³ stipulates that “the education system aims [...] to guarantee equitable access to education for every young person without discrimination”.⁶⁴

> ZIMBABWE

Article 4 (2) of the Education Act of Zimbabwe, as amended in May 2006, clearly states: “No child in Zimbabwe shall be refused admission to any school or be discriminated against.”

> UGANDA

Part IV of Uganda’s Draft Education Bill,⁶⁵ relating to the conditions of licensing for private schools, requires that “the school will not refuse admission to any pupil on any discriminatory grounds.”

2. Specific cases of prohibited discrimination

> CAMEROON

Article 7 of Cameroon’s Law No. 98/004 of 14 April 1998 stipulates that “the State guarantees to everyone equal opportunities in access to school without discrimination based on sex, political, philosophical and religious views, social, cultural, linguistic or geographical origins”.⁶⁶

> THE CZECH REPUBLIC

According to Section 2 of the Czech Republic’s Act No. 561/2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education,⁶⁷ “Education shall be based on the principles of equal access of all citizens of the Czech Republic or nationals of any other European

63 Unofficial translation from French as follows: *Loi d’orientation du système éducatif n° 98-12.*

64 Unofficial translation from French as follows: “*Le système éducatif a pour objectifs [...] de garantir à tous les jeunes sans discrimination, l’accès équitable à l’éducation.*”

65 The Draft Education Bill (2002) aims to repeal the Education Act (1970) and the Industrial Training Decree (1972).

66 Unofficial translation from French as follows: “*L’Etat garantit à tous, l’égalité de chances d’accès à l’éducation sans discrimination de sexe, d’opinions politique, philosophique et religieuse, d’origine sociale, culturelle, linguistique ou géographique.*”

67 Entered into force on 2 January 2005.

Union Member State to education without any discrimination based on any ground such as race, colour, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or the health condition or any other status of a citizen.” In this provision, the enumeration of the kinds of discrimination is not exhaustive; they are simply examples.

> **LATVIA**

Latvia’s Education Law does not refer explicitly to the principle of non-discrimination in the admission of pupils to educational institutions, but Article 3 states that every citizen of Latvia and any person who is entitled to an alien’s passport issued by the Republic of Latvia, any permanent resident, any citizen of the European Union with temporary residence status, as well as their children, shall be equally entitled to education regardless of his/her social or financial status, race, nationality, sex, membership in religious and political organizations, status of health, occupation or place of residence.

> **TURKEY**

Turkey’s Basic Law on National Education No. 1739 of 1973 states that “educational institutions are to be open to all, regardless of race, sex or religion”.

3. Non-compliance and sanction

> **UNITED REPUBLIC OF TANZANIA**

The United Republic of Tanzania’s Education Act No. 25 of 1978, which stipulates that “No person having control over admission of pupils to any school whether Government, public or private, shall refuse admission to any pupil on the ground of his religion or race”, provides for sanctions in the event that this principle is not respected: “Any person who contravenes the provisions [above] shall be guilty of an offence.”

B. Non-discrimination within the education system

The Convention against Discrimination in Education also requires that States introduce provisions to ensure non-discrimination within their education systems. The following countries provide examples of good practice in implementing this principle.

> **GEORGIA: Laws prohibit any kind of discrimination at school**

In Georgia, two basic laws provide a legal framework prohibiting any kind of discrimination and promoting equal educational opportunities. Article 3 (2) of the Law of Georgia on Higher Education (2004) provides that: “[...] the State shall ensure: [...] (h) Prohibition of all forms of discrimination in the sphere of higher education, including academic, religious and ethnic grounds, and/or views, gender, social origin or any other grounds.” The law of Georgia on General Education (2004) is more detailed. According to its clause 13, “Either form of discrimination shall not be allowed at school; a school shall not use its powers and resources in a way that may directly or indirectly result in any discrimination of a pupil, parent or teacher or their association; shall observe and encourage the establishment of tolerance and reciprocal respect between pupils, parents and teachers irrespective of their social, ethnic, religious, lingual and world outlook belonging; on the base of equality shall provide the individual and collective right of members of minorities to use their native language, [and to] preserve and express their cultural values.”

> **SWEDEN: Laws provide protection mechanisms against discrimination within education system**

Sweden provides an interesting example in terms of implementing the principle of non-discrimination in higher education. Following the initiative of the Government and with the aim of providing students with stronger protection mechanisms against discrimination, the Parliament voted to enact the **Act on Equal Treatment of Students at Universities**, which entered into force in 2002. This Act was intended to promote equal rights for students and applicants and to combat discrimination on the grounds of gender, ethnicity, religion or other belief, sexual orientation or disability. The law has given students powerful protection mechanisms against discrimination and puts the onus on universities and colleges to take direct action to prevent and remedy issues of harassment. The law applies to universities and institutes of higher education run by the State, a municipality or a county council and to private education providers who are accredited to issue certain degrees. The provisions of the law prohibit direct and indirect discrimination, harassment and instructions to discriminate. Additionally, institutes of higher education cannot subject a student or applicant to reprisals for

making a formal allegation of discrimination or for participating in an investigation under the law. The law states that institutes of higher education shall pursue goal-oriented efforts to actively promote equal rights. Institutes of higher education shall also undertake measures to prevent and remedy any harassment against students and applicants. Institutes of higher education shall further prepare an annual plan containing an overview of the measures required to promote the equal rights of students and to prevent and remedy harassment. They also have a duty to investigate the circumstances surrounding complaints of harassment and take any measures in order to prevent continued harassment. Violations of the prohibition against discrimination may result in liability for damages.

In February 2006, the Government decided, in accordance with a parliamentary decision, to enact a new law: the **Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students**.⁶⁸ The purpose of the Act is to promote equal rights for children and school students and to combat discrimination on the basis of sex, ethnic origin, religion or other belief, sexual orientation or disability. The Act also seeks to combat other degrading treatment, such as bullying, and it applies to education and other activities referred to in the Act on Education and the national curricula: pre-school, compulsory school, upper secondary school and adult education. Preventive work is reinforced by combining the prohibitions of discrimination and other degrading treatment of children and pupils in school with specific rules stating that in all activities organized by either a municipal or a private provider goal-oriented work must be conducted and plans drawn up for equal treatment. When a child or a school student complains that he or she has been exposed to harassment or other degrading treatment, the organizer of the activity shall investigate the complaint and prevent any further degrading treatment. This also applies to degrading treatment between children and school students.

➤ **UNITED KINGDOM: A law targets racial discrimination specifically**

The United Kingdom has a law specifically targeting racial discrimination. The Race Relations (Amendment) Act of 2000 made it unlawful for public authorities (including schools and educational institutions) to discriminate when carrying out their functions, and it imposed a general duty on specified bodies (including the governing bodies of schools and higher education institutions) to eliminate unlawful racial discrimination and to promote equality of opportunities and good relations between people of different races.

68 Entered into force on 1 April 2006.

C. Non-discrimination between nationals in the matter of financial assistance and other facilities

According to Article 3 (c) of the Convention against Discrimination in Education (1960), “the States Parties thereto undertake: [...] 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.”

Malaysia offers an example of how this article might be implemented.

> MALAYSIA

In Malaysia, the Government provides **ample assistance (both monetary and material aid) to students from low socio-economic backgrounds** so that they can remain within the public school system. No child in need is discriminated against on the basis of race or religion, in terms of access to educational loans and scholarships or to nutritional and health programmes.

According to Article 12 (1) of the Federal Constitution of Malaysia (1957), “[...] there shall be no discrimination against any citizen on the ground only of religion, race, descent or place of birth (a) in the administration of any educational institution maintained by public authority, and in particular, the admission of pupils or students or the payment of fees; or (b) in providing out the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by public authority and whether within or outside the Federation).”

D. Non-discrimination in access to education for foreign nationals residing in the country

According to Article 3 (e) of the Convention against Discrimination in Education (1960), “the States Parties thereto undertake: [...] To give foreign nationals resident within their territory the same access to education as that given to their own nationals”. A number of States provide interesting examples of how they implement this provision.

1. General measures

➤ **SLOVENIA: The right to compulsory primary education for foreign nationals or stateless persons**

In Slovenia, according to Article 10 of the Elementary School Act,⁶⁹ children residing in Slovenia who are foreign nationals or stateless persons have the right to compulsory basic education under the same conditions as citizens of the Republic of Slovenia. Moreover, according to Article 9 of the *Gimnazije* Act, foreign nationals may be educated on equal terms with the citizens of the Republic of Slovenia.

Article 10 (Foreign Citizens) of the Elementary School Act of Slovenia

Children being foreign citizens or without citizenship and living in the Republic of Slovenia have the right to compulsory elementary education under equal conditions as the citizens of the Republic of Slovenia.

➤ **THE CZECH REPUBLIC: The right to free education at public secondary school for foreign nationals or stateless persons**

The law of the Czech Republic also provides a general principle regarding non-discrimination in access to education for foreign nationals who reside within the country. According to Section 20, paragraphs 1 to 3, of the Education Act,⁷⁰ **foreign**

69 Elementary School Act, *Official Gazette of the Republic of Slovenia* 12/1996, 33/1997, 54/2000.

70 Act No. 561 of 24 September 2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education.

nationals and stateless persons have the same right to free education at public secondary schools as citizens of the Czech Republic.

Education of Foreign Nationals - Section 20 of the Education Act of the Czech Republic

- (1) Persons who are not citizens of the Czech Republic and who reside legally in the Czech Republic shall have access to basic, secondary and tertiary professional education upon the same conditions as citizens of the Czech Republic, including education within institutional education and protective education.
- (2) Persons listed in subsection 1 shall become pupils and students of a relevant school upon the conditions stipulated herein if they provide the head teacher with evidence, not later than on the date of the commencement of their education, of the legitimacy of their residence in the Czech Republic.
- (3) Nationals of other European Union Member States shall have access to education and school services hereunder upon the same conditions as citizens of the Czech Republic. The provisions of subsection 2 shall not apply.

➤ **SOUTH AFRICA: Non-discrimination between foreigners in access to higher education**

In South Africa, in addressing the question of study permits, Immigration Act 13 of 2002 treats foreign students alike and makes no distinction between the application of Southern African Development Community (SADC) students and any other international student.

➤ **CYPRUS: The right to education stated in the Constitution is not determined by citizenship**

Legislation provides for **non-discrimination against children of migrant workers**, hence securing their unobstructed access to education. Moreover, the Attorney General has advised that the Constitution of Cyprus clearly states that the right to education is not determined by citizenship.

2. Specific measures for refugees or asylum-seekers

Some States provide specific measures for non-discrimination against refugees or asylum-seekers.

> **SWEDEN: Funds are provided for the education costs of children seeking asylum**

According to Ordinance (2001:976), children and youth who are seeking asylum have essentially the same right to education in pre-school, school and after-school centres as those who are Swedish residents. The local municipalities receive funding from the Swedish Migration Board for the education costs of these students.

> **LATVIA: State-provided primary and secondary education for refugees**

According to European directive 2004/83/EC, the Cabinet of Ministers issued Regulation No. 586 in 2005, which guarantees access to education for children of refugees and minors granted refugee status. It determines that the Republic of Latvia will provide primary and secondary education for refugees, as well as access to primary education in the child's mother tongue.

3. Measures also applied to private schools

The measures taken to give resident foreign nationals the same access to education as that given to nationals often apply to private schools as well.

> **NEPAL**

The Education Act (7th amendment, 2001) gives foreign nationals resident in the country, on the recommendations of Diplomatic Agencies, access to any school.

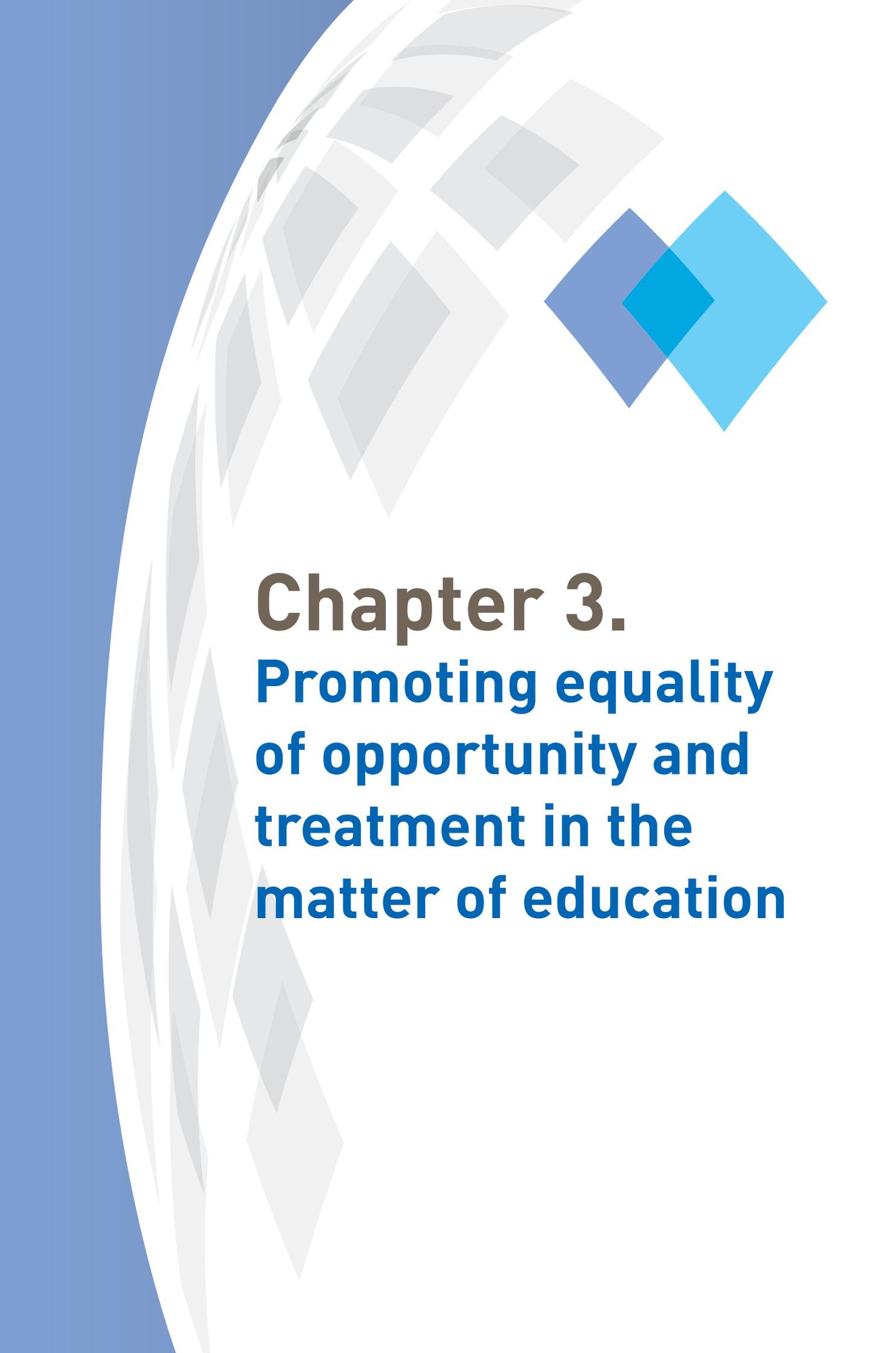
> **BAHRAIN**

In Bahrain, legal and administrative measures facilitate the process of establishing private schools for the children of foreign nationals living and working in the country. They allow foreigners residing in the Kingdom the same access to education that its citizens receive, as outlined in Decree Law No. (25) 1998 on private educational institutions and training.

4. Good practice in the avoidance of administrative barriers

> ITALY

Italy took a positive step in this area with the implementation of Law 40/1998 concerning immigration and conditions for foreigners in Italy. This law sets out the regulations governing the right to education for all, Italians and foreigners alike, without any limitations of an administrative nature (no obligatory requirement for a residence permit or official certification) or of a cultural or social nature.



Chapter 3.
**Promoting equality
of opportunity and
treatment in the
matter of education**

Chapter 3.

Promoting equality of opportunity and treatment in the matter of education

The Convention expresses the fundamental principle of equality of educational opportunity enshrined in UNESCO's Constitution. This is inextricably linked with the principle of non-discrimination and places upon the States Parties the obligation to "[...] 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" (Article 4). This is of critical importance in the face of growing disparities in education and the need to ensure equality as well as equity. The principle of equality of educational opportunity applies across all levels of education and is crucial to ensuring inclusive education for all and to meeting the EFA goals.

A. Application of the principle of equality of educational opportunity across all levels of education

According to Article 4 of the Convention, “The States Parties [...] undertake:

- (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; [...]
- (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;”

Many States have implemented relevant measures across all levels of education: from pre-school to higher. Several have also developed noteworthy ways of combating illiteracy through adult education.

1. Guarantees of pre-school education

In some States, pre-school education is guaranteed even though it is not an obligation under the Convention against Discrimination in Education.

> CYPRUS

In September 2004, the Cypriot Ministry of Education and Culture extended the provision of free and compulsory education to the pre-primary stage for one year.

> THE CZECH REPUBLIC

In the Czech Republic, the new Education Act of 2004 strengthened the importance of pre-school education by guaranteeing the right of children to be accepted into pre-school education in their final year before starting compulsory education. It further guarantees that such pre-school education shall be free of charge.

Act No. 561 of 24 September 2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act) of the Czech Republic⁷¹

Section 33 - Goals of Pre-school Education

Pre-school education shall support the development of personality of the pre-school-age child, support his/her healthy emotional, intellectual and physical development and acquiring of child's basic rules of conduct, fundamental life values and interpersonal relations. Pre-school education shall create fundamental prerequisites for continuing education. Pre-school education shall help to remove inequalities in development among children before their admission to basic education and provide special pedagogical care for children with special educational needs.

Section 34 - Organization of Pre-school Education

(1) Preschool education shall normally be organized for children aged from three to six years.

2. Making primary education free and compulsory

⇒ Constitutional guarantees of free and compulsory primary education

Some States recognize the right to free and compulsory primary education in their constitutions. However, the language used varies from State to State. For instance, Ecuador, Spain and Uganda refer to “basic education”, while other States refer to “elementary”, “fundamental” as well as “primary” education. The *Operational Definition of Basic Education* was published by UNESCO in 2009, in an attempt to create consistency in the terms used to describe the early stages of education. It aimed to arrive at an operational definition of “basic education” that would be universally accepted. While the Convention uses the phrase “primary education”, the Operational

71 The Report mentions the law but does not provide the extracts, which are added by us.

Definition suggested that the phrase “basic education” was the most suitable for the mandate.⁷²

> **CROATIA**

Article 65 (1) of the Constitution of Croatia (1990) stipulates: “Primary education shall be compulsory and free.”

.....

> **ECUADOR**

According to Article 28 of the Constitution of Ecuador (2008), “Compulsory education is guaranteed at initial, basic and secondary level”⁷³ and “Public education shall be [...] free up to and including the tertiary level of higher education.”⁷⁴

.....

> **SLOVENIA**

According to Article 57 (2) of the Constitution of Slovenia (1991): “Primary education is compulsory and shall be financed from public funds.”

.....

> **SPAIN**

Article 27 (4) of the Constitution of 1978 stipulates: “Basic education is obligatory and free.”⁷⁵

.....

72 An extract from the operational definition of basic education produced by the expert group is produced below: “For the purposes of this definition, basic education covers notions such as fundamental, elementary and primary/secondary education. It is guaranteed to everyone without any discrimination or exclusion based notably on gender, ethnicity, nationality or origin, social, economic or physical condition, language, religion, political or other opinion, or belonging to a minority. Beyond pre-school education, the duration of which can be fixed by the State, basic education consists of at least 9 years and progressively extends to 12 years. Basic education is free and compulsory without any discrimination or exclusion. Equivalent basic education is offered for youth and adults who did not have the opportunity or possibility to receive and complete basic education at the appropriate age. Basic education prepares the learner for further education, for an active life and citizenship. It meets basic learning needs including learning to learn, the acquisition of numeracy, literacies, and scientific and technological knowledge as applied to daily life. Basic education is directed to the full development of the human personality. It develops the capability for comprehension and critical thinking, and it inculcates the respect for human rights and values, notably, human dignity, solidarity, tolerance, democratic citizenship and a sense of justice and equity.”

73 Unofficial translation from Spanish as follows: “*Se garantizará [...] la obligatoriedad [de la educación] en el nivel inicial, básico y bachillerato o su equivalente.*”

74 Unofficial translation from Spanish as follows: “*La educación pública será [...] gratuita hasta el tercer nivel de educación superior inclusive.*”

75 Unofficial translation from Spanish as follows: “*La enseñanza básica es obligatoria y gratuita.*”

⇒ Legislative guarantees of free and compulsory primary education

A number of States provide for free and compulsory primary education in their national laws. Turkey and Mauritius are both interesting examples.

> **TURKEY: Extension of the duration of compulsory education from 5 to 8 years old**

Turkey adopted a notable measure when it extended the duration of compulsory education from 5 to 8 years old in 1997. An initiative called “Open Primary School” was developed to provide the opportunity for those holding five-year primary education diplomas to apply to complete their eight years of primary education.

> **MAURITIUS: Legislative amendment making education compulsory until the age of 16**

While education in Mauritius has been free for some time, in 2005 existing legislation was amended making education compulsory until the age of 16. This was done in an attempt to reflect the Government’s continuing commitment to broadening access to education.

⇒ Financial measures to guarantee primary education

Several States provide material examples of financial measures taken in an attempt to guarantee primary education.

> **BANGLADESH: Providing stipends and material**

In Bangladesh, **free textbooks** are supplied to students through a “re-use” policy. The Government also introduced a **stipend scheme** to ensure the education of the children of the poor, the economically and socially marginalized, and vulnerable groups. Supplies such as **exercise books, pencils, erasers and learning kits are supplied free of charge** in selected areas of the country. These measures have been very successful, allowing Bangladesh to achieve nearly a 97% gross enrolment ratio in primary education in 2005, compared with a rate of less than 60% in 1972, 65% in 1980, 73% in 1990 and 95% in 2000.

> **UNITED REPUBLIC OF TANZANIA: Elimination of direct costs**

In the United Republic of Tanzania, the elimination of the direct costs associated with education has had a positive effect on access to education and on drop-out rates. In 2002, the total number of pupils in primary schools was 5,981,338. By 2004, the number had grown to 7,083,063.

> **ZIMBABWE: Financial assistance modules in lieu of free education**

In Zimbabwe, while education is not yet free, the Government recently put in place a policy stipulating that **no student will be denied access to education by reason of being unable to pay school fees**. In recognition of the high cost of education and the increasing number of vulnerable children (most notably girls at the primary level), the Government developed an assistance scheme called the Basic Education Assistance Module (BEAM).

> **TURKEY: Free transport, free school lunches and financial support**

In Turkey, a free bus service is provided for children of primary school age living in rural areas. In addition, pursuant to Law 3684 concerning social assistance for students at primary and secondary schools, an amount is paid by the State to cover the cost associated with boarding and school uniforms for each secondary level student who is entitled to free boarding. Moreover, in less populated and sparsely settled areas, the Ministry constructed a series of regional boarding primary schools to serve a group of villages that might otherwise not have access to quality education. In order to encourage the education of children, families receive a certain sum from the General Directorate of Social Assistance and Solidarity to cover the costs of social security. Under a policy of “Conditional Cash Transfers” implemented by the Ministry of Interior Affairs, financial assistance is offered in the area of health, nutrition and education to parents who would otherwise be unable to send their children to school.

3. Making secondary education generally available and accessible to all

⇒ **Constitutional guarantees of secondary education**

> **CROATIA**

Article 65 of the Constitution (1990) states that: “Secondary [...] education shall be accessible to everyone according to their abilities.”

.....

The actions of some States are noteworthy for going beyond what is required under the Convention. Uzbekistan and Spain, for example, guarantee free access to secondary as well as primary education under their Constitutions.

> **UZBEKISTAN**

Chapter 9 – Article 41 of the Constitution of the Republic of Uzbekistan (1992) stipulates that: “The State shall guarantee free secondary education.”

.....

> **SPAIN**

Article 27 of the Spanish Constitution (1978) provides for free and compulsory basic education (from 6 to 16 years old), including secondary education, as it stipulates: “Basic education shall be compulsory and free.”⁷⁶

.....

⇒ **Legislative guarantees of secondary education**

Secondary education is also legally guaranteed by States at legislative level.

> **CROATIA / CYPRUS**

In Croatia, this is covered by the Secondary Education Act⁷⁷ and, in Cyprus, by the 1993 Law on Compulsory Tuition and the Provision of Primary and Secondary Education Free of Charge.⁷⁸

> **NORWAY**

Section 2-15 of Norway’s Education Act of 1998 stipulates that: “Pupils have a right to free [...] lower secondary education. The municipality may not require pupils or their parents to cover the costs in connection with [...] lower secondary education, for example costs associated with teaching materials, transport during school hours, stays at school camps, excursions or other outings that are part of primary and lower secondary education.”

.....

⇒ **Examples of practical measures taken to ensure secondary education for all**

> **BANGLADESH**

In Bangladesh, the Government states that the fostering of quality education at the secondary level and the reduction of the opportunity gap in education are priority areas. Poverty is the most common deterrent to secondary school access in Bangladesh,

76 Unofficial translation from Spanish as follows: “*La enseñanza básica es obligatoria y gratuita.*”

77 Official Gazette Nos. 19/92, 27/93, 50/95, 59/01, 114/01 and 81/05.

78 Law 24(I) of 1993.

owing to the high costs of education. In an attempt to close the gender gap in secondary school enrolment, the Government has provided a **stipend and eliminated tuition fees for girls in rural areas**. This has had a huge impact on girls' enrolment ratios at the secondary level.

4. Making technical and vocational education generally available and accessible to all

⇒ Constitutional guarantees of technical and vocational education

> GEORGIA

Article 35, paragraph 3, of the Constitution of Georgia (1995) makes reference to the right of its citizens to receive vocational education: "Citizens shall have the right to receive State-financed vocational and higher education as prescribed by law."

⇒ Legislative guarantees of technical and vocational education

Slovenia and Turkey are examples of States guaranteeing technical and vocational education by law.

> SLOVENIA

According to Article 7 of the Vocational Education Act,⁷⁹ **any citizen of the Republic of Slovenia has the right to vocational education and training**.

> TURKEY

In Turkey, technical and vocational education is considered part of the national education system in the Basic Law on National Education of 1973.⁸⁰ In recent years, legislative developments have reinforced this notion. Law No. 4702, adopted in 2001, led to changes in the restructuring of secondary education; the transition from secondary vocational education to university graduate programmes; the creation of vocational and technical education regions; the establishment of "training units" in enterprises; the expansion of skills training in enterprises; and the establishment of vocational and technical training centres which award certificates and diplomas. The Vocational and Technical Education Regulation was amended and made public in 2002 in order to coordinate the organization of vocational and technical education at the secondary and tertiary levels.

79 Official Gazette of the Republic of Slovenia 79/2006.

80 Basic Law on National Education No. 1739, dated 1973.

Vocational and technical education services are provided in all areas of the country and at every level of education through formal, non-formal and apprenticeship programmes. **Vocational courses are organized for all but especially for girls and women who have been left out of the formal education system.** This offers them important skills and knowledge that they would otherwise have been unable to acquire.

⇒ **Development of policies to support technical and vocational educational measures**

Other countries have developed policies that support technical and vocational educational measures.

> **UNITED REPUBLIC OF TANZANIA: Policy towards girls**

In the United Republic of Tanzania for instance, the Government established a Technical Education and Training Policy in 1996 with special emphasis on raising female enrolment ratios.

> **NEPAL: Establishment of a Council for Technical Education and Vocational Training**

Nepal's technical and vocational education policy provides an interesting example. It stresses the right to education, including the provision of equitable access to employment, technical and vocational education and training to early school-leavers, non-college bound youths and literate adults. A Council for Technical Education and Vocational Training (CTEVT) was set up with overall responsibility for managing technical education and vocational training.

⇒ **Measures to promote and improve technical and vocational education**

Australia and Jamaica provide examples of measures undertaken to promote and improve technical and vocational education.

> **AUSTRALIA: Technical and vocational education linked with the industry sector**

In Australia, the Government works with the states and territories to achieve national consistency and coherence and to ensure high-quality outcomes for students who undertake vocational education and training. For example, the Government works directly with the industry sector, including the key industry associations for employer and employee groups, to ensure that the vocational and technical education system remains responsive to industry needs.

> **JAMAICA: Improving the quality of education by sharing equipment, facilities and teachers**

In Jamaica, the Technical and Vocational Education and Training (TVET) Rationalization Project (2002-2005) was an initiative sponsored by the Ministry of Education and Youth and the HEART Trust.⁸¹ The aim of this project was to improve the quality of education in the area of technical and vocational studies through the sharing of equipment, facilities and teachers in order to reduce costs.

5. Making higher education equally accessible to all

⇒ Constitutional provisions regarding access and admission to higher education

> **BRAZIL**

Article 208 of the Constitution of Brazil (1988) provides that: “The State’s duty concerning education shall be discharged by ensuring the following:

[...]

V. access to higher levels of education, research, and artistic creation according to individual capacity;”

> **CROATIA**

Article 65(2) of the Constitution of Croatia (1990) guarantees that: “Secondary and higher education shall be equally accessible to everyone according to abilities.”

⇒ Legislative provisions regarding access and admission to higher education

Most legislative provisions regarding higher education concern access and admission to university or other tertiary institutions.

> **UGANDA**

Section 28 (1) of the University or the Tertiary Act provides that “admission to a public university shall be open to all qualified citizens of Uganda and without discrimination”; subsection 2 states that “any other qualified person who is not a citizen of Uganda may be admitted”.

81 A body established by the Human Employment Resource Training (HEART) Act (1982).

> SLOVENIA

According to the Higher Education Act of 2004, the selection of candidates for admission to higher educational programmes takes into consideration the overall performance in the *matura*,⁸² professional *matura* or the final examination. The act stipulates that **students have the right to enrolment and education under equal admission criteria**, such as defined by the law, the statute and the study programme.

> SPAIN

According to Article 42 of the Law 6/2001 on Universities,⁸³ **access to university is a right of every citizen**. However, while access is free, two conditions are imposed: having the necessary diploma and a proof of admission, which is based on marks obtained in secondary school.

> TURKEY

In accordance with Article 45 of Higher Education Law No. 2547, students can **access higher education through an examination process** that is managed by the Council of Higher Education. University entrance examination results and grade averages at the end of secondary education are the main factors which determine access to higher education. This particular article also regulates the exemptions and priorities that can be offered in order to attract students to vocational and technical fields.

82 Matura is the word commonly used in Slovenia for the final exams young adults (aged 18 or 19) take at the end of their secondary education.

83 Unofficial translation from Spanish as follows: *Ley Orgánica 6/2001, de 21 de diciembre, de Universidades. Artículo 42: “El estudio en la universidad es un derecho de todos los españoles en los términos establecidos en el ordenamiento jurídico. 2. Para el acceso a la universidad será necesario estar en posesión del título de bachiller o equivalente.”*

Higher Education Law No. 2547 of Turkey

Admission to Higher Education

Article 45

- a. Students are admitted to institutions of higher education by means of an examination prepared in accordance with provisions specified by the Council of Higher Education. In the evaluation of examination results, the performance of students during their secondary education is taken into account. Quotas are allocated for the placement of top-ranking graduates of secondary schools, placement being carried out taking into account their preferences and entrance examination scores.

In the selection of students for higher educational institutions, supplementary points are calculated based on performance during secondary education, in a manner to be determined by the Student Selection and Placement Centre, and added to their entrance examination scores.

Those students who are graduates of professionally- or vocationally-oriented secondary schools (*lycées*) and who apply for an undergraduate programme in the same area will also have their entrance examination scores supplemented by a coefficient to be determined.

- b. Students demonstrating outstanding talent in certain branches of the arts may be admitted to undergraduate programmes in those same branches on the basis of selection procedures to be determined by the Council of Higher Education.

⇒ Measures taken to ensure access to higher education for disadvantaged students

Other States have taken noteworthy measures to ensure access to higher education for disadvantaged students.

> **BRAZIL: Adoption of a programme to promote access to higher education for individuals belonging to socially marginalized groups**

Law No. 10558 of November 2002 established the **Diversity in University Programme** within the Ministry of Education. This programme aimed to implement and evaluate strategies to promote access to higher education for individuals belonging to socially marginalized groups, **especially black and indigenous populations.**

➤ **COLOMBIA: Establishment of Regional Centres of Higher Education**

In Colombia, within the policy framework for educational services for vulnerable groups, a priority programme was established for the period 2002-2006 through Regional Centres of Higher Education. These centres aim to provide higher-quality education in poor areas.

➤ **ZIMBABWE: Adoption of a policy to make higher education accessible to all regardless of economic status**

In Zimbabwe, with respect to the issue of loans and grants, the Government has put in place a policy which stipulates that no student shall be denied access to tertiary education on account of being unable to pay school fees. The Government is striving to **make tertiary education accessible to all, regardless of their economic status.**

6. Assuring compliance by all with the obligation to attend school

States have implemented various measures in an attempt to comply with the obligation to ensure that all students of school age attend school. Below are some examples.

➤ **ALGERIA: Law condemns parents who do not respect compulsory schooling**

According to Article 12 of the 2005 Education Bill, adopted as a law in 2008⁸⁴: “Education shall be compulsory for all girls and boys of 6 to over 16 years old. [...] The State shall, in collaboration with the parents, ensure the application of these provisions. Parents or legal representatives who fail to comply with these provisions shall be liable to a fine ranging from 5,000 to 50,000 Algerian dinars.”⁸⁵

.....

➤ **UNITED KINGDOM: Assuring the attendance of school-aged parents**

The United Kingdom has the highest rate of teenage births in Western Europe (source: UNICEF 2001). In an attempt to comply with its obligation to ensure school attendance, while recognizing that suitable educational provisions other than regular school may be required to accommodate the needs of school-aged parents, the Government provides a

84 Updated by us, as the Education Law Project had not as yet been adopted when Algeria submitted its report.

85 Unofficial translation from French as follows: *Projet de loi d'orientation sur l'éducation 2005 : "L'enseignement est obligatoire pour toutes les filles et tous les garçons âgés de 6 ans à 16 ans révolus. Toutefois, la durée de la scolarité obligatoire peut être prolongée de deux (2) années, en tant que de besoin, en faveur d'élèves handicapés. L'Etat veille, en collaboration avec les parents, à l'application de ces dispositions. Les manquements des parents ou des tuteurs légaux les exposent à une amende allant de cinq mille (5.000) à cinquante mille (50.000) dinars algériens. [...]."*

range of alternatives. For example, education in a specialist unit for pregnant teenagers and teenage mothers, in a Pupil Referral Unit, further education or home tuition are some of the options available. The policy of the Local Education Authorities (LEAs) is not to impose any one option on a student, but to consult them, their parents or carers and their school to secure a package which is suitable for their age, ability, aptitude and individual needs. Circular DfES/0629/2001 gives guidance on the education of school-aged parents. It makes it clear that pregnancy is no reason for exclusion from school.

7. Encouraging lifelong learning and the elimination of illiteracy

⇒ Legal provisions

Some countries have recognized the fight against illiteracy by incorporating provisions in their national laws.

> BAHRAIN

Article 7 of the Bahrain Constitution (2002) states that: “The necessary plan to combat illiteracy is laid down by law.” **Accordingly, Article 9 of the Education Law (2005) states that:** “Eradication of illiteracy and adult education are a national responsibility which aims at raising citizens’ cultural, social and professional standards.”

Pursuant to this law, the Ministry of Education has undertaken several reforms which have assisted in combating the causes of illiteracy. A marked drop in illiteracy rates, particularly in the 15-24 years age bracket, between the 1991 and 2001 was credited to improved high-school enrolment ratios. Opportunities for those who did not receive basic education at the appropriate age have also been supported via intensive programmes aimed at providing education to overcome the difficulty of learning in a short period of time. Subsequently, the Ministry has embarked on new plans aimed at maintaining these achievements through programmes which support lifelong education.

> NIGER

Article 14 of Niger’s Education System Guidance Law states that lifelong education is one of the purposes of the education system.⁸⁶ Pursuant to this law, special centres were established to admit men and women aged from 9 to 30 years who are out-of-school for

86 Unofficial translation from French as follows: *Article 14 de la loi d’orientation du système éducatif No. 98-12 (1998): “Le système éducatif a pour objectifs [...] d’éradiquer l’analphabétisme.”*

whatever reason. The Government also provides literacy centres and lifelong education residences designed specifically for women.

⇒ **Establishment of specific institutions responsible for adult education**

Several States have established specific institutions with responsibility for adult education and the fight against illiteracy. In Cyprus, a special committee was recently set up to study adult education and make necessary decisions on how to address the issue. In Grenada, the Ministry of Education has established an “Adult Literacy Unit” and Cuba implemented a similar programme called “Yes I Can”. In Sri Lanka, a non-formal education unit in the Ministry of Education is in charge of identifying out-of-school children and providing them with alternative opportunities for education. Moreover, literacy centres and community learning centres have been established in disadvantaged neighbourhoods to address the needs of children who either are not enrolled in school or have dropped out of school.

⇒ **Policies and programmes aimed at eliminating illiteracy**

Many States provide excellent examples of policies and programmes that aim to eliminate illiteracy.

> **JAMAICA: More courses for illiterate people**

In Jamaica, serious efforts have been made to establish a **system of continuing education** and to ensure equitable access to basic and continuing education. This should, ideally, meet the basic learning needs of youth and adults through the elimination of illiteracy and by providing the appropriate learning and life-skills programmes. For instance, the **Jamaica Foundation for Lifelong Learning (JFLL)** has been expanding the number of courses offered by the former Jamaica Movement for the Advancement of Literacy (JAMAL), so as to reach its goal of reducing adult illiteracy in Jamaica. The programme starts with basic literacy skills and is able to prepare people for a secondary education.

> **TURKEY: Establishment of non-formal educational programmes**

In Turkey, non-formal educational programmes are offered in order to permit continuing education on the basis of individual capacity. Non-formal educational activities are offered out-of-school in order to teach adults to read and write, provide basic knowledge and build on the skills they have already acquired. The goal of these initiatives is to create new opportunities to improve the standard of living for many individuals. Non-formal education is carried out through public education, apprenticeship training and distance education.

> **CROATIA: Creating a primary school system for adults**

In Croatia, people over 15 years old who failed to complete primary education, for whatever reason, are entitled to complete their primary school education in the system of primary schooling for adults, which is financed by the State budget.

> **UGANDA: Providing non-formal education for a range of people**

In Uganda, **provisions for non-formal education target young people who have never attended school, primary school dropouts, rural peasants, urban workers and other unskilled persons** who are entitled to basic functional literacy. These services are also available to those in need of apprenticeship or vocational training to make them employable and self-reliant, and who, for whatever reason, did not receive this. The programme is also directed at those men and women who are already employed, but who seek opportunities in continuing education to improve their skills so as to raise their professional and academic standards for upward mobility in their workplaces.

> **SLOVENIA**

Slovenia demonstrates good practices regarding the measures taken in favour of adult education by putting in place a system of continuing education. Basic education for adults is entirely financed by the State and is accessible to anyone who has not completed elementary school. Training is provided by organizations for adult education, usually by the “people’s universities”. In addition, there is a special programme entitled “**Elementary School for Adults**”, which is available for adults and ensures equal standards with typical elementary education available to children and the possibility of progressing to the level of secondary education.

⇒ **A good example in terms of results**

> **ALGERIA**

Algeria has achieved commendable results in its efforts to combat illiteracy. The illiteracy rate was reduced from 85% in 1962 to 31.9% in 1998, to 26.5% in 2002 and approximately 23% in 2005. Between 1990 and 2001, major steps were taken to combat illiteracy among women and girls. This project started during International Literacy Year, which was proclaimed by the UNESCO General Conference in 1990 and marked the beginning of the United Nations Literacy Decade. The project focused on women and young girls from 18 to 39 years old. The main goal was the economic, social and cultural empowerment of 30,000 women living in 14 communities with the highest illiteracy rates. In the first stage of the project, there were only 32 classrooms involved but by the end of 1991 they numbered 333. In the second stage of the project, 200 new classrooms were opened, which made a total of more than 500. In the wake of these

results, the National Office of Literacy and Adult Education was the laureate of the UNESCO Literacy Prize in 1995. Algeria is continuing in its fight against illiteracy, one of its priorities under national educational reform. In 2005, the goal was to reduce the illiteracy rate from 50% to 15% by 2015. These policies target those aged from 17 to 44 years, as this represents the sector of the population that is the most receptive to and interested in the benefits of literacy. Women are also a priority as they are still those most affected by illiteracy (63% are illiterate). The goal is to empower 200,000 persons per year.

B. The principle of equal opportunities as a basis of inclusive education for meeting the EFA goals

To meet the EFA goals, education has to be inclusive. Ensuring equality of educational opportunity is a continuing challenge faced by Member States, as shown by the results of the Seventh Consultation on the measures taken for implementation of the Convention and the Recommendation against Discrimination in Education. Even in countries where educational opportunities are in general widely available, inequalities remain in the ability of all social groups to avail themselves fully of such opportunities, giving rise to early dropout from education and failure to obtain a useful qualification. A key element in facing this challenge is to ensure that children born with different advantages and disadvantages, from differing socio-economic backgrounds, enjoy equality of educational opportunity. Inclusive dimensions of the right to education are important with regard both to access to education and to how it is dispensed.

Below are good examples of measures adopted by countries in order to guarantee Education for All, including the most marginalized groups.

1. Adoption of national plans of action for EFA

States have adopted national plans of action in order to work towards the achievement of the EFA goals.

> BANGLADESH

In Bangladesh, as a follow-up to the World Conference on Education for All, a realistic National Plan of Action for EFA was adopted to increase access to primary education and reduce illiteracy. Some of the proposals to improve access included: increasing classroom size to an average of 50 square metres; and creating specially designed classrooms for children with disabilities. The plan led to positive results, as the country has surpassed the decade's target regarding enrolment and literacy ratios. This was achieved owing to massive levels of social mobilization through an awareness programme, legislative action (Primary Education Compulsory Act), nationwide implementation of compulsory primary education programme, increased financial support, better school infrastructure, and introduction of an incentive programme for children of poor families.

> QATAR

In Qatar, in order to realize the recommendations of the Dakar Forum, a National Education for All Plan was formulated for the period 2001-2015. This plan includes an evaluation of the state of education in terms of the Education for All indicators, and an implementation plan geared to achieving the six Dakar goals. With a focus on implementation of the Plan, a set of measures, procedures and programmes was put in place addressing each of the key areas of the plan, namely pre-school education, basic education, the eradication of illiteracy, adult education, and young people outside the education system. During the academic year 2006/2007, Ministerial Decree No. 17 (2006) was issued to examine the possibility of forming a committee responsible for drafting the national report; this committee would evaluate the progress made to date in the area of EFA.

2. General measures promoting an inclusive education

As recognized at the World Education Forum, “The key challenge is to ensure that the broad vision of Education for All as an inclusive concept is reflected in national government and funding agency policies. Education for All [...] must take account of the need of the poor and the most disadvantaged, including working children, remote rural dwellers and nomads, and ethnic and linguistic minorities, children, young people

and adults affected by conflict, HIV/AIDS, hunger and poor health; and those with special learning needs[...].”⁸⁷ Below are examples of general measures adopted by countries for inclusive education.

> **COLOMBIA: Establishment of political guidelines for inclusive education**

In Colombia, the Ministry of Education established a series of political guidelines regarding the education of vulnerable sectors of the population as well as a plan for 2002 to 2006 called “Educational Revolution”, which aims to address factors of inequity, discrimination and isolation in terms of the most vulnerable groups within society. To accomplish this, a Directorate of the Population was created within the Ministry of Education. In addition, 1.5 million new places were opened in schools with a special focus on the most vulnerable sectors of the population. The General Law of Education (Law 115)⁸⁸ of 1994 recognizes that vulnerable population groups are persons faced with exclusion, poverty, inequality or violence. The law distinguishes education for persons with limited or exceptional capacities (chapter 1), adult education (chapter 2), education for ethnic groups (chapter 3), education in rural areas (chapter 4), and education for social rehabilitation (chapter 5).

> **BANGLADESH: Development of situational analysis along with strategies and an action plan**

In Bangladesh, measures were taken to ensure inclusive education at the primary level. In 2005, under the Second Primary Education Development Programme, the Government developed a situational analysis, along with strategies and an **action plan for mainstreaming indigenous children’s education**. In addition, an action plan was prepared to target the disadvantaged children of the hill districts. This will run simultaneously with the regular primary education programmes in these areas. The following children were identified as children of vulnerable groups: children living in the streets; children of lower socio-economic groups; child labourers; sex workers; children living in disaster-prone areas; children living in urban slums; children belonging to special occupation groups (gypsy, sweeper, cobbler, etc.); orphans; and children living in fishing communities or hilly areas.

87 *Education For All: Meeting Our Collective Commitment - Expanded commentary on the Dakar Framework for Action*, text adopted by the World Education Forum, Dakar, Senegal, from 26 to 28 April 2000, para. 19.

88 Unofficial translation from Spanish as follows: *Ley General de Educación (Ley 115)*.

3. Specific measures for learners with disabilities

⇒ Legislative measures

Some States have attempted to ensure inclusive education for learners with disabilities by enacting legislative provisions.

> NIGER

Ordinance No. 93-012, passed in 1993 and determining the minimum rules regarding social protection for disabled persons, stipulates in Article 7 that “disabled children and teenagers shall have the right to education which must be integrated into the national education system.”⁸⁹

> FRANCE

In France, the Law of 11 February 2005 on the equality of rights and opportunities, participation and citizenship of disabled persons recognizes that **inclusive education is a right for families and an obligation for the Ministry of Education**. Article 19 states that the educational public service guarantees academic, professional or higher education for children, teenagers and adults with disabilities. Within its areas of competence, the State puts in place the necessary financial and human resources for the mainstreaming of children, adolescents and adults with disabilities in ordinary schools.⁹⁰ **Inclusive education is thus the primary objective, while education in a separate class or institution is the exception.** Under this law, a helpline service was established for families of disabled or sick children experiencing difficulties at school. Teacher working groups were also established at the regional level in an attempt to improve the schooling of disabled children.

> CROATIA

In Croatia, Article 60 of the Primary Schools Act⁹¹ states that primary education of children and young people with developmental difficulties will be conducted in primary schools with the appropriate application of individualized procedures and prolonged professional treatments, including, if necessary, special education groups and class

89 Unofficial translation from French as follows: “Les enfants et adolescents handicapés ont droit à l’éducation qui doit être intégrée au système éducatif national.”

90 Unofficial translation from French as follows: “Le service public de l’éducation assure une formation scolaire, professionnelle ou supérieure aux enfants, aux adolescents et aux adultes présentant un handicap ou un trouble de la santé invalidant. Dans ses domaines de compétences, l’Etat met en place les moyens financiers et humains nécessaires à la scolarisation en milieu ordinaire des enfants, adolescents ou adultes handicapés.”

91 Official Gazette, Nos. 59/90, 27/93, 7/96, 59/01, 114/01, 76/05.

departments within the school. Moreover, a set of regulations entitled Regulations on Primary School Education of Pupils with Developmental Difficulties⁹² determines how students with developmental difficulties are incorporated in the primary school system. Primary education of pupils with mild developmental difficulties is conducted in primary schools, which determine full or partial integration. For students with greater developmental difficulties, primary education is provided by means of special education, often in cooperation with other organizations (health-care, social or judicial services). Nevertheless, when a child is unable to attend primary school, education is organized by the nearest school which provides professional assistance. For children in health institutions, hospitals or institutions of social welfare, primary education is organized to meet the particular needs and capabilities of the pupils.

> **CYPRUS**

In Cyprus, several laws and regulations were adopted regarding the education of children with special needs: the Education and Training of Children with Special Needs Law (Law 113);⁹³ Regulations K.Δ.Π. 186/2001 (published in the Official Gazette of the Republic on the same date); the Regulations regarding the Mechanisms for Early Detection of Children with Special Needs; and the Regulations regarding the Education and Training of Children with Special Needs, which support the application of the Law. In order to implement these instruments, the Ministry of Education and Culture has enforced various programmes for special education to meet the educational/other needs of school children. For instance, during the academic year 2005/2006, nine special schools assumed the education of 319 pupils with serious needs, and individual help was provided for 2,624 children attending mainstream primary classes and to 1,713 children attending secondary schools (lower, upper secondary and technical vocational). Additionally, special units were established in ordinary schools for 263 children with moderate needs. The needs of these children were satisfied by well-qualified teachers with a variety of specialties (teachers for intellectual, emotional and other problems, the deaf, the blind, special gymnastics, music therapy, work therapy, speech therapy, educational psychology, audiology and physiotherapy).

⇒ **Administrative measures**

> **BAHRAIN**

In Bahrain, the Ministry chose administrative measures to guarantee an inclusive education for learners with disabilities. According to the ministerial decree issued on 13 October 2003, children with Down's syndrome and mild mental disabilities were

92 Official Gazette, No. 23/9.

93 Published in the Official Gazette of the Republic on 28 August 1999 and amended on 4 May 2001.

merged into government schools and into regular classes with their peers, to avoid their isolation from their environment, their society and the everyday school environment.

⇒ **Policies and programmes**

Other States provide interesting examples of policies and programmes for an inclusive education system.

> **DENMARK: An adaptable education system for children with special needs**

In Denmark, a well-developed system exists which provides education to children and young persons with special needs at both the primary and the lower secondary school level, as well as in the upper secondary education system and in vocational education and training (VET). In most cases, the pupil remains in a mainstream class and receives special needs education in one or more subjects as a supplement to the general teaching. But they may also receive special needs education as a substitute for the pupil's participation in the normal education in one or more subjects, or may alternatively be taught in a special class, in either a mainstream school or a special school. A combination is also possible in which the pupil is a member of either a mainstream school class or a special class, but receives education in both types of classes.

> **JAMAICA: Special Education Schools supervised by a Special Education Unit**

The Jamaican education system provides special education for children whose functional level deviates from the norm to the extent that special programmes are needed to facilitate or foster optimum learning.

The Special Education Unit supervises special education schools, units and programmes island-wide. There is at least one Special Education facility in each parish. The Unit offers support, curriculum supervision, monitoring services and facilities training, networking, assessment and programme planning. It is a resource base for expertise, advice and hands-on information across all levels of the education system.

Some activities of the unit include:

- Supervision and training of resource teachers in regular schools;
- Educational assessment of underachievers;
- Sensitization for parent groups, Administrators, Education Officers, Principals and Board Members;
- Promotion of Special Education Intervention across the curriculum;
- Assistance in establishing Resource Rooms in regular schools – Primary and High.

➤ **UNITED REPUBLIC OF TANZANIA: Various measures taken to ensure an inclusive education system**

The United Republic of Tanzania has taken commendable measures to ensure an inclusive education system, including: the construction and rehabilitation of buildings to make them barrier-free for learners with disabilities; providing learning/teaching materials as well as assistive devices for learners with disabilities; training of teachers to meet the needs of children with disabilities in special schools, integrated units and inclusive schools in ordinary schools; the establishment of new special schools, units and inclusive schools; creating awareness in the society regarding those with disabilities; and the establishment of an Alternative Learning and Skills Development Programme.

➤ **EGYPT: A global strategy for the education of persons with disabilities**

In Egypt a notable strategy for the education of persons with disabilities was adopted by the Ministry of Education. It contains several important features, including:

- Encouraging ordinary schools to take a more active role in the education of students with special needs.
- Expanding the work of special schools to enable them to take on additional roles.
- Re-evaluating current legislation as well as reconsidering the current educational status to ensure that disabled students are accorded the right to be merged into ordinary schools.
- Developing and preparing special human cadres capable of dealing with students with special needs.
- Manipulating modern techniques to serve those children in order to enable them to benefit from and make efficient use of these techniques.
- Designing and developing syllabuses and books that meet the needs and circumstances of these categories of students.

➤ **UNITED KINGDOM: Monitoring the implementation of measures/policy regarding inclusive education**

The United Kingdom has developed several interesting practices regarding inclusive education, particularly in the area of monitoring. For instance, Ofsted⁹⁴ inspection data and reports are used to gauge how well schools cater to the needs of all their pupils, including pupils with disabilities. This emphasis on inclusion strengthens overall school effectiveness. Ofsted is monitoring the impact of the new inclusion framework. A report entitled *Special Educational Needs and Disability – Towards Inclusive Schools* found that the revised inclusive framework introduced by the Special Educational

94 Office for Standards in Education, Children's Services and Skills.

Needs and Disability Act (SENDA) 2001 has contributed to a growing awareness of the benefits of inclusion and has even led to concrete improvements. This Act extended the application of the Disability Discrimination Act 1995 to schools, further education and higher education institutions, making it illegal for them to discriminate against disabled students in relation to admissions, exclusions and education and associated services and requiring them to make reasonable adjustments to their policies and practice to prevent students with disabilities from being treated less favourably and being put at a substantial disadvantage. Schools and local authorities are also required to plan ahead to ensure that information is available in alternative forms for pupils with disabilities and that access to the school itself is possible for all students.

4. Specific measures regarding other learners vulnerable to marginalization and exclusion

Inclusive education refers not only to learners with disabilities but also to other vulnerable groups, such as children from lower socio-economic groups, minority ethnic communities and children living in remote areas. Some States have taken measures to target these specific groups. Examples of these are given below. Considering the importance accorded to gender and minority issues by Member States, separate specific chapters will be devoted to these issues.

⇒ **Examples of measures taken to target students from lower socio-economic groups**

- **Financial assistance**

In order to ensure that students from lower socio-economic population groups are not excluded from school, some States have implemented specific measures, mainly in the area of financial assistance.

> **UZBEKISTAN: Legislative provision**

Article 20 of the Law on Education (1997) of Uzbekistan states: “Students of educational institutions are given the privileges of **a scholarship and hostel room** according to the normative documents.”

> **ZIMBABWE: Providing financial support to students in higher and tertiary education through different mechanisms**

In Zimbabwe, students in public tertiary institutions had since 1980 received financial support for their education through a **Vocational Training Loan** provided by the Government. In 2001, a new student funding mechanism was designed. It consists of a multisectoral approach whereby local financial institutions work in partnership with the Ministry of Higher and Tertiary Education to provide students with a loan. According to the policy, **specific banks would provide the bulk of the student loans at a manageable interest rate on an annual basis**. In addition, the Government of Zimbabwe will provide additional funds in order to protect students from high interest rates.

- **Free school lunches**

> **JAMAICA: School Feeding Programme in place since 1976**

In Jamaica, the Government developed a School Feeding Programme in 1976 after educators reported a strong correlation between the provision of a midday meal and the attendance patterns of students in schools, especially those located in economically disadvantaged areas. The School Feeding Programme is now an integral part of the Ministry of Education and Youth's Welfare Programme. The Government is at present attempting to expand the programme in order to reach more needy children.

> **BANGLADESH: A stipend programme to replace the Food for Education Program in some areas**

In Bangladesh, a Food for Education Programme has helped increase the enrolment and attendance of students but was implemented in only 27% of the country. For those areas that are not benefiting under the programme, a stipend programme was implemented in April 2000. In July 2002, in order to direct resources effectively, the primary education stipend programme was introduced, mostly in rural areas, replacing the Food for Education Programme. This stipend is accorded to nearly 40% of poor students in a given school. Mothers of recipient pupils are paid cash assistance into their bank accounts. The World Food Programme is also an active partner in this area, especially in the most disadvantaged regions. A midday meal programme for children in primary school, to be publicly funded, is also being planned and is expected to be launched on a pilot basis.

- **Free transport**

- **TURKEY: Bussed Education Service is offered to primary school children**

In Turkey, a “Bussed Education Service” is offered to children of primary school age living in less-populated and rural areas where multi-grade schools exist. The opportunity to attend a larger school enhances the quality of education these children receive. These students are bussed daily to primary schools in central areas. In the academic year 2005-2006, 679 students were bussed from 26 village schools to six schools in 80 provinces. Moreover, in order to encourage children to attend school, a certain amount of money (18.00 YTL (US\$11) and 22.00 YTL (US\$13.5) respectively for boys and girls at the primary level, and 28.00 YTL (US\$17) and 39.00 YTL (US\$24) respectively for boys and girls at the secondary education level, is paid monthly to the mothers of families not in receipt of social security from the General Directorate of Social Assistance and Solidarity.

- **Other measures of interest**

- **FRANCE: “Open school” during holidays**

Administrative Bill No. 2003-008 of 23 January 2003 published the Charter on “Open Schools”. This interdepartmental operation is intended for children and young people living in disadvantaged urban or rural areas or difficult socio-cultural contexts. It consists of opening junior secondary and high schools during holidays, as well as on Wednesdays and Saturdays, to take in children who do not go on holiday, instead offering them a range of activities: educational, cultural, sport and leisure. It is meant particularly for institutions of priority education territories/areas or in problem urban areas, or for institutions facing difficulties. The goal is to provide an opportunity to access various activities of quality, to enhance the image of school among young people and families, to encourage social and educational integration, and to help prevent exclusion and violence. This policy, applied by the State, involves the ministries in charge of national education, employment and health, which finance the operation. Each institution volunteers to implement the operation within its own school project. The school head is responsible for organizing and implementing the project. In each area, a regional pilot group, composed of national financing representatives, is in charge of validating projects and allocating finances. A national commission establishes the general direction and the conditions of eligibility of the project, besides conducting evaluations. Every year, an evaluation is carried out through a quantitative, qualitative and financing outcome.

Activities are varied and cover a wide area. This operation gives young people from disadvantaged families access to cultural and artistic activities, as well as to new technologies. For children in primary school, welcomed during the summer into

their future secondary school, the operation makes for easier transition to secondary schooling. Some activities are specifically focused on new child immigrants.

As a result of this operation, in quality terms, schools noted an improvement in the general atmosphere of the schools and in students' behaviour. The image of school is enhanced, students are motivated again to study, those from primary level are better integrated into secondary level, and student-teacher relations are improved. The difficulties are essentially financial.

⇒ **Examples of measures taken to target students in rural or isolated areas**

> **AUSTRALIA: Financial assistance for geographically isolated families**

In Australia, the Government provides direct support to students in rural and isolated areas. For instance, the Assistance for Isolated Children (AIC) Scheme is an ongoing programme which provides financial assistance to families of students who are unable to attend an appropriate government school daily because of geographical isolation.

> **MALAYSIA**

In Malaysia, to ensure that each child has access to education, **school boarding facilities in the form of day school hostels, central hostels and fully residential school hostels** have been set up throughout the country. In remote areas, these are an essential educational amenity for pupils who would otherwise have been unable to access basic education.

⇒ **Examples of measures taken to target nomadic students**

> **GERMANY: Ensuring school attendance of children of travelling and performance families**

Germany has taken measures to improve the attendance rates and schooling situation of children whose life is characterized by continual moves and a consequent lack of continuity in their school development. Children of barges and children of circus members and show performers are particularly affected by constant moves. The measures introduced are aimed at stabilizing the students' school career and motivating these pupils to attend.

Special measures in the primary sector include, for instance, keeping primary school places aside for children of occupational travellers, or creating additional facilities during an annual fair. Some *Länder* have a system of regular schools (*Stammschulen*) and base centre schools (*Stützpunktschulen*). The regular school assumes responsibility for the child's school career at the family's winter site, while the base centre schools are

situated near fairgrounds and endeavour in particular to provide educational support for travelling children.

Under a resolution of the Standing Conference of the Ministers of Education and Cultural Affairs last amended in 1999, these measures also include subsidies for the costs of accommodating children of the travelling professions in homes. In addition, pilot projects are under way in some *Länder* in the form of a travelling school, which allows the children of circus performers to be taught at the same time at different locations. The travelling school accepts pupils of primary and lower secondary level age with the aim of guaranteeing uninterrupted school attendance.

> **FRANCE: The schooling of nomadic children secured by law**

An administrative bill adopted in 2002⁹⁵ deals specifically with the schooling of nomadic children. According to this bill, these children have the same right to education as other children, whatever their parking times and modes. Moreover, Law No. 2000-614 of 5 July 2000 on the reception and accommodation of nomadic people stipulates the implementation of new parking areas and has thus created better conditions for the schooling of nomadic children.

Generally, nomadic children go to school in the area where their family lives (even when the family lives there temporarily) and specific assistance is given by supernumerary teachers. If necessary, specific systems are in place to reach out-of-school children, such as “**mobile**” teachers who go to the parking areas or travelling schools, in addition to a **school bus**, since the pre-school stage. Moreover, the administrative bill of 2002 provides the possibility for nomadic children registered in distance learning programmes to enjoy facilities and activities of their local area school and to receive suitable schooling support through co-education (mixed education).

⇒ **Examples of measures taken to target students in conflict-affected areas**

> **COLOMBIA: Adoption of special educational programmes is provided by law**

Article 19 of Law 387 (1997) establishes the obligation for the Ministry of Education and local secretariats to adopt **special educational programmes for victims of forced movement**.

> **SRI LANKA: Assisting children in conflict-affected areas through various programmes**

In conflict-affected areas, a **child-friendly school programme** was introduced in selected disadvantaged administrative divisions, with UNICEF assistance, to prevent

95 Circular No. 2002-101 of 25 April 2002.

exclusion of disadvantaged children (special children, refugee children, orphans). In the North and East provinces, targeted programmes such as Catch-Up Education were conducted for children who missed schooling as a result of internal displacement, as an opportunity to provide them with a second chance. Nearly 30,000 children benefited from this UNICEF-assisted programme, with another 14,000 children receiving assistance from Germany.

⇒ **Examples of measures taken to target students from ethnic or indigenous groups**

> **BRAZIL: Establishment of a Secretariat of Continued Education, Literacy and Diversity with a General Coordination on Diversity and Educational Inclusion**

In Brazil, the Ministry of Education implemented several measures aimed at **fostering equity and diversity at each level of education for Afro-Brazilians, indigenous people and other socially disfavoured groups**. In February 2004, the Ministry of Education, aware of the need for an institutional structure capable of coping with the multiple dimensions of educational inequity in the country, established the Secretariat of Continued Education, Literacy and Diversity (SECAD). This Secretariat arose from the need to respond to the challenge of developing and implementing educational inclusion policies, taking into account the specificities of Brazilian inequities and ensuring respect and recognition of the multiple hues of the ethnic-racial, cultural, gender, social, environmental and regional diversity of the country. The Secretariat features a General Coordination on Diversity and Educational Inclusion. It promotes a **course on Education-Africanities-Brazil**, a programme of continued education for teachers, and is intended to promote **discussion and research on racial relations** in Brazilian society and to construct, together with these education professionals, guidelines and directions for the management of racial issues in Brazil.

> **AUSTRALIA: Funding allocation and programme for Indigenous education**

Specific measures adopted by the Government of Australia brought about improvements in the achievements of the country's Indigenous students, although disparities remain between Indigenous and non-Indigenous students. In April 2004, the Government announced its funding allocations for Indigenous education for the 2005 to 2008 quadrennium, emphasizing that Indigenous education remains one of its major priorities. Over the quadrennium, AUS\$ 2.1 billion will be allocated to programmes to improve educational outcomes for Indigenous students.

The Indigenous Education Programme includes elements such as:

- Supplementary Recurrent Assistance (SRA), which provides supplementary recurrent funding on a per-student basis to independent pre-school establishments,

government and non-government schools and independent vocational education and training institutions;

- A Whole of School Intervention (WoSI) strategy, which includes the Parent School Partnerships Initiative (PSPI) and Homework Centres. The PSPI enables creative approaches to improving the educational outcomes of Indigenous school students by encouraging their parents, communities and schools to work together;
- Indigenous Tutorial Assistance Scheme (ITAS), which provides Indigenous students with supplementary tuition.

➤ **DENMARK: Implementation of a range of initiatives towards ethnic minorities at all levels of education**

In November 2003, the Government of Denmark published an **action plan for promoting equal treatment and diversity and combating racism** in the *Folkeskole*, as well as other areas. The Ministry of Education implemented a range of **initiatives towards ethnic minorities at all levels of education**. For instance, the campaign “All Young People are Needed” ensures that young people, irrespective of their ethnic background or economic capacity, enjoy equal opportunities in the Danish education system and in the labour market. To correspond with the agreement on the Government’s integration plan, “A new chance for everyone”, and to the government platform “New Goals”, the Act on Guidance was changed in 2006. While this initiative applies to all citizens, it is also part of the extra effort by the Government to ensure that young people from ethnic backgrounds other than Danish receive an education and matching employment opportunities.

⇒ **Examples of measures taken to target students from Roma populations**

In Eastern Europe, several States have adopted specific measures regarding the inclusive education of students from Roma populations.

➤ **THE CZECH REPUBLIC**

In the Czech Republic, the Ministry of Education, Youth and Sports initiated a subsidized programme entitled “**Support for Roma Students at Secondary Schools**”. It also introduced a **programme for the integration of the Roma community which focuses on educational activities, pre-school education and basic school education** in particular. Moreover, it is concerned with assistance for Roma children in terms of overcoming difficulties during compulsory schooling. To that extent, information and counselling services for Roma families related to career choice and successful transfer of Roma children from basic to secondary education and the integration (inclusion) of Roma children in mainstream education are offered. Emphasis is also placed on

methodological support for teachers working with Roma children, the promotion of activities concerned with the preparation of Roma secondary school students for tertiary professional schools and higher education institutions, and **support for Roma children in higher education** by means of establishing centres in university towns.

> **HUNGARY**

In Hungary the Government has developed a programme promoting the social integration of Roma populations, which includes **the principle of reducing segregation in education**, and increasing the quality of education⁹⁶ offered. This was undertaken through the preparation of a document entitled “Promoting equal treatment and equal opportunities”.⁹⁷

> **SLOVENIA**

In Slovenia, particular attention has also been accorded to the issue of Roma education. In 2004 a strategic document was adopted that defines measures aimed at the more effective inclusion of Roma pupils into mainstream education. On the basis of that document, the Ministry prepares annual action programmes in which it defines concrete measures to be implemented and financed in a given year. Article 9 of the Elementary School Act⁹⁸ provides for the rights of the Roma community. Elementary education of members of the Roma community in Slovenia is provided in accordance with this Act and the related regulations. The draft law on the Roma community in the Republic of Slovenia suggests in Article 5 that Slovenia may create conditions for inclusion of members of the Roma community in the mainstream education system, ensure opportunities for raising their standard of education and provide for an adequate scholarship policy.

Article 9 of the Elementary School Act of Slovenia

Elementary education of Romanies in the Republic of Slovenia shall be offered in compliance with this Act and other regulations.⁹⁹

96 Government Decree 1021/2004 (III.18.) on “The Government Programme Facilitating the Social Integration of Roma People and Related Provisions”, Annex No. 1, Chapter IV.

97 Act CXXV of 2003 on Promotion of Equal Treatment and Equal Opportunities.

98 Elementary School Act, *Official Gazette of the Republic of Slovenia* Nos. 12/1996, 33/1997, 54/2000.

99 Elementary School Act, *Official Gazette of the Republic of Slovenia* Nos. 12/1996, 33/1997, 54/2000.

5. Measures taken to ensure gender equality

Women and girls are often excluded from education. States show interesting examples of measures taken to ensure non-discriminatory gender inclusion in education.

⇒ Constitutional provisions

- **Guaranteeing gender equality generally**

States' Constitutions contain general provisions on gender equality which also apply to the right to education.

- > **SRI LANKA**

Article 27 (2) (h) of the Constitution of Sri Lanka (1978) provides for “the assurance to all persons of the right to universal and equal access to education at all levels”, and Article 27 (6) specifies that the State “shall ensure equality of opportunity to citizens, so that no citizen shall suffer any disability on the ground of [...] sex [...].”

- > **UGANDA**

Article 21 of the Constitution of Uganda (1995) states that “a person shall not be discriminated against on the ground of sex [...]”; Article 33 (4) that “women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities”; and Article 33 (5) that “without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition and custom.”

- **Guaranteeing gender equality specifically to education**

- > **SENEGAL**

Article 22 Constitution of Senegal (2001) refers to children, recognizing that “all children, **boys and girls alike**, everywhere in the country, have the right to access to school.”¹⁰⁰

- > **TURKEY**

Article 42 of the Constitution of Turkey (1982): “Primary education is compulsory **for all citizens of both** sexes and is free of charge in State schools.”

100 Unofficial translation from French as follows: “*Tous les enfants, garçons et filles, en tous lieux du territoire national, ont le droit d’accéder à l’école.*”

⇒ Legislative measures regarding gender equality in education

Some States have adopted legislative measures regarding gender equality in education.

> BENIN

Article 12 of the Education Law (2003)¹⁰¹ stipulates that “the State shall progressively guarantee free public education and also guarantee [...] gender equality.”¹⁰²

> SENEGAL

In Senegal, Article 3 bis of Law No. 91-22 (as amended by Law No. 2004-37) specifies that “schooling shall be compulsory for all children of both sexes [...]”¹⁰³

> SPAIN: Measures to protect against gender violence in education

There is a Law on Measures of integral protection against gender violence (2004)¹⁰⁴ which provides for prevention mechanisms with a particular focus on educational policy, emphasizing equality and respect of women’s rights. Article 4 stipulates that equality between men and women is one of the goals of the Spanish education system. Education (from primary to university, including vocational and adult education) contributes to developing student capacities to respect equality between

101 Unofficial translation from French as follows: *Loi No. 2003-17 du 11 novembre 2003 portant Orientation de l’Education Nationale en République du Bénin.*

102 Unofficial translation from French as follows: “*L’Etat assure progressivement la gratuité de l’enseignement public et garantit ...l’égalité des sexes [...].*”

103 Unofficial translation from French as follows: “*La scolarité est obligatoire pour tous les enfants des deux sexes âgés de 6 à 16 ans.*”

104 Unofficial translation from Spanish as follows: *Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género.*

men and women.¹⁰⁵ Article 6 specifies that, in order to guarantee the effectiveness of gender equality, educational administrations must ensure that educational materials eliminate sexist or discriminatory stereotypes and promote the equal value of men and women.¹⁰⁶ According to Article 7, educational administrations have to adopt the necessary measures to include specific training with regard to equality within initial and ongoing teacher training.¹⁰⁷ Article 8 stipulates that school councils must encourage the adoption of educational measures to promote real and effective equality between men and women.¹⁰⁸ Additionally, Article 9 provides that educational inspection services should ensure that these principles and values are respected and implemented in the education system.¹⁰⁹

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- 105 Unofficial translation from Spanish as follows: “*Artículo 4. Principios y valores del sistema educativo.*
1. *El sistema educativo español incluirá entre sus fines la formación en el respeto [...] de la igualdad entre hombres y mujeres [...].*
Igualmente, el sistema educativo español incluirá, dentro de sus principios de calidad, la eliminación de los obstáculos que dificultan la plena igualdad entre hombres y [...].
3. *La Educación Primaria contribuirá a desarrollar en el alumnado su capacidad para adquirir habilidades en la resolución pacífica de conflictos y para comprender y respetar la igualdad entre sexos.*
4. *La Educación Secundaria Obligatoria contribuirá a desarrollar en el alumnado la capacidad para relacionarse con los demás de forma pacífica y para conocer, valorar y respetar la igualdad de oportunidades de hombres y mujeres.*
5. *El Bachillerato y la Formación Profesional contribuirán a desarrollar en el alumnado la capacidad para consolidar su madurez personal, social y moral, que les permita actuar de forma responsable y autónoma y para analizar y valorar críticamente las desigualdades de sexo y fomentar la igualdad real y efectiva entre hombres y mujeres.*
6. *La Enseñanza para las personas adultas incluirá entre sus objetivos desarrollar actividades en la resolución pacífica de conflictos y fomentar el respeto a la dignidad de las personas y a la igualdad entre hombres y mujeres.*
7. *Las Universidades incluirán y fomentarán en todos los ámbitos académicos la formación, docencia e investigación en igualdad de género y no discriminación de forma transversal.”*
- 106 Unofficial translation from Spanish as follows: “*Artículo 6. Fomento de la igualdad. Con el fin de garantizar la efectiva igualdad entre hombres y mujeres, las Administraciones educativas velarán para que en todos los materiales educativos se eliminen los estereotipos sexistas o discriminatorios y para que fomenten el igual valor de hombres y mujeres.”*
- 107 Unofficial translation from Spanish as follows: “*Artículo 7. Formación inicial y permanente del profesorado. Las Administraciones educativas adoptarán las medidas necesarias para que en los planes de formación inicial y permanente del profesorado se incluya una formación específica en materia de igualdad [...].*”
- 108 Unofficial translation from Spanish as follows: “*Artículo 8. Participación en los Consejos Escolares. Se adoptarán las medidas precisas para asegurar que los Consejos Escolares impulsen la adopción de medidas educativas que fomenten la igualdad real y efectiva entre hombres y mujeres [...].*”
- 109 Unofficial translation from Spanish as follows: “*Artículo 9. Actuación de la inspección educativa. Los servicios de inspección educativa velarán por el cumplimiento y aplicación de los principios y valores recogidos en este capítulo en el sistema educativo destinados a fomentar la igualdad real entre mujeres y hombres.”*

> SLOVENIA

In Slovenia, Article 2 of the Organisation and Financing of Education Act¹¹⁰ determines **equal opportunities and gender equality as one of the educational objectives**, stating that optimum development of individuals, regardless of their sex, shall be guaranteed. In addition, education for **development of awareness of the equality of rights for men and women** will be provided. Moreover, equal educational opportunity for both sexes was one of the principles of the curricular reform in Slovenia in the 1990s. Education for gender equality and human rights is a special theme included in the compulsory subject “Citizenship Education and Ethics” and the elective subject “Citizenship Culture in Elementary Schools”.

⇒ National policies adopted to ensure gender-inclusive education

National policies have also been put in place by States to ensure gender-inclusive education.

> CANADA: Gender equality policies developed through a variety of projects at all educational levels

In Canada, along with legislative measures, gender equality policies were developed in the 1990s and have been implemented through a variety of projects, guidelines, training schemes and other initiatives. To emphasize that gender equity must be an integral part of all aspects of the education system, the Saskatchewan directives include guidelines and policies for curriculum development and resource materials, for instructional and assessment practices, for the school environment, and for monitoring progress towards gender equity goals. This policy statement is incorporated in each curriculum outline.

> PORTUGAL: The role of the Commission for Equality and Women’s Rights in developing transversal gender equality policy in education

The Government asserts that building equality of rights and opportunities for men and women is of fundamental importance to the promotion and protection of human rights inasmuch as it contributes to the equality and deepening of democracy. This position has meant that the gender equality policy has been made transversal to all the other policies, in such a way as to promote equality and adopt a range of strategies and measures. The role played by the Commission for Equality and Women’s Rights (CIDM), which reports directly to the Presidency of the Council of Ministers, is one of the mechanisms whereby the Government has promoted equal rights and opportunities. This Commission was established in 2001 and helps define and implement both global and sectoral policies on gender equality and equal opportunity for women and men.

110 Organisation and Financing of Education Act /OFEA/ (*Official Gazette of the Republic of Slovenia* 98/2005 – UPB 4).

A range of legislative measures was passed to this end, one of the most important being the second National Equality Plan, which operated between 2003 and 2006. Six measures were provided for in education:

- The integration of gender equality and equal opportunities into curricula, programmes and teaching materials, with a view to effective implementation of co education for parity.
- Raising awareness of academic publishers about the need to include gender equality and equal opportunities for both sexes among the quality criteria applicable to school textbooks.
- Incorporation of the gender equality theme in initial and continuous teacher training.
- School guidelines designed to promote an organizational structure based on respect for the human person, ensuring the full integration of girls and boys, and preventing situations involving exclusion, abandonment, violence and harassment.
- Promoting equality between women and men in the transition from school to working life.
- Incorporation of gender equality in sex education.

➤ **CAMEROON: Guaranteeing gender equality at different levels**

Cameroon adopted a range of measures in order to guarantee gender equality in education:

- The State signed partnership conventions with NGOs in charge of gender issues (Plan Cameroon, FAWECAM);
- A gender committee was set up within the former Ministry of National Education;
- The institution “**School Friend of Children and Friend of Girls**” was established with the aim of fostering a more favourable learning environment.

➤ **SWEDEN: Promoting gender equality at the pre-school level**

In Sweden, in December 2003, a delegation was appointed in order to highlight, reinforce and develop gender equality in pre-school establishments. A starting point for the delegation was that lifelong learning must be viewed within a gender perspective, even at the pre-school level, so that outdated and stereotyped gender roles and patterns can be broken over time.

➤ **NORWAY: Ensuring gender equality in secondary education, including Technical and Vocational Education and Training (TVET)**

In Norway, in order to ensure gender equality in secondary education, including TVET, the Ministry of Education and Research has launched a **National Strategy for equal opportunities and to eliminate gender disparity**. The strategy will be implemented over four years, from 2007 to 2011. Central aims of this strategy are: to ensure equal education in the school environment; to promote less traditional vocational education and training; and to secure a more equal gender balance among employees in kindergarten and school.

➤ **ZIMBABWE: Affirmative action taken to promote gender balance at university**

In Zimbabwe the Government undertook measures regarding gender-inclusive education at the university level. In 2003, the National Gender Policy was launched to facilitate the creation and implementation of policies that rectify gender imbalances in all areas of life. For example, it provides a policy of affirmative action to promote gender balance in university programmes in mathematics and science, subjects traditionally dominated by males. Moreover, to increase access to university education for girls, the Ministry approved a Charter in 2003 establishing a private university: the Women's University in Africa.

➤ **SRIL LANKA: Education planners trained on gender issues**

In Sri Lanka, the Ministry of Education has trained the national and sub-national level education planners in developing gender-responsive education for all levels. A gender-sensitive five-year plan for primary education (2000-2004) and a gender-responsive medium-term secondary education plan (2000-2008) were formulated.

➤ **BANGLADESH: 60% of teaching posts are reserved for women**

Bangladesh recognizes that appointing female teachers plays a vital part in increasing girls' enrolment. As a matter of policy, 60% of teaching post are reserved for women. In order to ensure higher enrolment and retention of girls in schools, female teachers have been recruited in large numbers.

⇒ Measures taken to promote access to school for girls

> **BENIN: The implementation of gender policy at school is followed up with partners**

Benin has developed a policy to improve equal access to and retention in schools for girls. This policy is implemented by the Schooling Promotion Department¹¹¹ established within the Ministry of Primary and Secondary Education¹¹². Benin made many efforts through follow-up action with the technical and financial assistance of partners. Such action has included:

- creation of the National Network for the Promotion of Girls' Schools;
- provision of **residences for girls at secondary school**;
- **exemption from school fees for girls in rural areas**;
- organization of awareness campaigns for parents and the community at large on the need to enrol and retain girls at school until an advanced level;
- training of teachers in their responsibilities with regard to girls' education;
- motivation and promotion of better girl students through an annual awards ceremony;
- preparation of a policy document for the promotion of girls' education;
- **granting of materials and school uniforms for poor girls.**

> **CÔTE D'IVOIRE: Campaign to promote the schooling of girls and women's literacy**

In Côte d'Ivoire, a campaign was launched in 2005 in order to encourage children, especially girls, to return to school. In 2005, for instance, 594,000 school kits were distributed, including 394,000 specifically for girls. Other measures have been taken to reduce schooling disparity between girls and boys and to guarantee equality of opportunity. Diagnostic studies were conducted to promote the schooling of girls in areas known to have traditionally low education rates. In addition, to facilitate implementation of the Strategic Plan of Education for Girls, the UNGEI Network was put in place to advocate social mobilization in order to accelerate girls' schooling. Finally, to encourage girls' education, women living in rural areas received literacy classes under the project "Women's literacy in the western part of Côte d'Ivoire". The project reached 370 women and enabled 1,000 girls to go to school between 2004 and 2005. In 2007, a similar project was implemented in the north-eastern region of the country and covers 20 villages.

111 Unofficial translation from French as follows: "*Direction de la Promotion de la Scolarisation.*"

112 Unofficial translation from French as follows: "*Ministère des Enseignements Primaire et Secondaire.*"

➤ **MALI: Establishment of institutions to support girls' schooling**

In Mali, a **National Girls' Schooling Unit** was established in 1992 to coordinate regional and local centres. In addition, an **expert position on gender** was created in the Ministry of Education as well as other ministries. Moreover, a **section for the schooling and training of girls** was created within the National Directorate of Basic Education to coordinate girls' schooling activities at the subregional level. At the school level, **committees for the promotion of girls' education** were established. Programmes and projects put into place were used to launch advocacy, research and awareness activities in the area of girls' schooling through the **construction of women's training centres**, as well as **targeted financial support** in order to reduce girls' housework. These measures helped to increase the education rate of girls at the primary level from 19% in 1990 to 59.9% in 2004 and, at the secondary level, from 8.1% to 27% over the same period.

➤ **NIGER: Positive measures taken to ensure gender equality**

In Niger, positive measures have been taken by the Government to ensure that gender equality in education includes: awareness-raising in communities to encourage the enrolment of girls; the preparation and implementation of Local Action Plans to promote girls' education; and the establishment of a Monitoring Committee on the education of girls.

➤ **UNITED REPUBLIC OF TANZANIA: Introduction of a pre-entry programme for female science students**

In the United Republic of Tanzania, a Gender Dimension Programme was established to enhance girls' access to university education. A pre-entry programme for female science students was created in 1997, with an aim to facilitate female application and acceptance into the various science-based disciplines by providing remedial classes in order to improve their performance and retention in science and mathematics.

⇒ **Specific financial measures targeting girls**

To promote access to education for girls, some States have adopted specific financial measures that target girls specifically.

➤ **BANGLADESH: Stipend policy and elimination of tuition fees for girls in rural areas**

In Bangladesh, a stipend policy and the elimination of tuition fees for girls in rural areas had a huge impact on girls' enrolment in secondary education. But girls from the poorest families, from remote and rural areas, from urban slums and from ethnic minorities remain deprived owing to compliance criteria; male students are also being

deprived. The Government is therefore considering the establishment of a target-oriented and pro-poor stipend programme.

> **NEPAL: Establishment of a Girls' Education Fund**

In Nepal, the Government established a Girls' Education Fund to provide scholarships and financial incentives to poor and disadvantaged girls for the continuation of their higher education.

⇒ **Examples of concrete measures taken towards ensuring girls' access to education**

States show good examples of other measures taken towards ensuring girls' access to education.

> **SENEGAL: Social and tutoring assistance to girls to facilitate access to school**

In Senegal, a policy promoting education of girls is instituted in cooperation with UNICEF and ILO. It consists in providing social assistance to girls to facilitate access to education through the provision of school supplies, medicine and clothes. Furthermore, efforts have been made to provide tutoring and educational assistance to girls by means of additional classes during holidays.

> **BANGLADESH: Building of separate toilets for boys and girls**

In Bangladesh, separate toilets for boys and girls were built. Provision of this facility helped increase enrolment in the schools.

⇒ **Measures regarding pregnant students**

Some States also took specific measures regarding pregnant girls in order to ensure their continued and unimpeded access to education.

> **MALI / MALAWI**

In Mali, girls who become pregnant during their schooling are no longer excluded from school, and in Malawi they are readmitted to school after delivery.

> **CHILE**

In Chile, 40,000 cases of teenage mothers aged from 15 to 19 are registered annually; only a third of them attend school. The fact that they are pregnant has often been used to justify refusal of access to school or their expulsion. In order to eliminate this discriminatory practice, Law No. 19.688 of 2000 was adopted to modify Article 2 of the Constitutional Law on Education (Ley Orgánica Constitucional de Enseñanza).

A new paragraph was added which stipulates: “Pregnancy and maternity shall not constitute an obstacle to access to or continuation in educational institutions at any level. Moreover, these institutions must provide the appropriate educational facilities.”¹¹³ Law No. 19.979 of 2004 subsequently improved this norm, establishing an economic sanction for educational institutions engaging in such discriminatory practices, with the possibility of a doubled penalty in the event of a repeat offence.

⇒ **Promotion of gender equality through curricula and teaching materials**

Gender equality is also promoted through curricula and teaching materials.

> **CYPRUS**

In Cyprus, for instance, the curriculum has been revised to address gender parity concerns and, today, both boys and girls study similar subjects and carry out similar activities. Although there is no formal gender-based policy in education, **teachers are instructed to address gender parity concerns** and to nurture sensitivity on such issues, so that students learn the importance of equality from a very early age. Moreover, the Ministry of Education and Culture is responsible for implementing reorganization and improvements in the education system, so that all policies, mechanisms and structures will be informed by gender parity concerns. This is a challenging task that requires clearly stated goals, the ability to include training and expertise throughout the process, and the establishment of adequate institutional mechanisms.

> **UNITED REPUBLIC OF TANZANIA**

The Education and Training Policy of 1995 directs curriculum review **in eliminating gender stereotyping in textbooks and classroom practices**, as well as strengthening and encouraging the participation and academic achievement of girls.

> **MALI**

In Mali, basic education curricula and textbooks used in schools increasingly take gender issues into consideration, in terms of abolishing stereotype and promoting a **positive female image**.

> **THE CZECH REPUBLIC**

In the Czech Republic, gender equality is ensured by breaking down traditional stereotypes in education during the creation of framework educational programmes for

113 Unofficial translation from Spanish as follows: “*El embarazo, y la maternidad, no constituirán impedimento para ingresar y permanecer en los establecimientos de educación de cualquier nivel. Estos últimos deberán, además, otorgar las facilidades académicas del caso.*”

all levels and areas of education both in public schools and in schools established by other entities. In addition, access to education and apprenticeships is assured regardless of sex, as projects are created to address specific aspects of equality between boys and girls. Furthermore, textbooks used in schools must receive an endorsement from the Ministry of Education attesting their suitability with respect to gender issues. In 2003, work began on preparing an analysis of curricula and textbooks from the viewpoint of their role in creating and perpetuating gender stereotypes and prejudices; the goal is to determine whether these materials contribute to a stereotypical view of gender equality. The ministry supports the creation of gender-neutral conceptual documents, textbooks and other materials for all types of schools and educational facilities.

> **BURUNDI**

In Burundi, **there is a programme and a committee of young people seeking to eliminate gender stereotypes** in school and help young people to confront this problem.

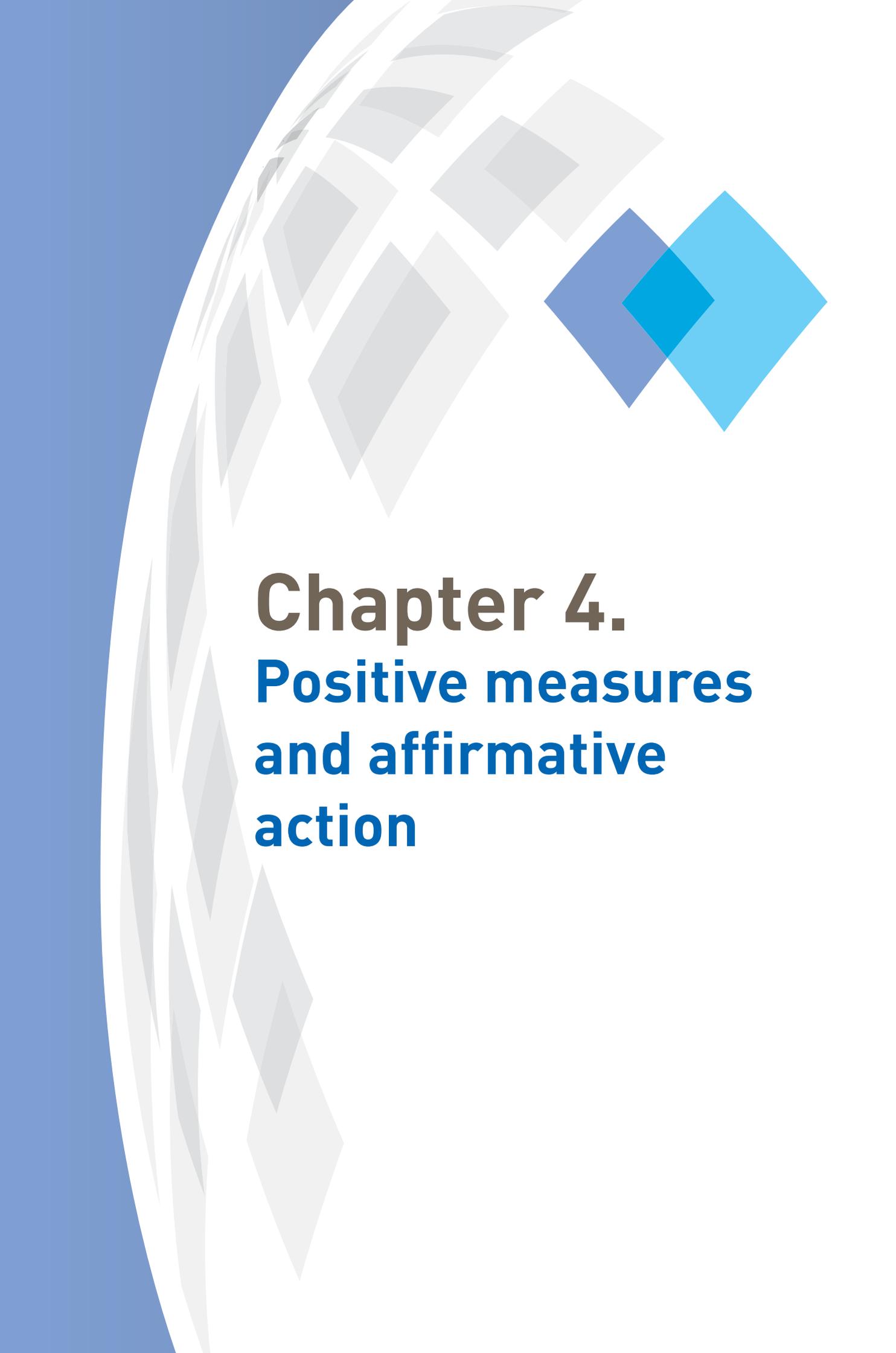
> **NIGER: Teachers training on gender issues**

In Niger, teachers and educational staff are trained in gender issues in order to combat gender discrimination in education.

⇒ **Measures taken for boys**

> **JAMAICA**

Jamaica provides an interesting example in this area, as the measures taken regarding gender equality concern boys. In the education system in Jamaica, it is not the girls who are lagging or at a disadvantage but the boys: it is they who are underperforming and underrepresented in schools. The current focus of the Ministry of Education and Youth is the development of new pedagogical strategies which would teach boys differently from girls. According to the policy document entitled *Education: The Way Upward, 2001*, “The issue of gender imbalance in the education system” is a serious source of concern. To regain some balance, a special effort will be made in curriculum development and delivery to engage both boys and girls in the learning process. Furthermore, a 14-member Gender Advisory Committee (GAC) was established within the Ministry of Development in order to develop a national gender policy that will guide the Government’s decisions regarding equality between the sexes.

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Chapter 4.

Positive measures and affirmative action

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In countries facing severe resource constraints and widespread poverty, inequalities in educational opportunity are often more pronounced, requiring States to adopt different kinds of compensatory measures. Affirmative action and positive measures taken by governments are intended to bring about de facto equality by fighting social exclusion and poverty, and to eliminate discrimination and reduce disparities in education. Temporary measures may be suitable in cases of long-standing and persisting forms of discrimination until full equality of treatment can be reached. According to General Comment 13 on Article 13 (right to education) of the ICESCR “the adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved.”¹¹⁴

Examples of affirmative action taken by States in order to eliminate discrimination, reduce disparities in education and enable children who are victims of social exclusion and poverty to have access to education are outlined below.

114 General Comment 13 on Article 13 (right to education) of the ICESCR, elaborated by the CESCR in cooperation with UNESCO in 1999, Section on “non-discrimination and equal treatment”, paragraph 32.

A. Positive measures provided for by law

> **THE CZECH REPUBLIC: Affirmative action contained in the Education Act**

In the Czech Republic, the entry into force of the new Education Act on 1 January 2005 brought about fundamental changes. The Act contains affirmative measures with the goal of promoting equality of educational opportunity; removing existing disadvantages for certain groups of children (children with health impairments or health disabilities, socially disadvantaged children or foreigners); or implementing policies based on their specific needs. The objective of these measures is to prevent disadvantages due to membership in a social group that has been traditionally limited by some form of discrimination. Measures include, for instance, the provision of supplementary education for children, pupils and students with special educational needs, children from socially disadvantaged environments, and so on.

B. Establishment of Priority Education Areas (ZEPs)

> **CYPRUS**

In Cyprus, the Ministry of Education and Culture has taken specific measures to support education in target areas, including schools in remote rural areas, schools with a lower socio-economic status and education in the occupied areas of the island. These all receive additional support. One of the measures adopted is the creation of Priority Education Areas, which are based on the concept of positive discrimination¹¹⁵ to ensure prevention of school failure and functional illiteracy. For children from social, cultural and ethnic groups or families that lack favourable conditions for the development and education of their children, the equity of education implies a set of “positive” measures.

115 Some States use the term “positive discrimination” instead of “affirmative action”, which is in common use.

> MAURITIUS

Although education is free and all schools have similar facilities in terms of infrastructure, human and other resources, the level of achievement of children in some disadvantaged areas is particularly low.

These schools, numbering about 30, fail nearly 60% of the children attending them. The Priority Education Area (ZEP) project was reviewed in 2003 to bring innovative strategies to the existing initiative. It targets schools where the percentage of passes in the Certificate of Primary Education (CPE) has been less than 40% for five consecutive years. Students attending these schools are mainly from families experiencing problems and the project aims at giving additional resources to such schools. Furthermore, assurance is given to the teachers/head teachers who are willing to work in such schools. Through the ZEP food project the Government ensures that all students in ZEP school are provided with a daily meal. School kits are also supplied as learning aids.

C. Positive measures and affirmative action adopted at university level

> BRAZIL: Affirmative action in universities in favour of the *Quilombos*¹¹⁶

In Brazil, despite legal foundations that guarantee to any Brazilian citizen equal conditions of access to and continuance in a school, indicators point to unequal conditions between blacks and whites, revealing persistence of the systematic exclusion of blacks from education, employment, income and other mechanisms that provide quality and equal population growth. As a result, implementing educational policies in favour of the access and continuance of black and indigenous populations in the schooling system at all levels, taking into account the modes of education for young and adult individuals, and education in the former slave areas, is a major policy question in Brazil. The aim is to expand access, ensure the continuance of the groups that have been historically excluded from the education system and contribute to the improvement of democratic practices and values. **Positive measures in favour of access to higher education by people of African descent and from former slave areas (*Quilombos*)** have been taken. One example is the UNIAFRO programme,¹¹⁷ which concerns affirmative action in favour of these groups. The National Curriculum Guidelines for Education on Ethnic-Racial

116 Descendants of runaway slaves from imperial and colonial times.

117 The UNIAFRO programme originated in the Cooperation Agreement signed in 2005 by the Ministry of Education and Afro-Brazilian Studies Nuclei or related groups present in public universities.

Relations and for the Teaching of African and Afro-Brazilian Culture and History define the affirmative action policies as those devoted to repairing, recognizing and valuing the history, culture and identity of the black population. Measures (anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action) are taken to guarantee equal access to all levels of education. The Ministry of Education acts as a dedicated public institution committed to implementing educational public policies in favour of access and continuance of black and indigenous populations in all levels of education.

> **UGANDA: Positives measures provided by law to policies**

Uganda also demonstrates good practices regarding positive measures at the university level. As stipulated in Article 32 of the 1995 Constitution, “the State shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them” and “Parliament shall make relevant laws [...] for the purpose of giving full effect to [...] this article.” Article 33 (5) specifies: “Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom.” Subsection 3 of the Universities and other Tertiary Institutions Act states that **the Admission Committee of a Public University shall take into consideration affirmative action in favour of groups marginalized on the basis of gender, disability or low socio-economic levels.** Moreover, the Education Sector Strategic Plan 2004-2014 ensures equitable access and the promotion of Education for All. For children from social, cultural and ethnic groups or families that do not offer favourable conditions for the development and education of their children, the equity of education implies a set of “positive discriminatory” measures.

D. Positive measures and affirmative action for specific groups

> **AUSTRALIA: Positive measures for indigenous students**

In Australia, anti-discriminatory measures, financial incentives, fellowships and positive measures are taken to guarantee equal access to all levels of education. These include an Indigenous Tutorial Assistance Scheme (ITAS) which provides **supplementary tuition to Indigenous students**; ABSTUDY, the Aboriginal Study Assistance Scheme, which

provides **income support and supplementary benefits to Indigenous secondary and tertiary students**; and an Indigenous Support Programme (ISP) which enables higher education institutions to invest further in initiatives designed to increase the participation and success of Indigenous students in higher education; and the **Assistance for Isolated Children (AIC) Scheme**. In terms of rights of national minorities, a significant restructuring of existing educational programmes has been implemented in order to redirect funding towards initiatives that have proved successful, as well as to direct increased levels of funding towards Indigenous students at greatest disadvantage – those in remote areas of the country. For example, the National Indigenous English Literacy and Numeracy Strategy (NIELNS) was launched in 2000 as an element of the Indigenous Education Strategic Initiatives Programme (IESIP). The objective of NIELNS is to achieve literacy and numeracy for Indigenous students at levels comparable to those achieved by other young Australians. An evaluation concluded that NIELNS made a difference for many Indigenous students throughout Australia and that the strategies are working to achieve readiness for learning and improved literacy and numeracy outcomes.

➤ **NEPAL: Financial support for marginalized groups**

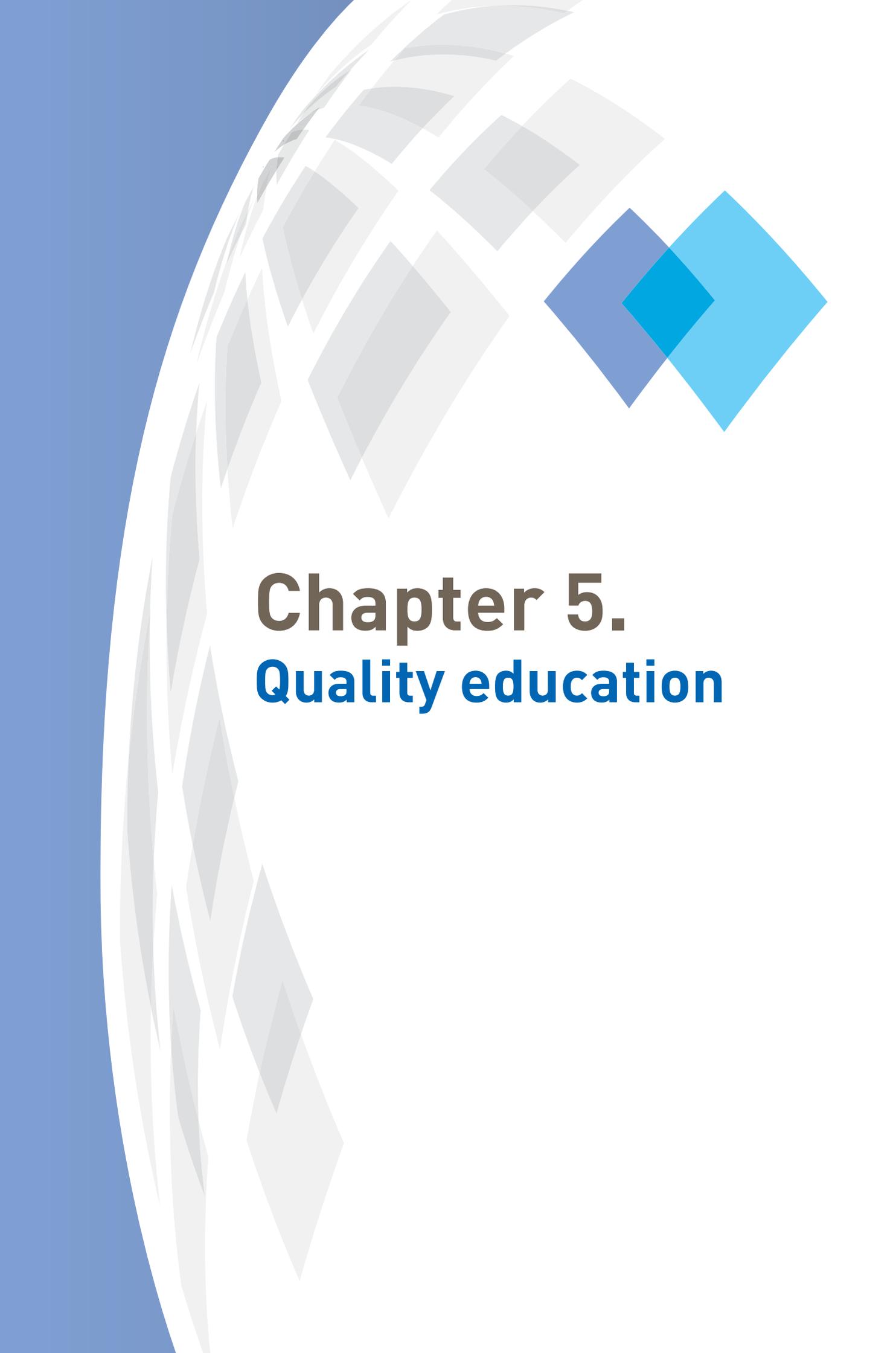
Secondary education in Nepal is based on cost sharing. However, the Education Act has preserved **the right of children from Dalit, marginalized, ultra-poor, ethnic minorities to receive secondary education free of charge**. Affirmative policies have been taken to mainstream girls, Dalits and disadvantaged groups into the education system. **Special scholarships in higher education are offered to women, Dalits and other marginalized ethnic groups**.

➤ **HUNGARY: Positive discrimination for students with disabilities**

In Hungary, in order to provide equal opportunities to students with disabilities, the Ministry of Education has fostered an environment that ensures the existence of equal opportunities for all students in all levels of education. In 2003 the Ministry prohibited negative discrimination and, in 2005, positive discrimination was introduced: applicants who attain a certain score may be admitted to the first university training.

➤ **CROATIA: Affirmative action in favour of the Roma minority**

In Croatia, the Roma minority is positively discriminated against when enrolling in primary, secondary and higher educational institutions, as well as when it comes to receiving scholarships and organizing pre-school education.



Chapter 5.

Quality education

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Quality education

For the purposes of the Convention against Discrimination in Education, the term ‘education’ includes “[...] the standard and quality of education” (Article 1.2). The Convention is the only legally binding instrument which refers explicitly to quality of education. According to Article 2 (a), “The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes [is not discriminatory] 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 [...].” Article 4 (b) lays down the obligation for the States Parties “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.”

Quality education is a dynamic concept that changes and evolves with time as well as in the social, economic, and environmental context of place.¹¹⁸ The Dakar Framework for Action¹¹⁹ affirms that quality is “at the heart of education” and commits nations to the provision of primary education of good quality and to improving all aspects of educational quality.¹²⁰ Although there is no single definition of ‘quality’, most attempts to define it incorporate two fundamental perspectives. First, cognitive development is a primary objective of education, with the effectiveness of education measured against its success in achieving this objective. Second, education must promote creative and emotional development, supporting the objectives of peace, citizenship and security, fostering equality and passing global and local cultural values down to future generations.¹²¹ UNESCO promotes access to good-quality education as a human right and supports a rights-based approach to all educational activities.¹²²

118 UNESCO, *Contributing to a More Sustainable Future: Quality Education, Life Skills and Education for Sustainable Development*, 2005, <http://unesdoc.unesco.org/images/0014/001410/141019e.pdf>

119 The Dakar Framework for Action, *Education for All: Meeting our Collective Commitments*, Adopted by the World Education Forum, Dakar, Senegal, 26-28 April 2000.

120 UNESCO, *EFA Global Monitoring Report 2005: The quality imperative*, Paris, 2004, p. 28, <http://www.unesco.org/en/efareport/reports/2005-quality/>

121 UNICEF/UNESCO, *A Human Rights-Based Approach to Education for All*, 2007, p. 32, <http://unesdoc.unesco.org/images/0015/001548/154861e.pdf>

122 EFA Global Monitoring Report 2005, op. cit., p. 30.

This chapter shows noteworthy steps taken by several Member States in implementing the different dimensions of good-quality education. For ease of reading, this chapter is set around five basic dimensions of good-quality education: learners, environment, contents, processes and outcomes,¹²³ adding a specific focus on human rights education.

A. Learners

> **ALGERIA: School health**

In 2006, there were 1,185 units for screening and follow-up care (UDS) operating in Algeria to take charge of health students. These school health operations were supervised by 1,115 doctors, 694 dentists, 205 psychologists and 1,470 paramedical staff. In addition, National Education inspectors have to check throughout the school year that security and hygiene rules are respected in school establishments. Moreover, UDS staff have to pay periodic, systematic medical visits to classes of their geographical areas, keeping medical records for each student.

Oral hygiene, particularly decay prevention and treatment, also occupies an important place in school health programmes.

123 UNICEF, *Defining Quality in Education*, June 2000, p. 4 <http://www.unicef.org/education/files/QualityEducation.PDF> These five basic dimensions are:

Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;

Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;

Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention, and peace;

Processes whereby trained teachers use child-centred teaching approaches in well-managed classrooms and schools and skilful assessment to facilitate learning and reduce disparities;

Outcomes that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society.

B. Environment

> **DENMARK: The right to a respectful educational environment and measures taken against bullying**

According to Act No. 166 of 14 March 2001 on the Educational Environment of Pupils and Students (“*Lov om undervisningsmiljø*”), every pupil and student has the right to a respectful educational environment. Pupils shall contribute to and cooperate with the head of the school in furthering and developing a good and vital educational environment. Bullying is covered by the Act.

In the early summer of 2003, the Danish Centre of Educational Environment (“*Dansk Center for Undervisningsmiljø*” – DCUM), together with a number of NGOs, initiated national cooperation concerning social well-being and against bullying in primary schools. A number of “brainstorm meetings” resulted in the formulation of a “*Trivsels erklæring*”, a statement on well-being in schools. The statement deals with cooperation between the various organizations of pupils, teachers, school heads, social educators, parents and politicians on how to end all kinds of bullying. On 10 March 2004, the statement was signed by 24 organizations and the Danish Minister of Education.

Following up on this event, DCUM established a homepage giving schools the possibility of printing out and filling in their own “*trivsels erklæring*” (statements on well-being). Each statement is signed by the school head, the safety steward, the chairman of “*Pædagogisk Råd*” (the Educational Council), the chairman of the pupils’ council, and one of the school’s representatives who takes care of the educational environment. The partners mentioned commit themselves to working out plans for an anti-bullying policy for the school. Furthermore, an electronic device has been established – known as a “*Mobbenøgle*” (a key on how to prevent bullying). Each school class has access to this device, and every individual school or municipality can use it to check how widespread bullying is in each school, and how to prevent and combat mobbing.

Finally, during the summer of 2005, DCUM launched the project “*Kortlægning af erfaringer med antimobbestrategier og konfliktløsningsmodeller i grundskolen*” (a mapping of experience with anti-bullying strategies and models for solving conflicts in primary school) in order to help schools in their work with creating better social and educational environments. Simultaneously, “*Danmarks Radio*” (the National Radio of Denmark) planned a campaign against bullying, supported by the Danish Ministry of Education.

The problems related to bullying cannot be solved by local authorities alone. Bullying is also being included in the national programme “*Fornyelsen af folkeskolen*” (“The

revitalization of the “*folkeskole*”). In this, transparent norms and rules for the pupils’ good behaviour and attendance (in class) are visualized, and also the role of the parents.

➤ **EGYPT: The integration of the use of technology in school**

The first aspect concerns the integration of the use of technology in school syllabi. The Ministry of Education set up a comprehensive plan to enhance education through technology by providing schools with the necessary equipment (multimedia rooms, knowledge sources and developed sciences, receiving educational channel broadcasting, high-speed communication channels for distance training, Internet services, satellite communication channels, electronic educational projects) and by producing developed programmes and encouraging their use inside classes according to the strategic plan for promoting ICTs.

C. Content

1. Life skills

➤ **BANGLADESH: Life skills provided in secondary and higher education**

Under the overall guidance of the Ministry of Education, the Directorate of Secondary and Higher Education implemented a large number of development projects. Action taken under these projects helps to achieve goals regarding the quantitative and qualitative progress of secondary education and thereby eliminates all sorts of educational discrimination. Among them is the project “Life Skills Based Reproductive Health Education for In-school Youth and Adolescents through a Peer Approach.” Its purpose is to provide reproductive health education to youth and adolescent boys and girls, enabling them to protect themselves, specifically against STIs, HIV and AIDS. The programme also facilitates positive behaviour change and creates a supportive environment regarding improved reproductive health for the secondary and higher secondary age boys and girls and especially for the vulnerable and hard-to-reach population groups.

➤ **FRANCE: Sex education**

Law No. 2001-158 of 4 July 2001 on voluntary termination of pregnancy and contraception entrusts schools with a specific mission in sex education. Based on this law, administrative bill of 17 February 2003 was adopted stipulating: “sexual information and sex education shall be given at primary, secondary and higher-secondary school at least three times a year and

in uniform age groups [...].”¹²⁴ According to Article 9 of Law No. 2005-380 of 23 April 2005, “Compulsory education must guarantee for each student at least the skills necessary to acquisition of a common base of knowledge and competencies which are essential to success in schooling, to continued training, to the construction of his/her personal and professional future, and to successful life in society.”¹²⁵

.....
Decree No. 2006-861 of 11 July 2006 stipulates the knowledge and competencies that all students have to possess at the end of compulsory schooling. Sex education is included in this legal framework under civil and social competencies.

Self-esteem, respect of the other, rights and acceptance of difference are essential objectives of this educational approach which aims more specifically at combating sexism and homophobia from the vantage point of adolescent questioning. Sex education sessions at school stimulate awareness and reflection on stereotypes and discriminatory behaviour patterns and recall the importance of such notions as liberty, dignity, equality, and acceptance of differences, whatever they may be.

Furthermore, it is sometimes possible with this approach to address individual situations or personal difficulties that may surface during these sessions. Educational staff then relay specific information resources and assistance outside school in order to welcome and, if necessary, support or take care of adolescents.

Implementation of this sex education policy depends on the development of teachers’ training on the one hand and, on the other, on the preparation and dissemination of support and information documents.

2. Human rights in and through education

> SLOVENIA: Language in support of mutual understanding

In Slovenian language classes, pupils belonging to the majority Slovenian population learn about mutual understanding between all language groups in the country and one of the general goals in the first three grades is to learn to respect other languages and to master and use individual forms of the colloquial language.

124 Unofficial translation from French as follows: “Une information et une éducation à la sexualité sont dispensées dans les écoles, les collèges et les lycées à raison d’au moins trois séances annuelles et par groupes d’âge homogène [...]”

125 Unofficial translation from French as follows: “La scolarité obligatoire doit au moins garantir à chaque élève les moyens nécessaires à l’acquisition d’un socle commun constitué d’un ensemble de connaissances et de compétences qu’il est indispensable de maîtriser pour accomplir avec succès sa scolarité, poursuivre sa formation, construire son avenir personnel et professionnel et réussir sa vie en société.”

➤ **JAMAICA: “Peace and Love in Schools” programme**

Peace and Love in Society (PALS), which encompasses the Peace and Love in Schools programme, is a programme which started in 1994 in response to the escalating levels of violence in Jamaican schools. PALS is sponsored by a not-for-profit foundation which comprises a wide cross-section of interests. These include the national media, the churches, the teachers, the business sector, and the Government of Jamaica. PALS has been funded in the past by companies in the private sector, the Jamaican Government, international agencies such as UNESCO, PAHO and the Canada Fund, and the Governments of Japan and the Netherlands.

The challenge facing PALS is to teach children between the ages of 6 and 12 the skills that will enable them to resolve conflict constructively. This programme is active in more than 790 primary schools throughout Jamaica and teaches children to choose alternatives to self-destructive, violent behaviour when confronted with conflict.

The Core Concepts of the PALS Curriculum are:

1. Community Building
2. Understanding Conflict
3. Perception
4. Anger Management
5. Rules for Making Peace
6. Effective Communication.

D. Processes

On this issue, States provide interesting practical examples regarding teachers’ status and training. Having qualified teachers means that teachers are not only well-trained initially but continue to receive training so that their skills and knowledge are constantly updated.

1. Teacher training

⇒ Teacher training guaranteed by law

Some States guarantee teacher training by law.

> **THE CZECH REPUBLIC: The adoption of a specific law on teaching staff**

In the Czech Republic, the assurance of appropriate teacher training is an obligation. Since early 2005, the role of teaching staff has been defined by Act No. 563/2004 on Teaching Staff and Amending Other Acts. This law establishes a system for educational continuation for teaching staff. **It lays down an obligation for teaching staff to continue to pursue education for the purpose of expanding their qualifications, and also accords them the opportunity to participate in continuing education for the purpose of upgrading their qualifications.**

> **NEPAL: Mandatory requirement of a teaching licence**

In Nepal, the Education Act of 1971 (as amended in 2001) made the provision of a teaching licence mandatory in order to ensure that teachers are professionally competent, thereby enhancing the quality of school education. Moreover, the Teacher Education Programme (TEP) focuses on strengthening the teacher education system by improving the quality and coverage of teachers. This is done by enhancing the institution's capacity for a teacher training system and also by increasing the representation of disadvantaged groups, in particular women, in the teaching force.

Education Act of 1971 (as amended in 2001) of Nepal

11M. [A] Teaching licence should be obtained: (1) After the commencement of this Act, nobody without producing a teaching licence from the Commission can be a candidate for a post of teacher.

(2) The Commission can conduct examinations as specified, announcing [them] through public notices, for the purpose of giving teaching licences.

(3) The Commission can distribute teaching licenses to those candidates who are successful in the examination conducted as per sub-clause (2)

> **SLOVENIA**

In Slovenia, the Organisation and Financing of Education Act¹²⁶ stipulates that teachers must complete a first degree higher education programme in the appropriate discipline,

126 *Official Gazette of the Republic of Slovenia* 98/2005 – UPB 4.

be proficient in the Slovenian language and pass a teaching certification examination. **The required qualifications are obtained through a combination of initial training, practical training during the probationary service period leading to independent work, further training, if required, and in-service training.**

Organisation and Financing of Education Act of Slovenia

Article 53

A person can be appointed as principal of a public school if he/she meets the requirements stipulated for teachers or counsellors at the school recruiting the principal, has at least five years of work experience in education, holds the title of counsellor or adviser or has possessed the title of mentor for at least five years, and has passed the examination for principals.

Article 94 (Educators)

Educators in public primary schools shall be teachers, school counsellors, librarians and other educators.

Teachers, librarians and counsellors shall possess undergraduate university degrees in the appropriate field and pedagogical qualifications.

Other educators shall possess undergraduate university degrees in the appropriate field

Article 100 (Pedagogical Qualifications Required for the Teaching of Children, Adults, and Children with Special Needs)

Pedagogical qualifications required for the teaching of children, adults, and children with special needs shall be obtained through the completion of studies in a university study programme leading to a teacher's degree or some other undergraduate or graduate programme containing suitable professional courses. The Council for Higher Education of the Republic of Slovenia shall define the criteria to be used when assessing whether or not study programmes contain such courses.

> **TURKEY: Teacher training at tertiary education level and the existence of a promotion system**

In Turkey, all teachers receive education at the tertiary education level and a law issued in 2004 provides the basis for a promotion system for them that emphasizes competition, encourages teachers to refresh their knowledge in their fields and raises the status of the teaching profession. Moreover, “General Teaching Profession Competencies”, consisting of six main skills, 31 sub-skills and 233 performance indicators, were defined for use in determining teacher training policies, organizing pre-service and in-service training, assessing teacher performance, and helping self-assessment and the development of teachers.

⇒ Teacher training provided through administrative measures

> ITALY

Italy provides teacher training through administrative measures. A new system of pre-primary and primary school teacher training was established and implemented in the school year 1998/99 following the President of the Republic's Decree of 31 July 1996 and the inter-ministerial decree of 10 March 1997. Pre-school and primary teachers are required to follow a specific four-year university course. The same legislation introduced a new requirement for secondary school teacher training as well, namely that future teachers must attend a two-year specialized, postgraduate course after completion of their tertiary education, at the end of which they are awarded a diploma qualifying them to compete for a post in one of the public schools.

⇒ Teacher training policies

Other States have developed policies, rather than legislative decrees, in order to ensure adequate teacher training.

> **SENEGAL: Obligatory two-year volunteer status before becoming a “contractual teacher”**

In Senegal, over the past few years, teachers were recruited on the basis of professional training and upon successful completion of a professional diploma. All teachers received volunteer status for at least two years before becoming “contractual teachers”. Only then can they be recruited as teachers into the public service.

> **BANGLADESH: Certificate-in-Education validating teacher training and on-the-job training**

In Bangladesh, measures were also taken to improve the quality of education. For instance, special programmes were taken for the large-scale training of teachers. About 90% of teachers in government primary schools receive a Certificate-in-Education (C in Ed), which involves a year's training. Teachers are also trained on the job through a bimonthly sub-cluster training programme. In compliance with Article 4 (d) of the UNESCO Convention against Discrimination in Education, there is no discrimination in training for the teaching profession. All teachers are expected to complete the one-year Certificate-in-Education course and participate in the on-the-job sub-cluster training.

> **BRAZIL: Specific teacher training on ethnic-racial diversity**

Brazil provides an interesting example of measures taken for specific teacher training. In 2006, two courses (distance and on-site training) were delivered to train teachers on ethnic-racial diversity. The **distance course** was delivered in partnership with

the University of Brasilia, benefiting 5,000 education professionals of the National Education System. The on-site course reached 7,000 professionals in the 26 Brazilian capital cities in the Federal District, and in the municipalities that host racial equity promotion agencies recognized by the Special Secretariat of Racial Equity Promotion. In addition, the Ministry of Education has developed many projects in order to contribute to the **creation of successful teaching practices** in order to combat ethnic-racial and gender discrimination, by producing audiovisual materials on Afro-Brazilian history and culture, by assessing inclusion initiatives, and by according visibility to the instances of affirmative action already promoted in society at large.

It is also noteworthy that the **Brazilian Constitution refers to quality of education**. Article 211, paragraph 1, stipulates that: “The Union shall organize the federal educational system and that of the Territories, shall finance the federal public educational institutions and shall have, in educational matters, a redistributive and supplementary function, so as to guarantee the equalization of educational opportunities and a minimum standard of quality of education, through technical and financial assistance to the states, the Federal District and the municipalities.”

2. Salary and status of teachers

Teachers perform better when they are well paid and socially recognized. Several States have made positive moves in improving the salaries of teachers and promoting their status.

> **ALGERIA: Increasing teachers' salaries**

In Algeria, the material condition of teachers has been steadily improving through an increase in their salaries. Moreover, under the education system reform, the Education Act provides teachers with enhanced prestige by conferring on them a moral, social and economic status which enables them to live with dignity and do their job in decent conditions. This does much to make teaching an attractive and desirable position within the public service hierarchy.

> **BENIN: Teachers receive bonuses for specific educational functions or for their service in difficult teaching conditions**

With the aim of guaranteeing quality education, the Government took specific measures to improve the living and professional conditions of teachers in order to enhance their performance. Bonuses for specific educational functions, or for service in difficult teaching conditions (including rural or remote areas), and for night teaching have

thus been granted to all primary and secondary teachers. Teachers at higher levels are granted bonuses on the basis of their qualifications in order to provide them with an incentive to focus on research.

> **JAMAICA: Quality of teacher education overseen by a Joint Board of Teacher Education**

Jamaica has taken the commendable step of developing a Joint Board of Teacher Education to oversee the quality of teacher education. The Board is responsible for:

- Programme planning
- Development of curricula
- Approval of curriculum offerings in colleges
- Examinations
- Teacher certification
- Statistical analysis of performance of students in the teachers' colleges
- Professional development for teachers and teachers' college staff
- Accreditation of the diploma programmes offered in teachers' colleges.

> **UGANDA**

The Government has a deliberate policy through the **pay reform to increase the teachers' salaries gradually**. They earn the same salary as any other Public Servant in the same pay scale.

E. Outcomes

> **EGYPT: The development of evaluation systems**

Egypt provides an interesting practical example of monitoring of the quality of education. The Ministry of Education, represented by the National Centre for Educational Evaluation and Examination (NCEEE), observes and controls the quality of education according to an annual plan. This plan involves visiting about 3,000 schools per year, in ten governorates, with the aim of producing reports documenting these visits. The NCEEE prepares a comprehensive report on education every two years. The Programme Planning and Monitoring Unit (PPMU) made a longitudinal study to identify the effects

of different educational efforts on students' learning capabilities. In order to evaluate the quality of education, the Ministry began an ambitious project to prepare and set up national standards for education in Egypt; this is in accordance with the principle of total quality, as national standards determine the quality standard required for the entire education system.

The Standards' Main Domains are:

- *The Effective School:* It deals with the school as a whole unit aiming at achieving total quality in the educational process.
- *The Teacher:* It aims to determine comprehensive standards for all participants in the educational process inside the school, including the teacher, the supervisor, the social worker and the psychologist.
- *The Distinguished Management:* It attempts to interest all levels of educational management starting with the executive leadership, covering middle educational leadership and ending in central-level supreme leadership in the Ministry.
- *The Community Participation:* It aims to determine the levels of participation between school and society. It deals with the role of school towards society and with society's support of the school.
- *The Syllabus and the Educational Outcomes:* It focuses on the learner and what he or she should acquire (knowledge, skills, trends and values). It also discusses the syllabus's philosophy, goals, content, educational styles, subjects, resources and evaluation systems. It further deals with the desired outcomes of education in schools.

In this connection, a National Authority for Quality Assurance and Accreditation in Educational Institutions was established. The goals of the Association are:

- Improving the educational process in all the public or private educational institutions through a set of quality-based standards to ensure the conformity of the structure, system, educational programmes, staff performance, resources and management styles in these institutions.
- Having an authentic evaluation for these institutions to accredit them and support their self-assessments.

F. A particular focus on human rights education

Human rights education is an essential aspect of quality education which seeks to contribute to the overall development of individuals and accord them the skills and knowledge to act and interact in a fair society. As stipulated in Article 5 of the Convention against Discrimination in Education: “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.” Good-quality education based on a human rights approach means that rights are implemented throughout the education system and in all learning environments.

> **NORWAY: Integrating human rights into the education strategic plan**

In Norway, the objective of education emphasizes that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights. A new reform for primary and secondary education and training has been implemented, called Knowledge Promotion. The core curriculum amplifies the purpose of education regarding basic values, and this perspective on human life is reflected in teaching. The strategic plan, evolved by the Norwegian Directorate for Education and Training, focuses on education for knowledge about human rights, democracy, values and efforts against bullying; violence, discrimination, racism and exclusion are spheres of special emphasis.

Other States provide a number of examples of different practices in this area.

⇒ **Human rights education guaranteed by law**

> **CHILE**

In 2001, Law No. 19 771 modified Article 2 of the Constitutional Law on Education adding a new paragraph which stipulates: “The State shall also have an obligation to encourage the development of education at all levels, especially pre-school education, and to promote the study and knowledge of essential rights which emanate from human nature, to encourage peace, to stimulate scientific and technological research, artistic creation,

the practice of sport, and the protection and increase of the cultural heritage of the Nation.”¹²⁷

.....

Thus, the teaching of this subject was integrated into educational programmes. Based on this norm, the Ministry of Education regulated fundamental objectives and compulsory minimum contents of each level of education. For instance, for basic education, teaching of civic education was integrated into the curriculum under “study and comprehension of society”, with emphasis on principles of the rule of law and democracy. Regarding secondary and adult education, fundamental objectives and compulsory minimum contents were added into the curriculum under History, Social Sciences, Philosophy and Psychology. The purpose is to develop knowledge, abilities and aptitudes to allow students to comprehend their social environment, guiding them to act critically and responsibly. Based on the principles of solidarity, respect of the environment, pluralism and valuation of democracy and national identity, it aims to develop behaviour which respects the cultural-historical diversity of humanity, valuing human beings for their essential dignity as persons, as autonomous individuals with capacities and rights.

In addition, Law No. 19 979 of 2004, amending Article 2 of the Constitutional Law on Education, states that: “Student selection processes shall be objective and transparent, guaranteeing respect for the human dignity of students, boys and girls alike, and their families in conformity with the guarantees established in the Constitution and in the treaty signed and ratified by Chile.”¹²⁸

.....

⇒ The adoption of a National Plan for Human Rights Education

Several States have adopted a National Plan for Human Rights Education in line with the requirements of the United Nations Decade for Human Rights Education (1995-2004).

> SWEDEN

In Sweden, the National Action Plan on Human Rights highlights the importance of knowledge concerning human rights both in society and for specific groups. The action plan focuses on protection against discrimination and specifies several measures aimed at combating discrimination on the grounds of sex, ethnicity, religion or other belief, disability, sexual orientation and, to some extent, age. The Government’s intention is to

127 Unofficial translation from Spanish as follows: “*Es también deber del Estado fomentar el desarrollo de la educación en todos los niveles, en especial la educación parvularia, y promover el estudio y conocimiento de los derechos esenciales que emanan de la naturaleza humana, fomentar la paz, estimular la investigación científica y tecnológica, la creación artística, la práctica del deporte y la protección e incremento del patrimonio cultural de la Nación.*”

128 Unofficial translation from Spanish as follows: “*Los procesos de selección de alumnos deberán ser objetivos y transparentes, asegurando el respeto a la dignidad de los alumnos, alumnas y sus familias, de conformidad con las garantías establecidas en la Constitución y en los tratados suscritos y ratificados por Chile.*”

make it clear that education will be required to promote human rights in a forthcoming bill proposing a new education act.

> **SLOVAKIA**

In Slovakia, a National Action Plan on Human Rights was approved on 8 February 2005 at the operative meeting of the Minister of Education for the period 2005 to 2014. The plan contains a strategy and concept for human rights education and proposes conceptual steps for implementing human rights education.

> **PORTUGAL: Human rights and citizenship education**

Human rights education in Portugal offers a number of examples of good practice, particularly the Action Plan 1999-2004, which undertook a whole range of awareness-raising, information and training action in public teaching establishments.

The Ministry of Education has been pursuing the *Education for Human Rights* project, with an electronic address that provides resources and publicizes ongoing school projects. There are also a number of materials devoted to this project. Moreover, Portugal joined the World Programme for Human Rights Education, which is jointly promoted by the High Commissioner for Human Rights, UNESCO and the Council of Europe.

The Ministry of Education also paid particular attention to the subject of Education for Citizenship, undertaking a variety of projects such as training teachers and producing materials in this field. Topics like the Environment, Health and Consumer Rights have led to projects that equip students for the exercise of an informed and interventional citizenship.

The 2005 European Year of Citizenship through Education was a corollary to the “Education for Democratic Citizenship” project, which the Council of Europe undertook in two phases involving policies and practice, in such a way as to create, develop and implement sustainable programmes such as Education for Democratic Citizenship (EDC) and Education for Human Rights (HER). The aim was to:

- Point out how both formal and non-formal education can help develop democratic citizenship and participation, thereby promoting social cohesion, intercultural understanding, and respect for diversity and human rights.
- Strengthen the Member Countries’ commitment, so as to turn EDC/HER into a priority objective when it comes to drawing up education policies, and to implement lasting reforms at every level of the education system.
- Provide the Member Countries with a framework and instruments that enable them to think about education’s role in developing and promoting democratic citizenship and human rights, so as to resolve society’s concrete problems by fostering youth participation and social inclusion.

- Encourage the development and pursuit of initiatives and partnerships that give access to examples of good practice and the sharing of knowledge.

⇒ Human Rights Education integrated into curriculum

> **THE CZECH REPUBLIC: A comprehensive manner of integrating human rights and multicultural education into State curriculum**

In the Czech Republic the issue of human rights and multicultural education is covered in the Framework Curriculum for Basic Education, pursuant to the Education Act.¹²⁹ The subject area “*Man and Society*” focuses on the development of positive civic attitudes, the consolidation of desired values and the integration of knowledge and skills in various areas, particularly the humanities. Emphasis is also placed on the awareness of unity within European civilization and cultures and on the adoption of values on which the present democratic Europe is founded. Important parts of this subject area include the prevention of racist, xenophobic and extremist attitudes, education for tolerance and respect for human rights, and education towards respect for the natural and cultural environment.

Cross-curricular themes constitute a major component of basic education under the Framework Curriculum for Basic Education. These assist the development of the personality of the pupil, particularly regarding his/her attitudes and values. The following cross-curricular themes are defined: personality and social education; education for democratic citizenship; education for thinking in European and global contexts; multicultural education; environmental education; and media education. The theme of “multicultural education” in particular facilitates learning about the diversity of cultures and their traditions and values. Against the background of this diversity, pupils will be better able to acknowledge their own culture, tradition and values. Multicultural education also examines interpersonal relations in school, relationships between teachers and pupils, among pupils, between school and family, and between school and the local community.

School, which brings together pupils from various social and cultural backgrounds, should foster a climate where everyone feels equal, where pupils of minorities are successful in the majority culture and where the majority pupils can learn about the culture of their schoolmates belonging to minorities. Such a climate is conducive to mutual understanding between groups, to mutual tolerance, and to the elimination of animosity and prejudices in relation to the “unknown”.

129 See Section 2, paragraph 2, of the Education Act.

> **CÔTE D'IVOIRE: Curricula include human rights education and peace education**

New curricula drawn up since January 2002 take account of the gender dimension and national socio-cultural values in a transversal approach. These concepts, together with democracy, human rights and justice, are among the aims of these programmes. With the arrival of war, a peace and tolerance education programme (PEPT) was established and incorporated in the curriculum.

> **MALAWI**

A new revised curriculum is being implemented since January 2007. Subjects like Life Skills Education, Social Studies, and General Studies were introduced as well as topics such as the United Nations Charter, promotion of human rights and respect of fundamental freedoms.

> **MALI**

In Mali, human rights education has been integrated into secondary school level curricula. Moreover, there are several UNESCO Associated Schools which extensively develop such issues as human rights, fundamental freedoms, peace, understanding, tolerance and friendship among nations and racial and religious groups.

> **MAURITIUS**

In Mauritius, the primary school curriculum has been reviewed to provide education such as will meet the needs for academic, aesthetic, physical and social development of the child. New subjects such citizenship education, health and physical education as well as Information and Communication Technologies (ICTs) have been included. The curriculum also mainstreams human rights, children's rights, duties of all children, women's rights and concern for the environment. It should be noted that this curriculum is gender-friendly.

> **RUSSIA**

The Russian State standard and secondary education programmes require children of 11 years old and over to study "social sciences", which includes a section on human rights. This subject is studied for five years. Within the Federal Target Programme on Education for 2006 to 2010, a number of tasks are being implemented in order to develop scientific and methodological support for the human rights course in general education schools, including: publishing and distributing study programmes; thematic plans; textbooks; teacher editions for the human rights course; and teacher refresher programmes for this course. A draft methodological recommendation on introducing human rights in educational practice has been prepared.

⇒ Development of materials to support human rights education

In order to provide adequate support for human rights education, some States have developed and implemented useful learning tools, such as manuals in the case of Zimbabwe.

> **JAMAICA: Manuals promoting the development of a national consciousness and the recognition of human rights and civil liberties**

In Jamaica, where national efforts have been made to have education foster and encourage respect for human rights, many initiatives have been developed to promote understanding, respect and peace and to prevent violence in schools. For instance, manuals promoting the development of a national consciousness and the recognition of human rights and civil liberties have been produced.

> **ZIMBABWE: Training manual on gender-based violence**

In Zimbabwe the Government, in partnership with a non-governmental organization (Musasa Project), has brought out a training manual on gender-based violence. The main purpose of the manual is to equip students, lecturers and support staff in tertiary institutions with knowledge and skills on gender-based violence and how to resolve disputes in a non-violent manner.

⇒ Implementing human rights education in everyday school life

The actions of several countries outlined below provide good examples of ways of implementing human rights education through a democratic teaching style with high student involvement.

> **DENMARK: Experimenting democracy at school**

Denmark has declared its policy goals regarding the encouragement of citizenship education, namely human rights and non-discrimination. These commitments are expressed in legislative educational acts and in curricula. The definition of citizenship education includes *an about*, *for* and *through* approach. The education system in Denmark promotes the belief that democracy must be integrated into the daily teaching/learning experiences of children and students. The policy points out a threefold challenge for schools with emphasis on conventional teaching about democracy, on work with the fundamental system of values, and on acting democratically in schools and classrooms. The teaching method is based on dialogue among the pupils and between pupils and teachers. This means that the pupils receive training in the pluralistic dialogue form in their day-to-day school life: they are trained in listening to the arguments and opinions of others, as well as respecting the philosophy of life/world view of others. This teaching method is fundamental for fostering acceptance and mutual understanding.

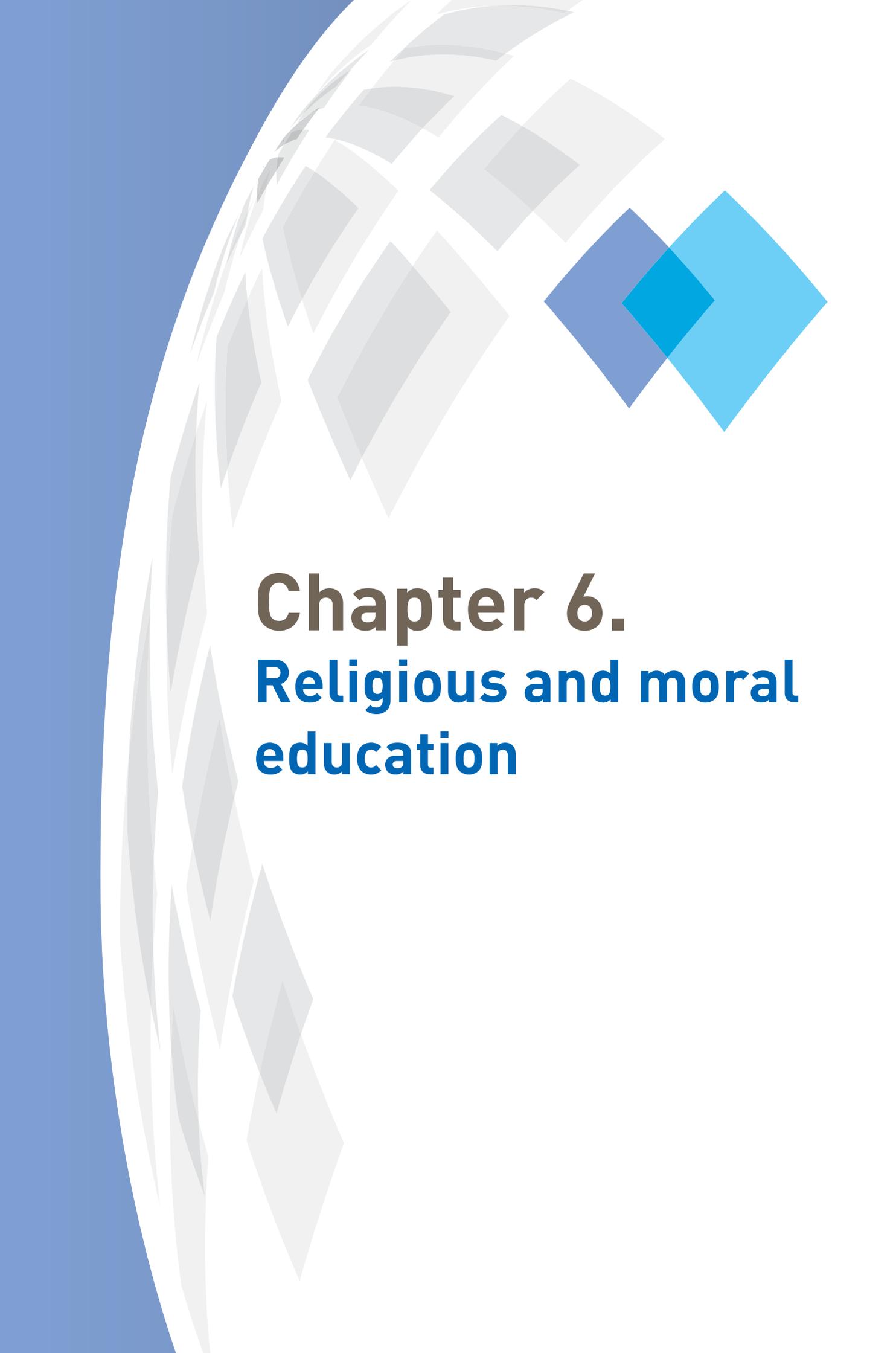
In Denmark, students are encouraged **not only to learn about these rights, but to exercise them in the classroom and in student-teacher relations.**

> **CYPRUS: Students acquire a variety of skills to become active citizens**

A similar method is being implemented in Cyprus. Given that the purpose is to foster key competencies, education in Cyprus aims to teach students how to collaborate and work effectively in groups to collect, discover, analyse, evaluate and compose information. Furthermore, students are expected to develop their critical and creative thinking skills and become active citizens who are democratic, socially sensitive and respectful of both their own and other cultures and countries.

> **ITALY: Students participate in school life**

In Italy, pupils have the right to take an active and responsible part in school life and to be informed of the decisions and rules governing it.

A decorative graphic on the left side of the page features a blue arc at the top left, transitioning into a series of overlapping, semi-transparent squares in various shades of gray and blue. Two prominent squares, one dark blue and one light blue, overlap each other in the upper right quadrant.

Chapter 6.

Religious and moral education

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Religious and moral education

This part refers to the right to educational freedom. It includes the liberty of parents to ensure that the religious and moral education of their children conforms to their own convictions and to choose for their children institutions other than those maintained by public authorities. This would imply private institutions. It also means that “no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions.”¹³⁰ States have a number of notable examples on record in implementing these provisions.

A. Liberty of parents and right to establish private educational institutions

1. Constitutional guarantees

> **CROATIA: The liberty of parents to decide on the upbringing of their children**

Article 63.1 of the Constitution of Croatia (1990) states that: “Parents shall have the duty to bring up, support and educate their children, and shall have the right and freedom to decide independently on the upbringing of their children.”

130 Article 5 (b) of the UNESCO Convention against Discrimination in Education.

> **BANGLADESH: The right to establish private educational institutions**

Regarding the right to establish private educational institutions, Article 41 of the Constitution of Bangladesh states that “every religious community or denomination has the right to establish, maintain and manage its religious institutions”. In Bangladesh, primary education is thus offered by the different categories of educational institutions. Of these, some offer religious education, particularly for Muslims, Hindus, Buddhists and Christians, as well as children of other religious communities.

.....

2. Other measures and policy

> **NORWAY**

Although the majority of Norwegian children attend public schools, parents and legal guardians have the right, according to Norwegian legislation,¹³¹ to choose another type of school or to educate their children at home on account of religious or other convictions.

Act relating to Primary and Secondary Education (Education Act) 1998 of Norway

Section 2-1:

Children and young people are obliged to attend primary and lower secondary education, and have the right to a public primary and lower secondary education in accordance with this Act and regulations pursuant to the Act. The obligation may be met by means of the publicly maintained primary and lower secondary schools or by means of other equivalent education.

“Means of other equivalent education” is construed to mean education in private schools, either with or without State subsidies, or home education taught by the children’s parents or legal guardians.

Private primary and lower secondary schools must meet minimum requirements for quality education as specified by the Government concerning both State-subsidized private schools approved in accordance with the Private School Act of 2003 section 2 3 and non-subsidized private schools that are approved in accordance with the Education Act section 2 12.

Private schools that are religiously and/or philosophically based can decide on their own curriculum, which in turn is approved by the State as long as it provides for an education

131 Norwegian Education Act section 2-1.

which is equivalent with the education given in accordance with the curriculum that applies for public schools (see Education Act, section 2 1, first paragraph, section 2 12, and the Private Schools Act, section 2 3). These schools have the opportunity to organize their education in accordance with their views and convictions, as long as other views and convictions and Norwegian legislation are included.

> **JAMAICA**

In Jamaica, in addition to public schools, there are a considerable number of private institutions that are affiliated with a particular religious belief. These schools are all registered with the Ministry of Education and Youth and parents can send their children to them if they wish.

3. Private institutions financed by the State

In some States, these institutions can receive direct financial support from the State.

> **CYPRUS**

In Cyprus, children belonging to various religious groups (e.g. Armenians, Maronites, Latins) as well as the Turkish-Cypriot community, receive help from the Government, as the Constitution assures access to education for the members of these groups. These groups are entitled to run their own schools, which are supported financially by the Government, and to receive financial assistance should their children wish to attend a private school of their choice. These children thus have the right to be educated according to their academic potential and their parents' wishes.

> **UGANDA**

In Uganda many schools were founded when the country was still under colonial rule. They were primarily religious institutions. Following independence, however, the Government dictated that they be handed over to it as “grant-aided” schools. Today these institutions account for 78% of primary schools, 35% of secondary schools and 80% of tertiary institutions. The rest are shared between religious institutions and private investors. Parents have the right to send their children to any school of their choice.

B. Organization of religious and moral instruction at school

1. Generally, religious and moral instruction at school is non-obligatory

> **TURKEY: example of constitutional provisions**

In Turkey, Article 24 of the Constitution on Freedom of Religion and Conscience states: “Everyone has the right to freedom of conscience, religious belief and conviction... Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and ethics shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual’s own desire and, in the case of minors, to the request of their legal representatives.”

> **THE CZECH REPUBLIC: example of legislative provisions**

In the Czech Republic, religious education in basic and secondary schools is outlined by Section 15 of the new Education Act. It states that religious lessons in public schools must be taught as a non-obligatory subject by churches or religious societies.

> **ITALY**

The new Concordat entered into by the Italian State and the Holy See on 8 February 1984 repealed Article 1 of the Treaty (according to which the Catholic, Apostolic and Roman faith is the only religion of the State). At the same time, it established a commitment by the State to provide for the teaching of the Catholic religion in non-university public schools, while guaranteeing each individual the right to choose whether or not to attend these lessons, without their choice giving rise to any form of discrimination. Persons choosing not to attend can follow other classes proposed by the teaching staff; spend the time in individual study or else take that hour as being free (Constitutional Court ruling N. 203 of 11-12 April 1989 is of fundamental importance in this respect).

Act No. 561 of 24 September 2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act) of the Czech Republic

Section 15 - Teaching of Religion

- (1) In compliance with the principles and goals of education under Section 2, it shall be permissible to teach religion at schools. Religion may be taught by registered churches or religious societies which have been granted a special right to teach religion at State schools, even jointly upon an agreement in writing.
- (2) Religion shall be taught as an optional subject at basic and secondary schools established by the State, a region, a municipality or a union of municipalities, if at least seven (7) pupils of the school concerned apply for religion instruction by a church or a religious society. Pupils from several grades of one or more schools, but with a maximum number of pupils in one class of thirty (30) pupils, may join in one class. Pupils from more schools may join to be taught religion lessons simply on the basis of an agreement concluded between the schools concerned, which shall also regulate the coverage of costs incurred in relation to such lessons.
- (3) An authorized representative of a church or religious society who satisfies the qualification requirements to carry out the activities of a pedagogical worker under a special legal regulation may teach religion being in a labour-law relation with the legal person providing the activities of the school concerned. An authorizing document shall be issued by the statutory body of a church or religious society. In the case of the Roman Catholic Church, this shall be the statutory body of the relevant bishopric.

2. Some States permit exemptions in this area

⇒ Exemption authorized by law

> DENMARK

In Denmark, Christian studies are compulsory in the Folkeskole, but according to § 6, Subsection 2 of the *Folkeskole Act* (2003), students may be exempted if the parents submit a written statement.

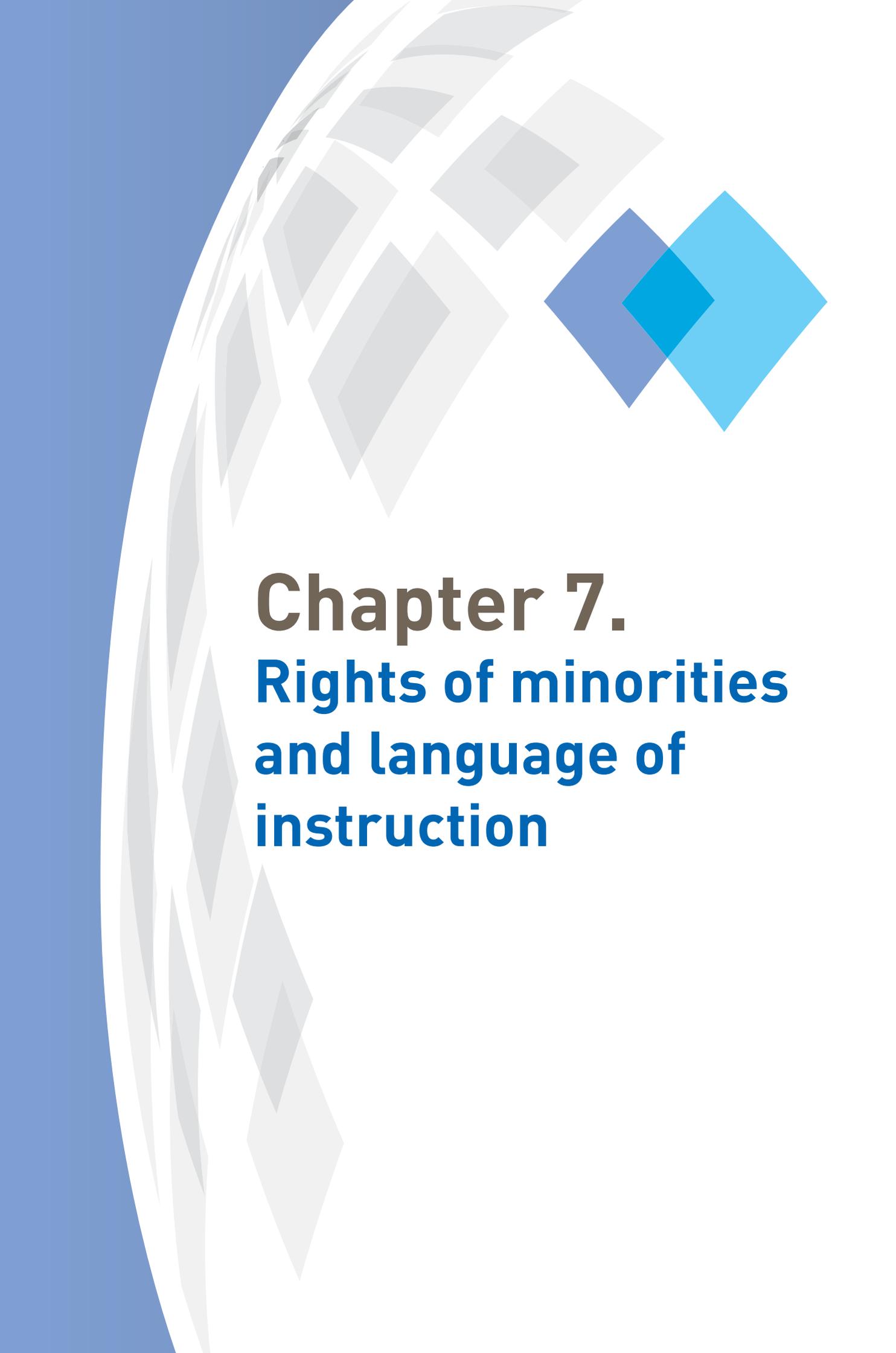
Subsection 2 of the Folkeskole Act (2003) of Denmark

6. (1) The central knowledge area of the subject of Christian studies shall be the Evangelical Lutheran Christianity of the Danish National Church. At the oldest form levels, the instruction shall further comprise foreign religions and other philosophies of life.
- (2) Upon request, a child shall be exempted from participation in the instruction in the subject of Christian studies when the person who has custody of the child submits a written declaration to the head teacher of the school to the effect that he/she will personally assume responsibility for the child's religious instruction. Exemption can normally only be effective from the beginning of a school year. If the child has reached the age of 15, exemption can only be granted with the child's own consent.

> **SENEGAL**

In Senegal, Article 4 of Law No. 91-22 of 1991 (as amended by Law No. 2004-37) states that in public and private educational institutions, with respect to the principle of secularity, optional religious education may be offered; however, parents freely choose whether or not to register their children.¹³²

132 Unofficial translation from French as follows: “*Au sein des établissements publics et privés d’enseignement, dans le respect du principe de laïcité de l’Etat, une éducation religieuse optionnelle peut être proposée. Les parents choisissent librement d’inscrire ou non leurs enfants à cet enseignement.*”



Chapter 7.

Rights of minorities and language of instruction

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Rights of minorities and language of instruction

The most common issue concerning minority rights in education is that of the language of instruction. Since the principal right accorded to national minority groups is the right “to carry on their own educational activities, including [...] the use or the teaching of their own language [...]”,¹³³ this chapter will treat both of these themes together.

A. General measures taken regarding the educational rights of minorities

1. At the constitutional level

Some States recognize the rights of minorities in the area of education at the constitutional level.

> CROATIA

In Croatia, the Constitutional Act on the Rights of National Minorities (2002) guarantees all national and ethnic communities or minorities the most important rights and freedoms, including the principles of non-discrimination and equality, and freedom of choice in education.

133 Article 5 (c) of the UNESCO Convention against Discrimination in Education.

Constitutional Act on the Rights of National Minorities Guarantees (2002) of Croatia

Article 7

The Republic of Croatia ensures realization of special rights and freedoms of the members of national minorities enjoyed by them individually or together with other persons belonging to the same national minority and when so determined by this Constitutional Act or special acts, together with members of other national minorities, especially:

1. Usage of own language and script, in private and public use, and in official use;
2. Education and schooling in the language and script they are using.

Article 11

- (1) A member of a national minority has the right to education and schooling in the language and script the national minority is using.
- (2) Education and schooling of members of national minorities shall be provided in pre-school institutions, primary and secondary schools and other school institutions (hereinafter: school institution) with teaching in the language and script they are using, under provisions and in the manner determined by the special act on education and schooling in the language and script of national minorities.
- (3) School institutions with teaching in the language and script of a national minority may be established and education and schooling provided for fewer students than the quota established for school institutions with teaching in the Croatian language and script.
- (4) The teaching plan and programme in the language and script of the national minority must, beside the general part, contain a part concerned with the particular features of the national minority (mother tongue, literature, history, geography and cultural creation of the national minority).
- (5) It is the right and obligation of students being educated in the language and script of national minorities to learn, beside their own language and script, the Croatian language and Latin script, according to the determined teaching plan and programme.
- (6) Educational work in school institutions with teaching in the language and script of a national minority shall be performed by teachers who are members of the national minority, who possess a full command of the language and script of the national minority, or teachers who are not members of the national minority but possess a full command of the language and script of the national minority.
- 7) Institutions of higher education shall organise the implementation of programmes of education for educators, primary and secondary school teachers who are to provide education and schooling in the language and

script in use by the national minorities, in the part concerned with the particular features of the national minority (mother tongue, literature, history, geography and cultural creation of the national minority).

- (8) The members of national minorities can, for the purpose of exercising education and schooling of their members, in the way and under the provisions of this act, establish institutions of pre-school education and primary and secondary schools.
- (9) It will be possible for the students of a school institution in Croatian language to learn the language and script of a national minority in the manner determined by a special act, and according to the teaching programme determined by the competent body of the central State administration, with financial allocations under the State budget and under budgets of local self-government entities.

> SLOVAKIA

The Constitution of the Slovak Republic grants national minorities the right to receive education in their mother tongue.¹³⁴

Article 34 of the Constitution of the Slovak Republic

- (1) Citizens belonging to national minorities or ethnic groups in the Slovak Republic shall be guaranteed their universal development, particularly the rights [...] to establish and maintain educational and cultural institutions. A law shall lay down details thereof.
- (2) In addition to the right to learn the official language, citizens belonging to national minorities or ethnic groups shall, under the conditions laid down by a law, also be guaranteed:
 - (a) the right to be educated in their language,
[...]
- (3) The exercise of the rights of citizens belonging to national minorities and ethnic groups guaranteed under this Constitution must not result in any threat to the sovereignty and territorial integrity of the Slovak Republic or in discrimination against other population [groups].

134 Article 34 of the Constitution of the Slovak Republic (1992).

> SLOVENIA

Article 5 of the Constitution of the Republic of Slovenia (1990) stipulates that the State “*shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities.*” Article 64 guarantees their right to education.

Article 64 of the Constitution of the Republic of Slovenia (1990)

(1) In accordance with the laws, these two national communities [Italian and Hungarian] and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographical areas in which bilingual schools are compulsory shall be established by law [...]. The State shall provide material and moral support for the exercise of these rights.

> COLOMBIA

Article 68 of the Colombian Constitution (1991) states that members of ethnic groups shall have the right to education that respects and fosters their cultural identity.¹³⁵

2. At the legislative level

Most States guarantee the rights of minorities in education through legislative measures. Where those States also provide constitutional measures, the legislation is often more detailed.

> CROATIA

In Croatia, the Act on Education in Languages and Scripts of National Minorities¹³⁶ guarantees national minorities the right to education acquired by earlier regulations and on the basis of international agreements signed by the Republic of Croatia. This law guarantees, inter alia, the establishment of educational institutions operating in the languages and scripts of all national minorities.

Education in the language and script of a national minority is conducted in pre-school facilities, primary and secondary schools, or other school facilities. The Act on Education in Languages and Scripts of National Minorities guarantees tuition in

135 Unofficial translation from Spanish as follows: “*Las integrantes de los grupos étnicos tendrán derecho a una formación que respete y desarrolle su identidad cultural.*”

136 Adopted on 11 May 2000.

the language and script of any national minority, with the establishment of schools or institutions which shall operate in the language and script of that national minority, employment of workers who are members of that national minority for the tuition of the minority in question, printing and translation of books in the language and script of any national minority, and implementation of special programmes for preserving linguistic and cultural identity.

National minorities in the Republic of Croatia choose for themselves the form of education in their own language and script, which means that they opt either for complete tuition in their own language and script, with the obligation to learn Croatian, or for learning the language and culture, namely nurturing language and culture, in the form of additional tuition which consists of five national classes (language of the national minority, history, geography, music and art). The chosen models are in the compulsory system of education.

The Act enables members of other nationalities to attend schools in the language of a national minority since it does not stipulate that pupils receiving such tuition must be members of the national minority concerned.

> SLOVENIA

In Slovenia, the Elementary School Act¹³⁷ specifies, inter alia, the rights accorded to national minorities, the Roma community and foreign nationals. Moreover, special features of the education system and the implementation of these minority rights in education are regulated by the Special Educational Rights of the Italian and Hungarian Ethnic Minorities Act (2001). The Act governs in detail the special objectives of education for members of the Italian and Hungarian national minorities, including specific organizations such as pre-school centres and schools. Additionally, the Act regulates the adoption of State-approved educational programmes, outlining special requirements for professionals working at these pre-school centres and schools, including bilingual management and financing, and school construction.

> SLOVAKIA

In Slovakia, the education of students from elementary and secondary schools of national minorities is guaranteed in accordance with Act No. 29/1984 Coll. on the system of elementary and secondary schools (the School Act) as amended in accordance with the intentions of the Charter of Fundamental Human Rights. Section 3 reads, “[the State] to the extent consonant with the interests of their national development, shall guarantee the right to education in the mother tongue” to children (citizens) of national minorities. Similarly – concerning the **mother tongue education of children** – pre-school and extra-curricular activities (kindergartens, school clubs, school hobby

137 Official Journal of the Republic of Slovenia, No. 12, 1996.

centres, leisure time centres) are also provided according to Act No. 279/1993 Coll. Also in accordance with these laws, **schools with instruction in the language of the national minority** were established. The decision to enrol a child in a relevant national school or school facility belongs exclusively to the parent or legal guardian of the child.

> **LATVIA: Establishment of an Advisory Council on National Minority Educational Issues**

In Latvia, the preservation of language and culture of national minorities through education is defined in the Education Law (1998). Furthermore, an Advisory Council on National Minority Educational Issues was established in 2001 for the purpose of assessing the implementation of national minority education, making recommendations for the improvement of educational policy for national minorities, and analysing the results.

> **THE CZECH REPUBLIC**

In the Czech Republic, the Education Act¹³⁸ provides for recognition of the **right of members of national minorities to learn their minority language** or to receive education in that language. Section 14 stipulates: “A municipality, a region or the Ministry shall ensure education for members of national minorities in the language of the relevant minority at nursery, basic and secondary schools [...].”

.....

In addition, the law stipulates the minimum number of children in the schools and classes for these national minorities, which is far lower than the quotas for the majority population. The law makes it possible for several school administrative bodies to participate in the education of national minority communities. Moreover, the school director may, in agreement with the school administration, support the interests of minority communities by designating subjects or a part thereof within the regular curriculum that will also be taught in the language of the national minority group. The legal regulations in place allow the establishment of schools (classes) for children of nationalities other than Czech (whose parents are citizens of the Czech Republic) with instruction in their mother tongue. However, the education of members of national minorities in their mother tongue in the public education system can only be provided for those minorities whose numbers are sufficient to guarantee class size.

3. At the policy level

Regarding policies put in place in order to guarantee the educational rights of minorities, different examples can be seen from the practices of States.

138 Act No. 561/2004 on pre-school, basic, secondary, tertiary professional and other education.

> **GEORGIA: Minorities use their native language and learn the State language**

In Georgia, in 2004 the Minister of Education and Science approved the “Civil Integration Programme” in order to provide individual and collective rights to members of minorities. The programme had a twofold purpose: it allowed minority groups to use their native language, while preserving and expressing their cultural values, but also provided the opportunity to learn the State language. Today, **the members of minority communities have an opportunity to receive education in their own languages and preserve their cultural identity.**

> **AUSTRALIA: Adoption of a National Indigenous English Literacy and Numeracy Strategy**

In Australia, a significant restructuring of existing programmes has been undertaken in order to redirect funding towards initiatives that have been successful. This allowed more funding to go to the education of Indigenous students, who are among the most disadvantaged and marginalized groups within society. For example, the National Indigenous English Literacy and Numeracy Strategy (NIELNS), launched in 2000, is an element of the Indigenous Education Strategic Initiatives Programme (IESIP). The objective of NIELNS is to help Indigenous students achieve the same levels of literacy and numeracy as other young Australians. The evaluation of the strategy concluded that NIELNS made a difference for many Indigenous students throughout Australia and that the strategy is working to achieve readiness for learning and improved literacy and numeracy outcomes.

> **TURKEY: Minority languages are given the same instructional value as Turkish in minority schools**

In Turkey, Armenian, Greek and Hebrew language courses are among compulsory courses offered at minority schools and the time allowed for these courses is equal to that allotted to Turkish language classes at regular schools. Moreover, at these schools all courses except for Turkish Language and Turkish Culture courses are given in the languages of origin, and religious education for non-Muslim students is offered in their own religions and languages.

> **MALAWI / UGANDA: Use of the mother tongue as a medium of instruction**

In Malawi, the Ministry’s language policy is that the mother tongue should be used as a medium of instruction in the lower classes to give students a better understanding of the content matter.

In Uganda, the Government White Paper on Education (1992) encourages **use of the mother tongue as a medium of instruction** in all education programmes up to primary

three class and generally encourages the promotion of local languages, which principle the ongoing curriculum reforms seek to operationalize.

B. Specific measures taken regarding particular minority communities

1. Roma minority

Some countries in Eastern Europe have enacted specific measures concerning the Roma minority.

> SLOVENIA

In Slovenia, special attention is given to education for the Roma populations. In 2004 a strategic document was adopted that defined **measures aimed at a more effective inclusion of Roma pupils in mainstream education**. The basic principle underpinning the strategic document is that of equal opportunities. The most important measures are:

- Early integration into the education system;
- Roma assistants;
- Teaching the Roma language as an optional subject in elementary school;
- Teaching Slovene;
- Identification of objectives (e.g. multiculturalism);
- Establishing knowledge standards in education programmes regarding Roma culture, history and identity;
- Continuing education and training and upgrading programmes for professionals;
- Special organizational forms and provision of material resources; absence of segregation and therefore no homogeneous classes;
- Implementation of ready-enacted forms of individualization, internal and flexible differentiation and instruction in ability groups;
- Various forms of academic support and building trust in schools, and the elimination of prejudice.

On the basis of this document, the Ministry prepares annual action programmes in which it defines concrete measures to be implemented and financed in a given year. For instance, the State grants the following incentives to elementary schools to foster Roma education: for individual work or work in groups with Roma pupils, the State provides additional funds, sets lower requirements for class units with Roma, provides additional funds for meals, textbooks, excursions, etc. In addition, students of the Roma ethnic group are granted scholarships for all teacher training courses. Besides the additional professional aid, the Ministry also increased the number of counsellors, cooks and cleaners as required. For the elementary schools whose pupils include Roma children, the Ministry provides increased funding for subsidizing the cost of school meals and accords each Roma pupil SIT 1,240 (about US\$ 7) per month to cover the cost of school requisites, transport and entrance fees for cultural, natural science and sports events, and so on.

> THE CZECH REPUBLIC

In the Czech Republic, the Ministry of Education fosters the education of Roma children in various ways. For example, it established what are termed preparatory classes for Roma children before they enter basic school; introduced the position of Roma assistant at basic schools (in 1997/98); modified the basic school curriculum, in terms of content and didactics, to meet the needs of Roma children; introduced the possibility of smaller classes in schools with a high proportion of Roma children; and developed mechanisms for the provision of financial support. In addition, in 2002, the PHARE CZ 00-02-03 project **“Support for the Integration of Roma/Multicultural Education Reform”** was launched. It focuses on across-the-board education of teachers, school directors and teacher assistants in multicultural issues, and the establishment of specific conditions for the education of Roma pupils. The project seeks to ensure respect for and protection of the Roma, particularly via the facilitation of appropriate education for their children, and so to enable them to improve their position within society. The project also aims to **set up a coherent system for basic education of the Roma population**, and to develop expert assistance services at both the first and the second stages of basic school.

2. Nomadic populations

> MALI

Mali has developed some noteworthy practices for the protection of nomadic populations. In the Northern areas, where there is a high concentration of nomadic tribes, the Government has established special schools where teachers follow the students as the populations move around the country. This permits continuity in the

education provided. In these schools, free lunches are offered in order to promote the enrolment and retention of children in school.

3. Immigrants

States have also taken measures to protect immigrant populations with respect to language.

> **ITALY**

In Italy, Law 40/1998, concerning immigration and the condition of foreigners, established **an obligation to respect the linguistic and religious identity of pupils in order to facilitate the integration process.**

> **CANADA: Integration of immigrant children into the existing education system**

In Canada, immigrant children are integrated into the existing education systems of the provinces and territories, and policies embodying the principles of diversity, equity and multicultural education form a part of the daily classroom and school environment, in order to aid in the transition. In addition, curricula were adapted and additional teacher support provided to address students' language-learning needs. For instance, in Quebec, the Ministry of Education, Recreation and Sports has introduced a number of initiatives to support the integration of immigrant students into the education system. The 1998 *Policy of School Integration and Intercultural Education*, which was accompanied by an Action Plan, included programmes and various financial support mechanisms to improve the educational services for immigrant students. Among the key features was the focus on learning French; innovations in terms of welcoming students and integrating them into schools; special aid or individual instruction if necessary; partnerships among the schools, families and communities; and intercultural exchanges in order to learn to live together in a pluralistic society. The Ministry allocated additional funds to school commissions that welcomed a large number of immigrant children in order to ensure sufficient organizational and pedagogical capacity, through such activities as professional development for teachers and the elaboration of tools for teaching and assessment. Funding was also allocated to the programme for the teaching of heritage languages so that students could improve their knowledge of the languages and cultures of their countries of origin. Seventeen languages were taught as part of this programme in 2006 and 2007.

4. Indigenous people

> **CHILE: Bilingual intercultural education system and allocation of special resources**

Indigenous Law No. 19 253 of 1993 provides for specific State obligations regarding education and interculturality. In high-density areas of indigenous peoples, the State must develop a bilingual intercultural education system in order to prepare indigenous students to manage adequately either in their original society or globally. The State must also allocate special resources to the Ministry of Education for indigenous grant programmes.

C. Measures taken regarding the language of instruction

States also provide notable examples regarding multilingual teaching and education.

> **ALGERIA: The Amazigh national language is taught at school**

In Algeria, the Amazigh language, recognized by the Constitution as a national language, is taught at all levels of education whenever appropriate and there are pedagogical facilities. It is included in the curriculum as a specific subject with its own programme and textbooks and subjected to assessment and examination in common with the other subjects.

Teacher training in Amazigh is available at university level and in the institute for teachers in the same conditions as the other subjects.

A centre for the promotion and development of Amazigh teaching was established in 2004 which brings together university staff and researchers of a high level to conduct research in linguistic adjustment, standardization of this language, and all aspects to do with its teaching.

> **MAURITIUS / NEPAL: The use of numerous languages at school**

In Mauritius, the education system provides for instruction in seven oriental languages (ancestral languages) while in Nepal curricula and textbooks were developed in 20 different national languages.

➤ **ZIMBABWE: The use of languages at school regulated by law**

Section 62 of the Education Act (1987) states that “[...] all the three main languages of Zimbabwe, namely, Shona, Ndebele and English, shall be taught on an equal-time basis in all schools [...]”, and that: “In areas where indigenous languages other than [the three main ones] are spoken, the Minister may authorize the teaching of such languages.” To ensure that pupils are better able to understand concepts at the primary school level, the indigenous language may be used as the medium of instruction, depending on which language is more commonly spoken and better understood by the pupils.

➤ **DENMARK: Compulsory language stimulation for bilingual children is provided**

In Denmark, to ensure that children needing linguistic support gain maximum benefit from the education system, bilingual children are offered compulsory language stimulation (children aged from 3 to 6 years) and, on admission to the Folkeskole, bilingual pupils with special needs are referred to education in Danish as a second language from the pre-school to 10th form, pursuant to the Danish Folkeskole Act (2003). As an extension of the obligation to provide compulsory language stimulation for bilingual children aged from 3 to 6 years, the Ministry issued “*Guidelines on compulsory language stimulation for bilingual pre-school children*” in 2005.

➤ **RUSSIAN FEDERATION: Promoting instruction of the national language abroad**

The Russia Federation developed good practices in the matter of promoting instruction of the national language abroad. The Russian Language Federal Target Programme for 2006 to 2010 aims to ensure the right of Russian citizens to learn their native language and provides opportunities for foreign nationals and migrants to learn Russian as a foreign language. In 2006, workshops were organized and conducted on the theme of ensuring that expatriate children can learn Russian as a mother tongue. Moreover, educational materials were provided to children of expatriates living abroad, enabling them to practise reading, writing and speaking skills in their family and at language courses.

➤ **PORTUGAL: Establishing appropriate pedagogical and didactic conditions for teaching Portuguese in order to facilitate integration**

The migratory flows of the last few decades have led to major changes in Portuguese society and have posed constant challenges for schools, which have been working hard to make of diversity a factor of cohesion and integration. Today’s students display a great deal of sociocultural and linguistic heterogeneity, which situation requires the creation of appropriate pedagogical and didactic conditions for teaching Portuguese in every field of both know-how and human relations, in such a way as to ensure that

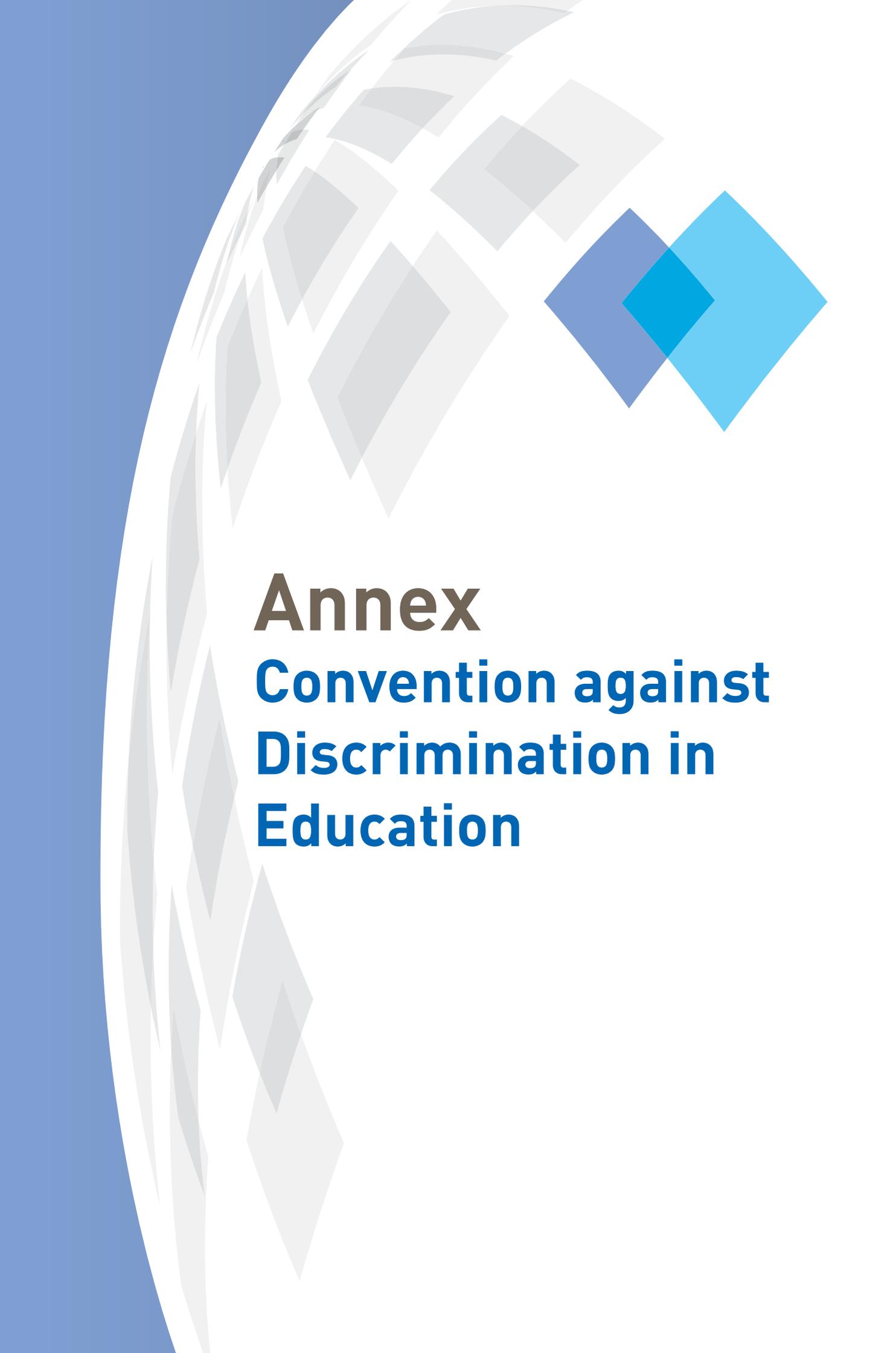
students enjoy equitable conditions regarding access to the curriculum and academic success.

The year 2001 saw the presentation of legal proceedings in Portugal to make schools and groups of schools responsible for developing and implementing specific curricular activities designed to teach Portuguese as a second language at the basic education level. In this, language is seen as a vehicle for academic knowledge and as a means of facilitating integration into the national education system.

In Portugal, in addition to provisions of the Constitution and other specific legislation, protection of the rights of migrant students and immigrant children is governed by four basic principles, one of which is the principle of integration; to educate by and for equality, in **fulfilment of the right to education and with respect for the maintenance of the pupil's language and culture of origin**. The other principles are those of equality, interculturality and quality.

In order to facilitate the integration of students from other education systems, schools employ the following measures, which worked well:

- Reception measures designed to integrate students, including (i) organizing the pupil's personal and scholastic file; (ii) the creation of a multidisciplinary and multilingual team; and (iii) assessment of the pupil's linguistic proficiency in Portuguese.
- Academic measures intended to create the necessary conditions for learning and mastering Portuguese, both oral and written, as a key factor in the academic success of these students.
- Production of teaching materials making it easier to learn Portuguese as a non-mother tongue language.
- Cultural mediation action in relation to the link between the family and the school, particularly in the case of pupils from the gypsy ethnic group and from other Portuguese-speaking countries. Such action is undertaken by sociocultural mediators – a function introduced in 2001 – who play an important part in strengthening intercultural dialogue and ensuring social cohesion.
- Tutorial programmes and action designed to support study, guidance counselling and pupil counselling strategies, with a view to ensuring students' integration and educational success.



Annex
**Convention against
Discrimination in
Education**

Annex

Convention against Discrimination in Education

Paris, 14 December 1960

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:
 - (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 incompatible 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 1 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.

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.



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This publication is a compilation of practical examples of measures taken by Member States in implementing the provisions of the Convention and the Recommendation against Discrimination in Education. These examples are taken from national reports submitted to UNESCO for the Seventh Consultation of Member States on the implementation of these two standard-setting instruments.

The Convention and the Recommendation celebrated their fiftieth anniversary in 2010. Both express the fundamental principles of non-discrimination and equality of educational opportunities enshrined in UNESCO's Constitution.

Since these fundamental principles are essential in the process of Education for All (EFA), the instruments have naturally become the cornerstone of this high-priority domain for UNESCO.

This compendium seeks to provide an overview of promising measures taken to ensure equality of education opportunities and non-discrimination, while also serving as a necessary tool for information-sharing and advocacy in connection with the right to education.



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