

**Summary Conclusions by the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on
the Monitoring of the Right to Education**

presented
to the 48th Session of the International Conference on Education
Geneva, 26 November 2008

INCLUSIVE DIMENSIONS OF THE RIGHT TO EDUCATION

Honorable Chairperson,
Honorable Ministers,
Distinguished Participants,
Ladies and gentlemen,

On behalf of members of the Joint Expert Group, it is a great honor and privilege for me to present to the plenary of the ICE the work of the Joint Expert Group. We would like to express our deep gratitude to the ICE for giving us this opportunity.

The Joint Expert Group is made up of two members of the UN Committee on Economic, Social and Cultural Rights (CESCR) of the ECOSOC and two members of UNESCO's Committee on Conventions and Recommendations (CR); it is presently composed of myself (Professor Eibe RIEDEL) and Professor Virginia B. DANDAN, Members of CESCR; and Ambassador José Duarte Ramalho ORTIGAO and Professor Brian FIGAJI, members of the CR. The Joint Expert Group was established by the decision adopted by UNESCO's Executive Board in October 2001, and is entrusted with a broad mandate of monitoring the right to education in all its dimensions. As a unique institutionalized mechanism for UNESCO's collaboration with CESCR and with the OHCHR, it plays a valuable role in monitoring the implementation of the right to education more effectively within the UN system. The report(s) of the Joint Expert Group is presented annually to UNESCO's Executive Board for examination as well as to the ECOSOC. The key areas of the work accomplished by the Joint Expert Group include: strengthening the foundations of the right to education in national legal systems; the enforcement of the right to education and its justiciability; universalizing access to primary education free of costs for all, with emphasis on Member States' *core obligations*; and promoting equality of opportunities in education, both *in law and in fact*.

The Joint Expert Group held its ninth meeting yesterday, and in continuity with its eight meeting of last May, addressed the theme: **Inclusive Dimensions of the Right to Education**. A *Concept Paper* prepared for this purpose has been disseminated – we would like to urge all Honorable Ministers and distinguished participants in the ICE to give careful consideration to the text of the Concept Paper, which sheds light on the inclusive dimensions of the right to education, and analyses legal and policy issues involved. These dimensions are reflected in UNESCO's Convention against Discrimination in Education, which has been recognized by UNESCO's Executive Board as a key pillar of EFA, and in various other instruments adopted by UNESCO as well as in those adopted by the United Nations. As the Universal Declaration of Human Rights

provides in article 26, para 1 “Everyone has the right to education.” The right to education as an internationally recognized right is universal, and does not provide for any exclusion. The General Comment 13 on Article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights, elaborated by CESCR in cooperation with UNESCO states that “education must be accessible to all, especially the most vulnerable groups, *in law and fact*, without discrimination.” The Joint Expert Group emphasizes the importance of action by Governments pursuant to obligations - legal and political – undertaken under the international instruments. Respecting and fulfilling these obligations would enable all those who remain deprived of education to receive it as a right, without any exclusion or discrimination. It is important to realise that the right to education is essential for the exercise of all other human rights and therefore it deserves priority consideration. The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, to be adopted by the UN General Assembly on 10 December 2008, will open new perspectives for the CR and the CESCR to collaborate in examining alleged violations of the right to education and the enforcement of this right.

The Joint Expert Group will like to convey to the Honorable Ministers in the strongest possible terms that *the right to education, which is inviolable, is of paramount importance and its sanctity must be maintained every where*. The *inclusive dimensions of the right to education* are at the very heart of the theme being addressed by the ICE: *Inclusive Education: The way of the future*. In order to give fresh momentum to the Education for All (EFA), it is absolutely indispensable to guarantee *universal access to quality primary education free of charge for all* and lay stress on full compliance of States’ *core obligations* for this purpose; it is equally essential to promote continuing education, lifelong learning and literacy as a right, as well as to ensure equitable access to quality secondary/technical and vocational education. The inclusive dimensions of the right to education should remain central to our endeavour for equity, inclusion and social cohesion in today’s societies.

In strategies for implementing the right to education in all its inclusive dimensions, the Joint Expert Group would like to underline the significance of how such dimensions are reflected in national legal systems – in constitutions and national legislation – and how they are further translated into policies and programmes, having regard to the recommendations by the Ministers at the Seventh Meeting of the High-Level Group on EFA (Senegal, December 2007) to “identify steps to strengthen and harmonize, where necessary, the legislative framework within which the right to education is guaranteed.” Moreover, we urge Governments to accelerate national level action, including necessary positive measures, as part of such legislative framework, aimed at overcoming inequalities in education, and doing away with growing disparities and inequities, bearing in mind the EFA Global Monitoring Reports 2008 and 2009, and guided by *UNESCO’s constitutional mandate* of ensuring “*full and equal opportunities for education for all*.”

In that spirit, our Group would like to make a fervent appeal to the Honorable Ministers and Delegates participating in the ICE to give added impetus to the realization of the right to Education for All, in a way that its inclusive dimensions remain at the centre stage in national level action and education development strategies, and provide the basis for raising the profile of the Education for All initiative and its realization as a fundamental human right. We:

1. ***underline the crucial importance of inclusive dimensions of the right to education which constitute the very foundation of universalizing access to education without discrimination or exclusion, for advancing the EFA agenda;***
2. ***strongly recommend to the ICE to promote the inclusive dimensions of the right to education, contained in human rights treaties adopted by the United Nations, and in the conventions and recommendations in the field of education adopted by UNESCO, and to***

appeal to Member States to reflect these dimensions in their legal systems, education policies and strategies ;

- 3. emphasize the legal obligations and political responsibility of Member States to give effect to the inclusive dimensions of the right to education, with a view to promoting inclusive education for all at the national level, and suggest to the ICE to encourage Member States to increase necessary assistance to countries which need it most, cognizant of the fact that Africa is UNESCO's top priority.*
- 4. express our deep concern about the adverse impact that the global financial crisis may have on the realisation of the right to quality education for all. As mentioned by the South African Minister of Education in the introductory debate of 48th ICE, the financial crisis should not be an excuse for Member States failing to fulfill their obligations. On the contrary, Member States should provide the necessary resources to ensure the full implementation of the right to quality education for all.*

Thank you.