

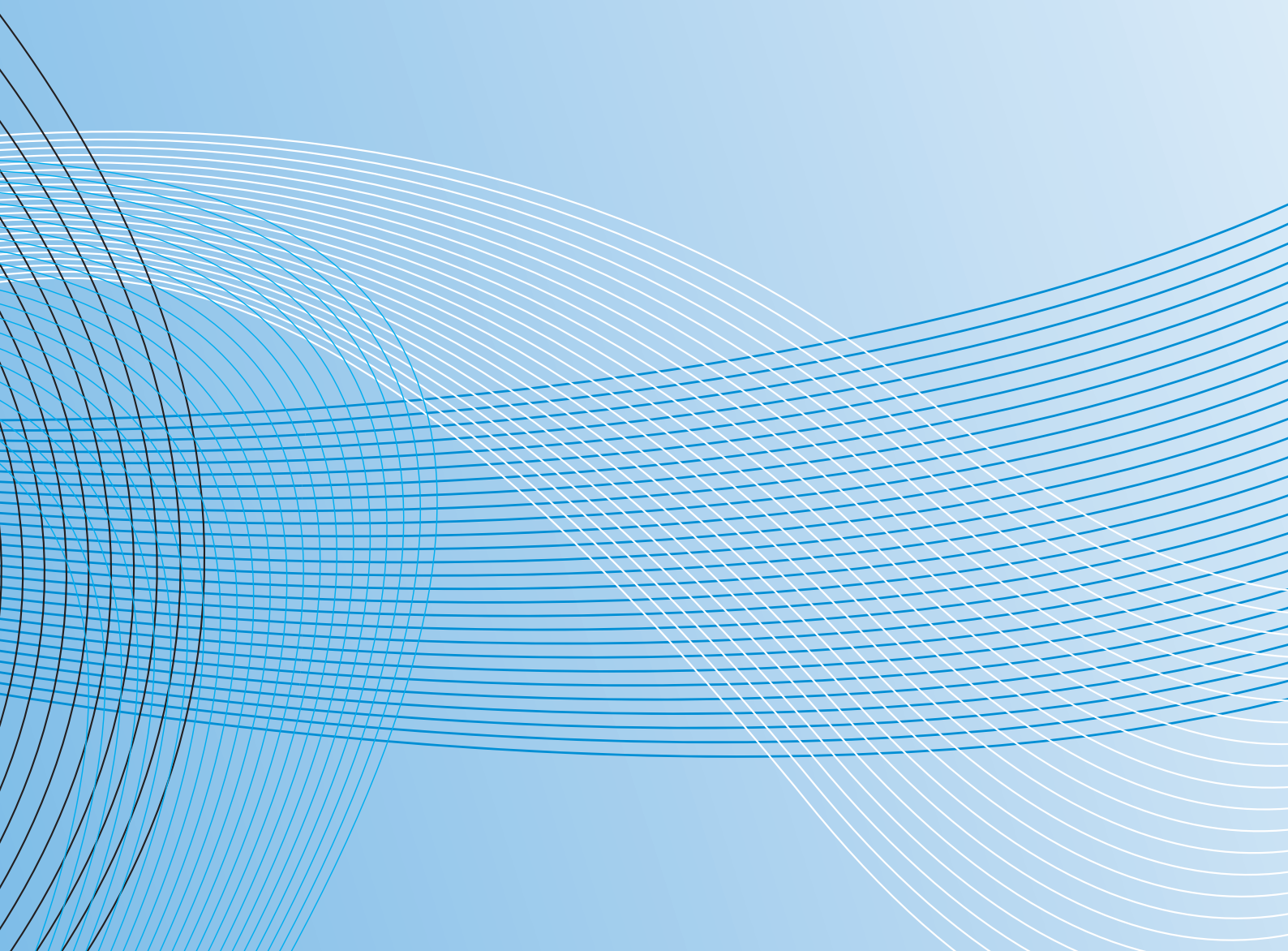


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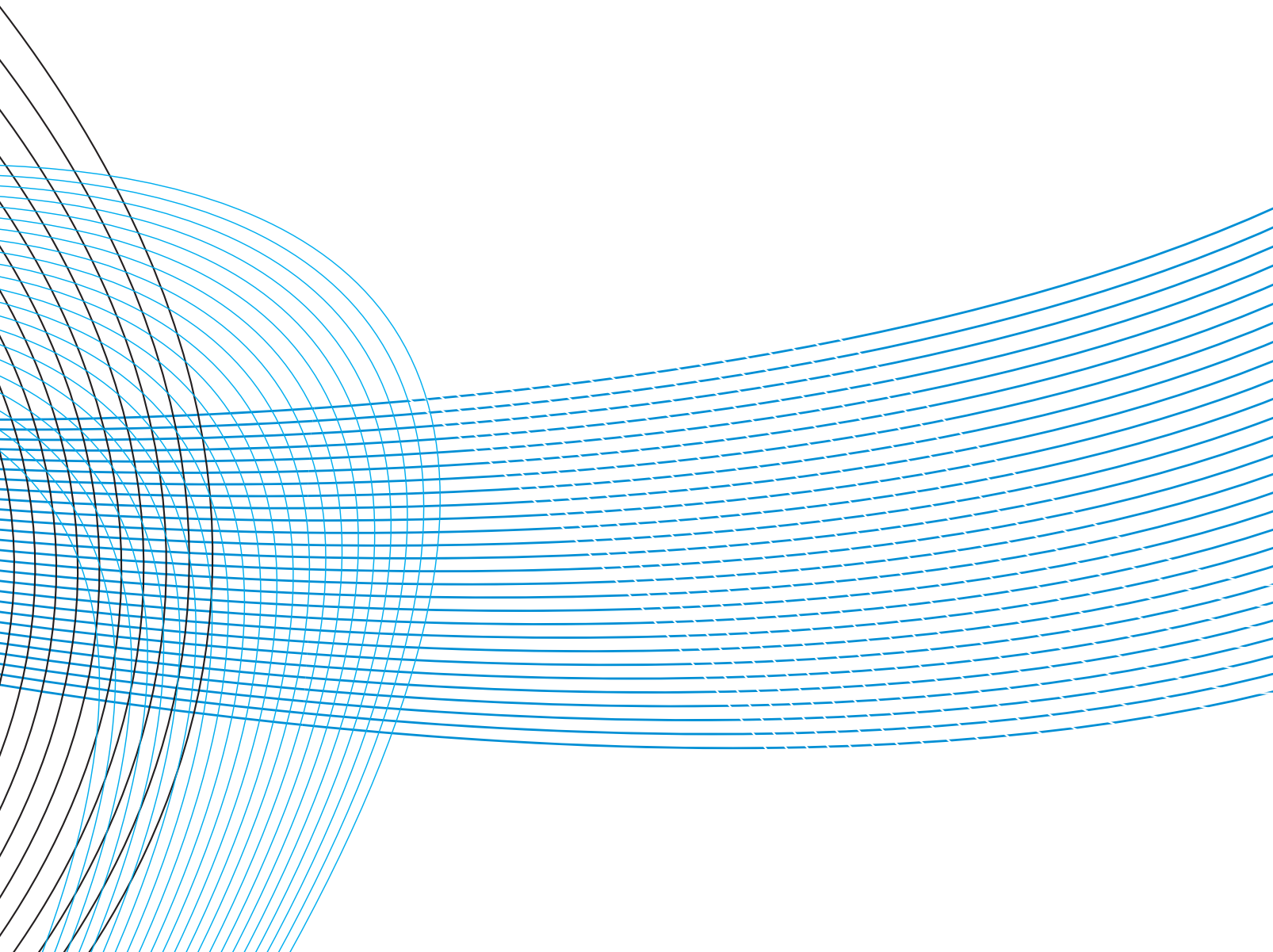
THE RIGHT TO EDUCATION

LAW AND POLICY REVIEW GUIDELINES



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Introduction

About the guidelines

1. Why these guidelines?

In their effort to meet their commitments to making education for all a reality, countries are increasingly concerned with the delivery, quality and relevance of their education systems. International human rights instruments (agreements, charters, protocols, treaties, recommendations, conventions and declarations)¹ have established a solid international normative framework providing for the right to education. Considerable efforts have also been made to implement the right to education at country level. Nevertheless, millions of children of school-going age are still out of school worldwide and millions of adults are deprived of learning opportunities. This is the result of numerous barriers due to social, cultural and economic factors. Making the right to quality education a reality for all is an absolute priority. This cannot be achieved without strong national legal and policy frameworks that lay the foundation and conditions for the delivery and sustainability of good quality education.

These guidelines were developed to assist countries wishing to assess the compatibility of their national education laws and policies with international standard-setting instruments on the right to education. Special emphasis is given to the provisions for gender equality and inclusive education.

The guidelines are intended for ministries of education in the review of the education legal and policy framework at country level. It is essential that such a review be participatory and conducted by experts who have a deep understanding and knowledge of the national educational system. It is suggested that the review team be composed of an education policy analyst and experts with legal/institutional and statistics profiles. The review is expected to be completed within a time period of one to three months, depending on local contexts.

2. What these guidelines aim to achieve?

These guidelines aim to provide guidance in the review of national education legal and policy frameworks in view of:

- ➔ Assessing the status of the right to education at country level and its compatibility with international and regional human rights instruments;
- ➔ Identifying gaps in education norms and policies;
- ➔ Making recommendations for the full alignment of national constitutions, legislations and policies with international standards and provisions.

1 Definition of key terms used in the UN Treaty Collection http://treaties.un.org/Pages/Overview.aspx?path=overview/definition/page1_en.xml#agreements

3. How these guidelines are organised and how they can be used?

These guidelines are divided into two parts:

Part I presents a brief overview of the relevant international normative instruments regarding the right to education. It provides the basis for the review and analysis, and describes States' obligations regarding the implementation of this right at the national level. It serves as a reference and a basis for comparison.

Part II addresses the review process itself and contains guidelines on how to proceed with national review. It is divided into three sections:

Section 1 provides guidance on how to examine the country context, including the constitutional, political and legal structure, demographics, the social, economic and cultural situation, and the legal framework for the protection of human rights in general. This section is designed to contextualize local educational norms and policies, particularly regarding obligations established in the field of human rights. This is done by gathering descriptive and statistical data. This section also indicates sources where the relevant information can be found.

Section 2 is the most important step in the review process since it describes how indicators can be used. Certain aspects of the right to education constitute a 'core content'.² The evaluation should ensure that these aspects are guaranteed by law and policy. The framework under review should ensure education as a human right that the State must respect, protect, fulfil and implement. This section includes a series of questions, organised around three sets of indicators – structural, process and outcome indicators – listed in Annex I. There are three types of questions:

- ➔ Closed Questions that can be answered by 'yes' or 'no'. For example 'Is basic education free and compulsory?'
- ➔ Open Questions that require a quantitative response (an amount or percentage). For example, 'What is the percentage of Gross Domestic Product [GDP] devoted to education?'
- ➔ Questions that require qualitative analysis. For example, 'Is there an inspection system to monitor and evaluate the quality and content of education, and if so, how?'

Section 3 provides information on how to present the findings. In accordance with the guidelines of the review, the format of the report should correspond to its objectives: assessing the current country situation, identifying gaps, and making recommendations. It also provides guidance on how to analyse the findings and draft the report.

Annexes I-III present the detailed table of recommended indicators (Annex I), list the main international human rights instruments (Annex II) and include a glossary of technical terms (Annex III).

2 Regarding the right to education, there is a 'core content' (i.e. the main aspects) that States should observe without delay, and for which they should immediately take implementation measures. See General Comment No. 13 on the Right to Education (Article 13 of the CESCR) of the Committee on Economic, Social and Cultural Rights.

Part I



The Right to education

International legal framework and country level implementation

Section 1

Normative framework

The importance of the right to education is such that, according to the United Nations' Committee on Economic, Social and Cultural Rights (CESCR), it “epitomizes the indivisibility and interdependence of all human rights”.³

The right to education is asserted in numerous international treaties and texts of varying legal nature, and it has been affirmed by both legally binding and non-binding instruments.

The first international normative instrument on the right to education is the **1960 UNESCO Convention against Discrimination in Education (CADE)**, which, in addition to discrimination, addresses equality of opportunity, access to free primary education and the rights of minority groups. Article 4 of the CADE not only formulates the legally binding clause, but also sanctions the following duties and actions for States Parties to implement:

- i. Make primary education free and compulsory;
- ii. Make secondary education in its different forms generally available and accessible to all;
- iii. Make higher education equally accessible to all on the basis of individual capacity;
- iv. Assure compliance by all with the obligation to attend school as prescribed by law;
- v. Ensure that the standards of education⁴ 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;
- vi. 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;
- vii. Provide training for the teaching profession without discrimination.

Article 5(1)(a) of the CADE adds that 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.⁵

3 Committee on Economic, Social and Cultural Rights, General Comment 11, Plans of action for primary education (Twentieth session, 1999)

4 Outcomes, processes, structure, content

5 Regarding the issue of human rights education, OHCHR and UNESCO developed a *Self-assessment Guide for Governments*, available online at: <http://www.ohchr.org/Documents/Publications/SelfAssessmentGuideforGovernments>.

Furthermore, the **1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)** is a cornerstone for the international protection of human rights. The ICESCR is, after the CADE, one of the most comprehensive texts on the right to education, and reiterates CADE's main provisions, especially in its Articles 13 and 14.

The first paragraph of Article 13 refers to educational aims while the second paragraph lays out obligations by which the State must abide with at all levels of education, primary, secondary and post-secondary (or higher). It also makes reference to literacy, scholarships, and the conditions of teaching staff.

Article 13

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

[...]

Paragraphs 3 and 4 address the freedom of choice in education. They establish the right of parents to choose an alternative school (as opposed to a public one), as well as the right of individuals to establish and direct educational institutions. Article 14 of the Covenant is entirely dedicated to primary education.

The **1966 International Covenant on Civil and Political Rights** also evokes the right to education within the broader context of freedom of thought, conscience and religion. Article 18.4 states that, '*States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*'

The 1989 Convention on the Rights of the Child refers to education in Articles 28 and 29. Article 28 affirms the right of the child to education and the State's duty, notably, to ensure primary education is free and compulsory. In addition, it states that school discipline should be administered in a manner consistent with a child's human dignity.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - a) Make primary education compulsory and available free to all;
 - b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - d) Make educational and vocational information and guidance available and accessible to all children;
 - e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 adds that the education of the child shall be directed towards the development of the child's personality, talents, and mental and physical abilities to their fullest potential.

Besides the international instruments cited above, the following is a non-exhaustive list of international and regional normative instruments, both binding and non-binding, that enshrine the right to education:

- ➔ the American Declaration of the Rights and Duties of Man (1948) in Article 12;
- ➔ the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1963) in Article 2;
- ➔ the International Convention on the Elimination of All Forms of Racial Discrimination (1965) in Articles 5(v) and 7;
- ➔ the American Convention on Human Rights 'Pact of San Jose, Costa Rica' (1969) in Articles 12(4) and 26;
- ➔ the Convention on the Elimination of Discrimination against Women (1979) in Article 10;
- ➔ the African Charter on Human and Peoples' Rights (1981) in Articles 11 and 17; the Protocol of San Salvador (1988) in Article 13;

- ➔ the International Labour Organization Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989) in Articles 26 and 27;
- ➔ the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) in Articles 30 and 45; and
- ➔ the Convention on the Rights of Persons with Disabilities (2006) in Article 24.

Section 2

Education international goals

In addition to international standards, two frameworks of internationally agreed education goals were set in 2000: the Education for All (EFA) Goals (exclusively focusing on education), and the Millennium Development Goals (MDG), which include an education-related goal (Goal 2: *Achieve Universal Primary Education*).

Section 3

State obligations to implement the right to education

According to General Comment No. 13 (21st Session, 1999) on the Right to Education (Article 13 of the CESCR) of the Committee on Economic, Social and Cultural Rights, there are **three types of obligations on States: respect, protect and fulfil the right to education**. The obligation to respect requires States to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States Parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil incorporates both an obligation to provide and to facilitate and requires States to take positive measures to enable and assist individuals and communities to enjoy the right to education.⁶

The right to education implies that national education systems of States must meet minimum standards in four interdependent areas. They are as follows:

- ➔ Educational institutions and facilities have to be **available** in sufficient quantity (buildings, sanitation facilities for both sexes, safe drinkable water, trained teachers receiving domestically competitive salaries, teaching materials);
- ➔ Educational institutions have to be **accessible** to everyone, without discrimination, in law and in fact;
- ➔ The form and substance of education have to be **acceptable** to both students and parents: relevant, culturally appropriate and of good quality;
- ➔ Education has to be flexible, **adaptable** to the needs of changing societies and responding to the needs of students within their diverse social and cultural settings.

The right to education can be progressively implemented, in accordance with available resources. Nevertheless, some aspects of the law must be implemented immediately because they constitute the heart of the right to education – its core content. These include:

⁶ For more information on the right to education, see Fernandez, A. and Ponci, J-D. (eds), 2005, *Discrimination et éducation, Réflexions sur la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement de l'UNESCO*, Geneva, Diversités; Daudet, Y. and Singh, K. 2001, *Education Policies and Strategies 2, The Right to Education: An analysis of UNESCO's standard-setting instruments*, Paris, UNESCO; Tomasevski, K., 2004, *Manual on rights-based education: global human rights requirements made simple*, Bangkok, UNESCO; UNESCO, 2006, *Right to Education. Comparative analysis--UNESCO Convention against Discrimination in Education and Articles 13 and 14 (Right to education) of the International Covenant on Economic, Social and Cultural Rights*, Paris, UNESCO.

- Ensuring the right of access to public educational institutions and programmes on a nondiscriminatory basis;
- Ensuring that education conforms to the objectives set out in international standards;
- Providing primary education for all;
- Adopting and implementing a national educational strategy that includes provision for fundamental, secondary, and higher education;
- Ensuring free choice of education without interference from the State or third parties, subject to conformity with 'minimum educational standards'.

Some potential violations of the core content of the right to education may include the following:

- The introduction of legislation that discriminates against individuals or groups, or failure to repeal this kind of legislation, and the failure to take measures that address de facto educational discrimination;
- The use of curricula inconsistent with the educational objectives set out in international standards;
- The failure to introduce, as a matter of priority, primary education that is compulsory and available free to all, and the failure to take 'deliberate, concrete and targeted' measures towards the progressive realization of fundamental, secondary, and higher education;
- The prohibition of private educational institutions and the failure to ensure private educational institutions conform to the 'minimum educational standards';
- The denial of academic freedom and the closure of educational institutions in times of political tension.

This is based on Human Rights-Based Approaches (HRBA) to education, which promote the empowerment of learners, establish the obligations of States and outline mechanisms of accountability before the law in the case of rights violations.

Section 4

Areas of special focus

1. **Girls' and women's right to education**

Girls and women constitute the majority of out-of-school children and illiterate adults as their learning opportunities are compromised by a number of in- and out-of-school barriers. They also represent the majority of people living in poverty, are subject to gender-based discrimination and violence and are less likely to have access to services including education.

Gender inequalities manifested in all aspects of education process (e.g. access, retention, completion, treatment, learning outcomes and education and career choices) disproportionately affect girls and women. This is both a cause and a result of chronic and systemic discrimination and gender stereotyping. Achieving gender equality in education necessitates an approach that equally empowers male and female learners, facilitating access to, retention in and completion of education for all. Gender equality to, in and through education requires action at multiple levels – within and outside the education system.

2. Inclusive education

Inclusive education⁷ is about putting the right to education into action by including all learners, respecting their diverse needs, abilities and characteristics and eliminating all forms of discrimination in the learning environment.

To make the right to education a reality for all, it is necessary to offer wide educational opportunities in formal, non-formal and informal settings, to vulnerable groups; in particular in post-conflict situations⁸ where formal education systems may not be functional. As non-formal education systems mostly rely on a flexible, voluntary and non-mandatory basis, they have a greater chance to reach learners who would not be able to access or stay in the formal system and to adapt to their particular educational needs.

7 Please refer to the Policy Guidelines on Inclusion in Education: <http://unesdoc.unesco.org/images/0017/001778/177849e.pdf> and to the advocacy toolkit: Embracing Diversity: Toolkit for creating Inclusive Learning-Friendly Environments: <http://www.unescobkk.org/education/inclusive-education/resources/ilfe-toolkit/>

8 Regarding Post Conflict and Post Disaster (PCPD) contexts and education in emergency, it would be useful to refer to INEE Minimum standards which include specific indicators and guidelines for education in emergency.

Part II



The review process

Steps and modalities

This part suggests following three successive steps to conduct the review process:

- **The examination of the country context (Section 1)** based on general indicators detailed in the section.
- **The review of the right to education (Section 2)** based on specific indicators. To facilitate this review, a ready-to-use list of indicators is suggested in **Annex I**.
- **The analysis of the findings and the drafting of the final report (Section 3)**. The section includes a proposed outline for the final report.

Section 1

Examining the country context

1.1 Constitutional, political and legal structure of the State

This part includes the description of the constitutional structure and the political and legal framework of the State, including the type of government, the electoral system and the organisation of the executive, legislative and judicial organs.

1.2 Demographic indicators

The information below should be disaggregated by sex, age, main population groups and area of residence (rural and urban areas).

- a. Population size
- b. Population growth rate
- c. Population density
- d. Population distribution by mother tongue, religion and ethnicity

1.3 Social, economic and cultural indicators

If available, the information should cover at least the last five years and where applicable, it should be disaggregated by sex, age, and main population groups as relevant and area of residence (rural and urban areas).

- a. Proportion of population below the national poverty line
- b. Employment rate
- c. Per capita income
- d. Gross Domestic Product (GDP)
- e. Annual growth rate
- f. Gross National Income (GNI)
- g. External and domestic public debt

- h. Proportion of international assistance provided in relation to the State budget by sector and in relation to GNI
- i. Gender-responsive budgeting⁹

Relevant information for demographic and social, economic and cultural indicators can be found in the following sources among others:

- ➔ national statistics databases, documents, reports, etc.
- ➔ the database of the United Nations (available at: <http://data.un.org/>)
- ➔ the Data Centre of the UNESCO Institute for Statistics (available at: <http://stats.uis.unesco.org/unesco/tableviewer/document.aspx?ReportId=143>),
- ➔ UNESCO's EFA Global Monitoring Reports (available at: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/efareport/reports/>)

1.4 Legal framework for the protection of human rights at the national level

- a. International human rights normative instruments to which the State is a party
- b. Human rights normative instruments incorporated into the national legal system
- c. Judicial, administrative or other authorities having competence in the field of human rights
- d. Judicial mechanisms
- e. Quasi-judicial mechanisms
- f. Processes and remedies available in cases of breach or violation of human rights
- g. Institutions or national mechanisms with responsibility for overseeing the implementation of human rights
- h. Relevant normative instruments that have not been ratified

This information can be found in the documentation provided by the Office of the Higher Commissioner for Human Rights (OHCHR)¹⁰. For a given country, it can be found in the document prepared by the High Commissioner of Human Rights for the Universal Periodic Review (UPR), which analyses the States' policies regarding all the fundamental human rights. This document is entitled '*Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1*'. This information also appears in the Core Document presented by the States to the Treaty bodies: '*National Report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*'. However, concerning State reports in general, there could be significant gaps between what is reported and the realities on the ground, requiring some care when using State reports as a research source.

Section 2

Reviewing the right to education using the set of indicators

A set of specific indicators is a tool commonly used to measure progress and results in a certain field, such as education. An indicator that refers to human rights, in this case the right to education,

9 Gender responsive budgeting (GRB) is a means of integrating a gender perspective into all steps of the budget process – planning, drafting, implementing and evaluating – so as to ensure that budget policies take into consideration the gender issues in society and neither directly nor indirectly discriminate against either women or men. <http://unesdoc.unesco.org/images/0018/001894/189456e.pdf>

10 Visit the OHCHR's website to access pages of the human rights bodies and find relevant documentation: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

means it is ‘specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights’¹¹

In response to a rising demand for tools to monitor the implementation of the provisions contained within human rights treaties, the OHCHR has adopted a conceptual and methodological framework for human rights indicators (which includes the right to education)¹².

Building on this, the present guidelines have further developed a list of specific indicators for reviewing the implementation of the right of education. Their purpose is to guide the reviewer in assessing the conformity of the national constitutional, legislative and policy frameworks with international standards in education. This list of recommended indicators is included in [Annex I](#).

The proposed indicators for this section follow the OHCHR model for human rights-based indicators:

- ➔ Structural indicators evaluate whether or not a country has established a proper infrastructure for the realization of the right to education (e.g. institutions, constitutional provisions, laws and policies).
- ➔ Process indicators evaluate the level of implementation of activities necessary to deliver good quality education.
- ➔ Outcome indicators evaluate the status of the population’s enjoyment of the right to education.

Indicators should be valid, objective, sensitive, specific, user-friendly and feasible, as well as policy-relevant, consistently measurable over time and capable of disaggregation. In order to analyse and evaluate a country’s situation in the most accurate manner possible and without claiming to be comprehensive, the indicators below attempt to capture as many dimensions of the right to education as possible and provide a broad and comprehensive framework of analysis. These indicators can be used selectively based on the country context and availability of information.

Thus, indicators can be used to identify differences, disparities, gaps, remaining challenges, disadvantaged population groups and geographical areas, and future priorities within the country’s educational system, in particular its legal and policy framework for education. This step will be crucial during the analysis of findings and drafting phase (please refer to Section 3).

The evaluation should pay special attention to the ‘core content’, verifying first and foremost if it is guaranteed by law and policy. The following elements, integrated in the form of questions in the annexed indicators, are of particular relevance:

- ➔ To ensure the right of access to public educational institutions and programmes on a nondiscriminatory basis;
- ➔ To ensure that education conforms to the objectives set out in international standards;
- ➔ To provide primary education for all;
- ➔ To adopt and implement a national educational strategy that includes provision for fundamental, secondary and higher education;

11 OHCHR, 2012, *Human Rights Indicators. A Guide to Measurement and Implementation*, UN Publications.

12 For more information, see <http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

- ➡ To ensure free choice of education without interference from the State or third parties, subject to conformity with 'minimum educational standards'.

The reviewers might not be able to cover exhaustively all the indicators listed in the Annex, as this will depend on the availability of resources and data, which might sometimes be scarce on certain topics. The approach should be pragmatic and adapted to the country context. To help the review team to target the 'core content' and identify which indicators should necessarily be covered, those of particular importance and for which finding data should not be too complicated are highlighted and marked with an asterisk.

Detailed information on the country-specific implementation of the right to education can be found in the documentation provided by OHCHR for the following human rights bodies:¹³

- ➡ Universal Periodic Review (UPR)¹⁴
- ➡ Human Rights Committee (International Covenant on Civil and Political Rights, ICCP)¹⁵
- ➡ Committee on Economic, Social and Cultural Rights (CESCR)¹⁶
- ➡ Committee on the Elimination of Racial Discrimination (CERD)¹⁷
- ➡ Committee on the Elimination of Discrimination against Women (CEDAW)¹⁸
- ➡ Committee on the Rights of the Child (CRC)¹⁹
- ➡ Committee on Migrant Workers (CMW)²⁰
- ➡ Committee on the Rights of Persons with Disabilities (CRPD)²¹

Additionally, relevant country-specific information on the implementation of the right to education can be found at:

- ➡ UNESCO's Right to Education Database (*in preparation*)
- ➡ UNESCO's International Bureau of Education (IBE) World Data on Education editions²²
- ➡ National Reports on the Development of Education for the 48th International Conference on Education (ICE) in 2008 (116 national reports are available)²³
- ➡ State Reports submitted under the framework of the Sixth International Conference on Adult Education (UNESCO, CONFINTEA VI)²⁴

13 Please visit the OHCHR's official website to access the official pages of the Human rights bodies, where the relevant documentation can be found: <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

14 Country reports submitted to the UPR and the UPR's Recommendations

15 Country reports submitted to the HRC and the HRC's Concluding Observations regarding Article 18.4 of the ICCP

16 Country reports submitted to the CESCR and the CESCR's Concluding Observations regarding Articles 13 and 14 of the ICESCR

17 Country reports submitted to the CERD and the CERD's Concluding Observations regarding Articles 5(v) and 7 of the CERD

18 Country reports submitted to the CEDAW and the CEDAW's Concluding Observations regarding Article 10 of the CEDAW

19 Country reports submitted to the CRC and the CRC's Concluding Observations regarding Articles 28 to 30 of the CRC

20 Country reports submitted to the CMW and the CMW's Concluding Observations regarding Articles 30 and 45 of the ICRMW

21 Country reports submitted to the CRPD and the CRPD's Concluding Observations regarding Article 24 CRPD

22 To access National profiles, see: <http://www.ibe.unesco.org/en/services/online-materials/world-data-on-education.html>

23 To access the National Reports for the 48th ICE, see: <http://www.ibe.unesco.org/en/ice/48th-ice-2008/national-reports.html>

24 To access the State Reports of the Sixth International Conference on Adult Education, see: <http://www.unesco.org/en/confinteavi/national-reports/>

Section 3

Analysing the findings and drafting the report

Under these Guidelines, the proposed indicators serve to provide information on a country's legal and policy frameworks concerning the education system. More specifically, the indicators help collecting information on the legal provisions enshrined in constitutions, laws and policies that ensure the respect, protection, fulfilment and promotion of the right to education without discrimination in a comprehensive manner.

As previously noted, the user is not expected to cover all the indicators presented in the Guidelines as this will depend on the availability of information. The user of these Guidelines will be responsible for:

- selecting and extracting relevant data series from databases and sources, such as the ones referred to above;
- calculating the indicators;
- producing tables and charts if necessary; and
- advising on correct analysis and interpretation of the data and indicators.

Full use can be made of data from the latest population censuses and household surveys to review data on some indicators. Civil society organisations can also participate in the process of implementing these Guidelines. Education researchers can be called upon to support further research, analysis and report-writing.

The overall aim is to further strengthen capacities to monitor, evaluate and design future strategies and policies for the development of education at country level. The user of these Guidelines will be responsible for realistically planning, coordinating and implementing the review processes and producing a final report, by making maximum use of existing in-country capacities among the concerned national bodies/agencies/experts.

The final report should identify areas of compliance as well as differences, disparities, gaps, remaining challenges, disadvantaged population groups and geographical areas, and future priorities within the country's educational system and legal and policy frameworks for education. Depending on these findings, recommendations should be made on how to enhance the country's education system as a whole and its legal and policy frameworks in particular.

The following is a proposed outline of the final report to help presenting and organising the findings:

I. Assess the situation in a given country

Country background (based on *Section 1: Examining the country background*). ≈ 1-2 pages

- a. Legal framework regarding the right to education: The constitution, legislation and policy (based on *Section 2: Reviewing the right to education* using the set of indicators, in particular the structure indicators). ≈ 5-8 pages
- b. The right to education in practice (based on *Section 2: Reviewing the right to education* using the set of indicators, in particular the process and the outcome indicators) [In this part, the information could be structured around thematic areas including but not limited to: eliminating and preventing discrimination in education, equal access to educational opportunities across all levels, free and compulsory education, participation, inclusive education (including for instance gender equality, cultural, ethnic and linguistic

minorities, foreign nationals, immigrants, students with special needs, children from poor households), quality education (including environment and infrastructure, content, processes – teacher training and status of teachers, outcomes), funding education, enforcement (justiciability) of the right to education]. ≈ 10-15 pages

II. Identify areas of compliance with and gaps in education norms and policies:

- a. Compliance with/Gaps in the legislation (i.e. an analysis of what is missing or could be strengthened in the country's constitution, legislation and policies). ≈ 1-3 pages
- b. Compliance with/Gaps between the legal framework and concrete implementation. ≈ 2-3 pages

III. Make recommendations to enhance the education system and the legal and policy framework for education:

- a. Based on identified gaps, recommendations for forming and strengthening rights-based, inclusive legislation and policy. ≈ 1-2 pages
- b. Based on identified gaps, recommendations for the implementation of rights-based, inclusive legislation and policy. ≈ 1-2 pages

Annexes



Annex I

List of recommended indicators (for Part II Section 2)²⁵

I. STRUCTURAL INDICATORS

QUESTION	YES	NO	COMMENTS
TREATY RATIFICATION*			
1. Has the State ratified the following international treaties:			
1.1 The 1960 UNESCO Convention against Discrimination in Education?			
1.2 International Covenant on Economic, Social and Cultural Rights?			
1.3 International Covenant on Civil and Political Rights?			
1.4 Convention on the Rights of the Child?			
1.5 Convention on the Elimination of All Forms of Discrimination against Women?			
1.6 Convention on the Rights of Persons with Disabilities?			
1.7 International Convention on the Elimination of All Forms of Racial Discrimination?			
1.8 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?			
1.9 ILO's Minimum age Convention No. 138?			
1.10 ILO's Indigenous and Tribal Peoples Convention No. 169?			
1.11 ILO's Worst Forms of Child Labour Convention No. 182?			
2. Has the State ratified any regional human rights instruments recognizing the right to education? If yes indicate which.			
GENERAL INFORMATION*			
3. Which levels of the political system have competencies to implement the right to education?*			
3.1 National			
3.2 Regional, state, or provincial level			
3.3 Local, town, or municipal level			

²⁵ As indicated on page 20, to help the review team to target the 'core content' and identify which indicators should necessarily be covered; those of particular importance and for which finding data should not be too complicated are highlighted and marked with an asterisk.

QUESTION

YES

NO

COMMENTS

CONSTITUTIONAL PROVISIONS

4. Does the country's constitution recognize education as a right? If no, is the provision of universal education recognized as a directive principle of state policy?*			
5. Does the constitution guarantee:*			
5.1 Universal primary education?			
5.2 Universal secondary education?			
5.3 The right to education of different population groups (indigenous peoples, minority groups, etc.)			
5.4 The liberty of parents to choose their child's education?			
5.5 Teachers' right to fair pay and training?			
6. Does the constitution specify (whether implicit or explicit) the right of access to education without discrimination?*			
7. Does the constitution recognize the right to education of adults who have not received or completed compulsory schooling?*			
8. Are the form and the substance of education in line with the aims and objectives identified in Article 5.1 of UNESCO's Convention against Discrimination in Education, in Article 13 of the International Covenant of Economic, Social and Cultural Rights, and Article 29 of the Convention on the Rights of the Child? ²⁶			

LEGISLATION*

9. Does the legislation guarantee compulsory primary education?			
10. If there is legislation making education compulsory, specify the ages and/or number of years:			
10.1 Compulsory beginning at age:			
10.2 Compulsory ending at age:			
10.3 Compulsory for ___ years:			
11. Date of entry into force of this legislation:			
12. Does the State have legislation expressly recognizing the right to education?			
13. Does the legislation recognize the right of children to a place in primary school?			
14. Is there legislation making primary education free to all?			
15. Is there legislation expressly prohibiting local governments or schools from charging supplementary fees for:			
15.1 Books?			
15.2. School supplies?			
15.3. Construction or maintenance of school buildings?			
15.4. Teacher's salaries?			

²⁶ The text of the conventions is accessible at: http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html#STATE_PARTIES (CADE), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (ICESCR), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (CRC)

QUESTION	YES	NO	COMMENTS
16. Is there legislation providing for the right of access to grants/scholarships/credits/loans for students?			
17. Is there legislation providing for:			
17.1 School meals?			
17.2 School supplies?			
17.3 School transportation?			
18. Is there legislation providing for the right of access to public educational institutions and programmes on a non-discrimination basis for students?			
19. Is there legislation providing for the right of access to public educational institutions and programmes on a non-discrimination basis for students specifically based on:			
19.1 Sex?			
19.2 Race or colour?			
19.3 Language?			
19.4 Religion?			
19.5 Political or other opinion?			
19.6 National or social origin?			
19.7 Birth?			
19.8 Economic status?			
20. Is there legislation expressly prohibiting discrimination in the recruitment and promotion of teachers?			
21. Is there legislation expressly prohibiting discrimination in the recruitment and promotion of teachers specifically on the basis of:			
21.1 Sex?			
21.2 Race or colour?			
21.3 Language?			
21.4 Religion?			
21.5 Political or other opinion?			
21.6 National or social origin?			
21.7 Birth?			
21.8 Economic status?			
22. Is there legislation recognizing the right of people with disabilities to education?			
23. If so, does the legislation make provision for the necessary equipment and support to enable students with disabilities to attend school?			
24. Is there legislation mandating respect in the educational system for the culture and religious practices of various groups and communities in the society?			
25. Is there legislation prohibiting early marriages (below the age of 16) that would interfere with school attendance?			

QUESTION	YES	NO	COMMENTS
26. Is there legislation restricting child labour to encourage children to attend school?			
27. Is there legislation prohibiting corporal punishment?			
28. Is there legislation prohibiting school-related gender-based violence?			
29. Are curricula gender-sensitive and non-discriminatory on any basis?			
30. Is there legislation establishing a regulatory framework that includes standardized curricula (by level of education)?			

NATIONAL STRATEGY AND PLAN OF ACTION*

31. Does the State have a national education strategy and plan of action?			
31.1 Does the national education strategy include a timeline for achieving goals?			
31.2 Does the national education strategy have a monitoring mechanism for assessing the attainment of goals?			
32. If yes, does the national education strategy and/or plan of action expressly include the goals of:			
32.1 Universal, compulsory, and free primary education? (yes/no/not relevant because goal already achieved)			
32.2 Progressive introduction of free secondary education? (yes/no/not relevant because goal already achieved)			
33. What is the time frame and coverage of the plan of action to implement the principle of compulsory primary education free of charge for all?			
34. Does the strategy and/or plan include provisions for temporary and special measures for target groups (for example vulnerable groups including working and street children)?			
35. Does the State have a policy to ensure vocational and technical education?			
36. Does the State have a policy regarding alternative programmes or second options to support drop-out students?			
37. Does the State have a policy addressing or tackling early school leaving?			

HUMAN RIGHTS INSTITUTIONS*

38. Does the State have human rights institutions (commission, ombudsperson, or representative) mandated to monitor the right to education?			
39. If yes, does the human rights institution collect data and issue regular reports on the status of the achievement of the right to education? (yes/irregularly/no)			
40. Does the State have judicial mechanisms that adjudicate human rights violations?			

QUESTION	YES	NO	COMMENTS
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PARTICIPATION

41. Does the State have a mechanism to consult representatives of teachers, parents and students in the formation of educational policy, other than normal political institutions, at the:			
41.1 National level?*			
41.2 Provincial, state or regional level?			
41.3 Local level?			
42. Approximate number of education institutions with mechanisms (e.g. student councils) for students to participate in matters affecting them.			
43. Approximate number of registered and/or active NGOs involved in the promotion and protection of the right to education.*			

GENDER ISSUES

44. Have public policy measures been taken to:*			
44.1 Remove gender bias from primary education?			
44.2 Remove gender bias from teachers' education strategies?			
44.3 Remove gender-based bias and stereotypes?			
44.4 Remove gender-based bias in optional subjects?			
44.5 Train teachers in gender equality issues?			
45. Does the State have a policy to protect girls' access to education by ensuring that third parties, including parents and employers, do not prevent girls from going to school?			
46. Does the State have a policy to ensure gender parity in education?*			
47. Are there legal provisions ensuring that pregnant girls can continue their education?*			
48. Are there opportunities for pregnant girls to continue their education?*			

PRIVATE SCHOOLING*

49. Is there legislation expressly recognizing the liberty of individuals and groups to establish and direct educational institutions, subject to the requirement that the education given in such institutions shall conform to the minimum standards laid down by the State?			
50. Is there legislation expressly recognizing the right of parents or legal guardians to choose schools for their children other than those established by the public authorities, which conform to the minimum educational standards laid down or approved by the State?			
51. Is there legislation expressly recognizing the right of parents or legal guardians to ensure the religious and moral education of children in conformity with their own convictions?			

QUESTION

YES

NO

COMMENTS

CURRICULUM

52. Does the State establish minimal standards regulating the curriculum and the quality of study programmes and educational methods?*			
52.1 If so, are these national standards for the entire country?			
52.2 Or are the standards set by provincial, regional, state and/or municipal governments?			
53. Is there an inspection system to monitor and evaluate the quality and content of education?* If yes how?			
54. Does the official curriculum include human rights education and/or values, such as respect for human dignity, non-discrimination and equal status before the law:*			
54.1 In primary school?			
54.2 In secondary school?			
55. Has the State adopted education legislation, policies and strategies that are human rights-based and non-discriminatory?*			
56. If so, do these measures ensure that the school environment is respectful of human rights, allowing the whole school community (students, teachers, staff and administrators, parents) to practice human rights through real-life activities?*			
57. Are training and professional development of teachers provided through pre- and in-service (by level of education and sector (public/private))?*			
58. If so, do these contain the aim to facilitate the full understanding and practice of human rights in schools?			
59. Does the official curriculum include units on the constitution and democracy?*			
59.1 In primary school?			
59.2 In secondary school?			
60. Is there legislation providing for a specific class related to culture and/or religion to be part of school-offered curricula?*			
61. If human rights education is taught in education institutions, what is the number of hours in curricula?			
62.1 At primary level?			
62.2 At secondary level?			
62.3 At the higher education level?			

II. PROCESS INDICATORS

QUESTION	YES	NO	COMMENTS
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REPORTING*

1. Number of reports the State has submitted to the UN treaty-based bodies monitoring the implementation of the following treaties that include the status of the right to education:			
1.1 ICESCR			
1.2 ICCPR			
1.3 CRC			
1.4 CEDAW			
1.5 CERD			
2. Number of reports the State has submitted to UNESCO monitoring the implementation of the CADE (since 2000).			

MONITORING*

3. Does the national government collect adequate data to evaluate performance under the national strategy/action plan, particularly in relation to vulnerable groups?			
3.1 Through educational statistics collected through school reporting?			
3.2 Through national household surveys?			
3.3 Through national census surveys?			
4. Is there data collected at the primary level that disaggregate on the basis of students':			
4.1 Age?			
4.2 Sex?			
4.3 Urban/rural location?			
4.4 Income of family?			
4.5 Linguistic or ethnic group?			
4.6 Disabilities?			
5. Is there data collected at the secondary level that disaggregate on the basis of students':			
5.1 Age?			
5.2 Sex?			
5.3 Urban/rural location?			
5.4 Income of family?			
5.5 Linguistic or ethnic group?			
5.6 Disabilities?			

QUESTION	YES	NO	COMMENTS
6. Is there data collected at the higher education level that disaggregate on the basis of students':			
6.1 Age?			
6.2 Sex?			
6.3 Urban/rural location?			
6.4 Income of family?			
6.5 Linguistic or ethnic group?			
6.6 Disabilities?			
7. Are there reports issued annually analysing these data that cover trends at the:			
7.1 National level (yes/no/sometimes)?			
7.2 State/regional or provincial levels? (yes/no/sometimes)			
8. Is there disaggregated data publicly available related to:			
8.1 Primary education? (yes/no/some)			
8.2 Secondary education? (yes/no/some)			
8.3 Higher education? (yes/no/some)			

COMPLAINT AND COURT CASES
(i.e. The justiciability of the right to education)

9. Number of administrative complaints filed in the last 10 years regarding:			
9.1 Universality of primary education			
9.2 Availability or accessibility of secondary education			
9.3 Accessibility of higher education			
9.4 Funding of education			
9.5 Discrimination issues			
9.6 Registration or closing of private schools			
9.7 Parents' rights to ensure the religious and moral education of their children in conformity with their own convictions			
10. Number of court cases filed in the last 10 years regarding:			
10.1 Universality of primary education			
10.2 Availability or accessibility of secondary education			
10.3 Accessibility of higher education			
10.4 Funding of education			
10.5 Discrimination issues			
10.6 Registration or closing of private schools			
10.7 Parents' rights to ensure the religious and moral education of their children in conformity with their own convictions			
11 Number of complaints and court cases responded to effectively by the government			

QUESTION	YES	NO	COMMENTS
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PARTICIPATION*

12. Did the State consult with a wide range of representatives of the following groups in the past year about issues related to formulating, implementing and/or monitoring national educational policies:			
12.1 Non-governmental organisations? (yes/no/some)			
12.2 Regional organisations? (yes/no/some)			
12.3 Educational professional organisations? (yes/no/some)			
12.4 Local governments? (yes/no/some)			
12.5 Community leaders? (yes/no/some)			
12.6 Representatives of vulnerable groups? (yes/no/some)			
12.7 Private sector? (yes/no/some)			
12.8 Civil society? (yes/no/some)			
12.9 Student organisations? (yes/no/some)			
13. In the past year, did the State disseminate information on its educational policies and relevant educational data to:			
13.1 Non-governmental organisations? (yes/no/some)			
13.2 Regional organisations? (yes/no/some)			
13.3 Educational professional organisations? (yes/no/some)			
13.4 Local governments? (yes/no/some)			
13.5 Community leaders? (yes/no/some)			
13.6 Representatives of vulnerable groups? (yes/no/some)			
13.7 Private sector? (yes/no/some)			
13.8 Civil society? (yes/no/some)			
13.9 Student organisations? (yes/no/some)			

BASIC FINANCIAL CONTEXT

14. Is there a legal framework guaranteeing education financing?*			
15. Percentage of GDP devoted to education:*			
15.1. Total			
15.2. Primary education			
15.3 Secondary education			
15.4 Higher education			
16. Percentage of budget allocated overall to education by:*			
16.1 National government			
16.2 Regional, state, or provincial governments			
16.3 Local governments			
17. Percentage of Ministry of Education allocated to:*			
17.1 Primary education			
17.2 Secondary education			

QUESTION	YES	NO	COMMENTS
17.3 Vocational training			
17.4 Higher education			
17.5 Teacher training			
17.6 Special measures to improve the gender balance (gender-responsive budgeting)			
17.7 Special measures to improve the education-based condition of minority groups			
17.8 Special measures targeting poor and/or isolated localities and areas of the country			
18. Percentage of total budget by regional, state or provincial governments allocated to:			
18.1 Local education authorities			
18.2 Primary education			
18.3 Secondary education			
18.4 Vocational training			
18.5 Higher education			
18.6 Teacher training			
18.7 Special measures to improve the gender balance			
18.8 Special measures to improve the education-based condition of minority groups			
18.9 Special measures targeting poor and/or isolated localities and areas of the country			
19. Percentage of total budget by local governments allocated to:			
19.1 Primary education			
19.2 Secondary education			
19.3 Vocational training			
19.4 Higher education			
19.5 Teacher training			
19.6 Special measures to improve the gender balance			
19.7 Special measures to improve the education-based condition of minority groups			
19.8 Special measures targeting poor and/or isolated localities and areas of the country			
20. Net official development assistance (ODA) for education received or provided as proportion of public expenditure on education*			
21. Amount of educational funding received from foreign bilateral and multilateral funding sources:*			
21.1 Total amount for most recent year			
21.2 Percentage of total public educational budget			

QUESTION

YES

NO

COMMENTS

CHARGES PAYABLE IN PUBLIC EDUCATION

22. Specify whether or not there are charges for each of the following components in public primary education:*			
22.1 Enrolment fees			
22.2 Tuition fees			
22.3 Uniforms			
22.4 School supplies and educational materials			
22.5 School meals			
22.6 School transport			
23. Specify whether or not there are charges for each of the following components in public secondary education:*			
23.1 Enrolment fees			
23.2 Tuition fees			
23.3 Uniforms			
23.4 School supplies and educational materials			
23.5 School meals			
23.6 School transport			
24. Total average cost per year per family for a student in a public primary school:			
25. Is there a special funding system to ensure access to primary education for students from the following population groups?*			
25.1 Low income groups			
25.2 Female students			
25.3 Persons with disabilities			
25.4 Displaced persons			
25.5 Groups living in dispersed rural and/or isolated areas			
25.6 Immigrants			
25.7 Minority groups (language, religion, ethnicity, etc.)			
26. Average percentage of pupils (by target group) covered under publicly supported programmes or incentives for primary education:*			
26.1 Low income groups			
26.2 Female students			
26.3 Persons with disabilities			
26.4 Displaced persons			
26.5 Groups living in dispersed rural and/or isolated areas			
26.6 Immigrants			
26.7 Minority groups (language, religion, ethnicity, etc.)			

QUESTION	YES	NO	COMMENTS
27. Total average cost per year per family for a student in a public secondary school			
28. Share of annual household expenditure on education per child enrolled in public			
28.1 Primary school			
28.2 Secondary school			
28.3 Higher education			
29. Average percentage of pupils (by target group) receiving public support or grants for secondary education:*			
29.1 Low income groups			
29.2 Female students			
29.3 Persons with disabilities			
29.4 Displaced persons			
29.5 Groups living in dispersed rural and/or isolated areas			
29.6 Immigrants			
29.7 Minority groups (language, religion, ethnicity, etc.)			
30. Is there a special funding system or other incentives to ensure access to secondary education for students from the following population groups?*			
30.1 Low income groups			
30.2 Female students			
30.3 Persons with disabilities			
30.4 Displaced persons			
30.5 Groups living in dispersed rural and/or isolated areas			
30.6 Immigrants			
30.7 Minority groups (language, religion, ethnicity, etc.)			

CONTINUING EDUCATION

31. Percentage of adult population enrolled in basic education programmes			
32. Percentage of students, by level, enrolled in distance and continuing education programmes:			
32.1 Primary schools			
32.2 Secondary schools			
32.3 Vocational schools			
32.4 Institutions of higher learning			

PUBLIC SUPPORT AND MANAGEMENT OF EDUCATION

33. Number of institutions of ethnic, linguistic minority and religious population groups recognized by public authorities:			
33.1 Ethnic minorities			
33.2 Language minorities			
33.3 Religious groups			

QUESTION	YES	NO	COMMENTS
33.4 Indigenous peoples			
33.5 Groups living in dispersed rural and/or isolated areas			
33.6 Children of immigrants families			
34. Periodicity of curricula revision at all levels:			
34.1 Primary level			
34.2 Secondary level			
34.3 Higher level			

EDUCATION IN CHILDREN'S MOTHER TONGUE

35. Percentage of primary school students getting education in their mother tongue:			
35.1 total			
35.2 female			
35.3 male			
35.4 in urban areas			
35.5 in rural areas			

TEACHER AVAILABILITY AND QUALIFICATIONS

36. Are there provisions concerning teacher recruitment to ensure non-discrimination on any basis, including sex?*			
37. Percentage of teachers meeting the minimum certification requirements:			
37.1 In lower primary school classes (grades 1-3) • In urban areas _____ • In rural areas _____			
37.2 In upper primary school classes (grades 4 and above) • In urban areas _____ • In rural areas _____			
37.3 In lower secondary school teaching (first three years) • In urban areas _____ • In rural areas _____			
37.4 In upper secondary school teaching (fourth year and above) • In urban areas _____ • In rural areas _____			

TEACHER TRAINING

38. Is teacher training provided for in:*			
38.1 Constitution?			
38.2 Laws?			
39. Does legislation provides teacher training as:*			
39.1 A right?			
39.2 An obligation?			

QUESTION	YES	NO	COMMENTS
40. What is the learner/educator ratio?			
40.1 In lower primary school classes (grades 1-3): <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In public schools? • In private schools? 			
40.2 In upper primary school classes (fourth year and above): <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In public schools? • In private schools? 			
40.3 In lower secondary school teaching (first three years): <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In public schools? • In private schools? 			
40.4 In upper secondary school teaching (fourth year and above): <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In public schools? • In private schools? 			
41. What is the percentage of teachers who do not meet the minimum standards?			
41.1 At primary level <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In sex-segregated schools catering to girls? • In sex-segregated schools catering to boys? 			
41.2 At secondary level: <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In sex-segregated schools catering to girls? • In sex-segregated schools catering to boys? 			
41.3 In Higher education: <ul style="list-style-type: none"> • In urban areas? • In rural areas? • In sex-segregated institutions catering to girls? • In sex-segregated schools catering to boys? 			
42. Average percentage of teachers at all levels completing mandatory in-service training:*			
42.1 Primary level			
42.2 Secondary level			
42.3 Higher level			

QUESTION	YES	NO	COMMENTS
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TEACHER SALARIES

43. Average salary of school teachers as percentage of regulated minimum wage per level:*			
43.1 Primary level: <ul style="list-style-type: none"> In urban areas? In rural areas? In public schools? In private schools? 			
43.2 Secondary level: <ul style="list-style-type: none"> In urban areas? In rural areas? In public schools? In private schools? 			
43.3 Higher level: <ul style="list-style-type: none"> In urban areas? In rural areas? In public schools? In private schools? 			

PRIVATE SCHOOLS – SCHOOL REGISTRATIONS

44. Number of schools that the government has recognized in the past year:			
44.1 Primary schools			
44.2 Secondary schools			
44.3 Vocational schools			
44.4 Institutions of higher learning			
45. Number of schools that the government has refused to register in the past year:			
45.1 Primary schools			
45.2 Secondary schools			
45.3 Vocational schools			
45.4 Institutions of higher learning			

PRIVATE SCHOOLS – SCHOOL CLOSINGS

46. Number of schools that the government has temporarily closed in the past year:			
46.1 Primary schools			
46.2 Secondary schools			
46.3 Vocational schools			
46.4 Institutions of higher learning			

QUESTION	YES	NO	COMMENTS
47. Number of schools that the government has permanently closed in the past year:			
47.1 Primary schools			
47.2 Secondary schools			
47.3 Vocational schools			
47.4 Institutions of higher learning			

GEOGRAPHICAL ACCESSIBILITY

48. Percentage of children having to travel more than 1 kilometre to reach primary school:			
48.1 Nationally			
48.2 In rural areas			
48.3 In urban areas			
49. Percentage of children having to travel more than 1 kilometre to reach secondary school:			
49.1 Nationally			
49.2 In rural areas			
49.3 In urban areas			
50. Percentage of schools or institutions conforming to national requirements on academic and physical facilities:			
50.1 Nationally			
50.2 In rural areas			
50.3 In urban areas			

PRIMARY SCHOOLS (INFRASTRUCTURE)

	TOTAL	RURAL	URBAN	PRIVATE	PUBLIC
51. Total number of schools*					
52. Percentage of schools with buildings in a state of disrepair					
53. Percentage of schools with a shortage of classrooms					
54. Percentage of schools with inadequate text books					
55. Percentage of schools with no water					
56. Percentage of schools lacking access to sanitary facilities					
57. Percentage of schools with inadequate toilet facilities and not appropriate for girls					
58. Percentage of schools with no electricity					
59. Percentage of schools with no telephones or internet services					
60. Percentage of schools lacking access to library facilities					
61. Percentage of schools lacking access to recreational and sporting facilities					

SECONDARY SCHOOLS (INFRASTRUCTURE)	TOTAL	RURAL	URBAN	PRIVATE	PUBLIC
62. Total number of schools*					
63. Percentage of schools with buildings in a state of disrepair					
64. Percentage of schools with a shortage of classrooms					
65. Percentage of schools with inadequate text books					
67. Percentage of schools with no water					
68. Percentage of schools lacking access to sanitary facilities					
69. Percentage of schools with inadequate toilet facilities and not appropriate for girls					
70. Percentage of schools with no electricity					
71. Percentage of schools with no telephones or internet services					
72. Percentage of schools lacking access to library facilities					
73. Percentage of schools lacking access to recreational and sporting facilities					

III. OUTCOME INDICATORS

QUESTION	COMMENTS
SCHOOL ATTENDANCE	
1. Percentage of pupils in grade 1 attending preschool:	
1.1 total*	
1.2 female*	
1.3 male*	
1.4 in urban areas	
1.5 in rural areas	
1.6 among low income groups	
1.7 with disabilities	
1.8 among minority groups (language, religion, ethnicity, etc.)	
2. Percentage of children of primary school age attending school (net enrolment ratio) (sex disaggregated data in all circumstances):	
2.1 total*	
2.2 female*	
2.3 male*	

QUESTION	COMMENTS
2.4 in urban areas	
2.5 in rural areas	
2.6 among low income groups	
2.7 with disabilities	
2.8 among minority groups (language, religion, ethnicity, etc.)	
3. Percentage of school-age children not attending primary school (sex disaggregated data in all circumstances):	
3.1 total*	
3.2 female*	
3.3 male*	
3.4 in urban areas	
3.5 in rural areas	
3.6 among low income groups	
3.7 with disabilities	
3.8 among minority groups (language, religion, ethnicity, etc.)	
4. Dropout rate for primary education by grade for target groups:	
4.1 total*	
4.2 female*	
4.3 male*	
4.4 in urban areas*	
4.5 in rural areas*	
4.6 among low income groups	
4.7 with disabilities	
4.8 among minority groups (language, religion, ethnicity, etc.)	
5. Percentage of total primary school population who are older than the official primary school age:	
5.1 total	
5.2 female	
5.3 male	
5.4 in urban areas	
5.5 in rural areas	
5.6 among low income groups	
5.7 with disabilities	
5.8 among minority groups (language, religion, ethnicity, etc.)	

QUESTION	COMMENTS
6. Percentage of total students in primary school who are enrolled in private schools: *	
6.1 total	
6.2 in urban areas	
6.3 in rural areas	
7. Percentage of total students in primary school attending single-sex institutions:	
7.1 total	
7.2 female	
7.3 male	
7.4 in urban areas	
7.5 in rural areas	
8. Gross and net enrolment ratio for secondary education (sex disaggregated data in all circumstances):*	
8.1 total	
8.2 female	
8.3 male	
8.4 in urban areas	
8.5 in rural areas	
8.6 among low income groups	
8.7 with disabilities	
8.8 among minority groups (language, religion, ethnicity, etc.)	
9. Dropout rate for secondary education by grade for target groups:	
9.1 total *	
9.2 female *	
9.3 male *	
9.4 in urban areas *	
9.5 in rural areas *	
9.6 among low income groups	
9.7 with disabilities	
9.8 among minority groups (language, religion, ethnicity, etc.)	
10. Percentage of total students in secondary school who are enrolled in private schools: *	
10.1 total	
10.2 in urban areas	
10.3 in rural areas	
11. Percentage of total students in secondary school attending single-sex institutions:	
11.1 total	

QUESTION	COMMENTS
11.2 female	
11.3 male	
11.4 in urban areas	
11.5 in rural areas	
12. Percentage of students enrolled in vocational education programmes at secondary level:*	
12.1 total	
12.2 female	
12.3 male	
12.4 in urban areas	
12.5 in rural areas	
12.6 among low income groups	
12.7 with disabilities	
12.8 among minority groups (language, religion, ethnicity, etc.)	
13. Gross and net enrolment ratio for higher education (sex disaggregated data in all circumstances):*	
13.1 total	
13.2 female	
13.3 male	
13.4 in urban areas	
13.5 in rural areas	
13.6 among low income groups	
13.7 with disabilities	
13.8 among minority groups (language, religion, ethnicity, etc.)	
14. Percentage of students enrolled in public higher education institutions:*	
14.1 total	
14.2 female	
14.3 male	
14.4 in urban areas	
14.5 in rural areas	
14.6 among low income groups	
14.7 with disabilities	
14.8 among minority groups (language, religion, ethnicity, etc.)	
15. Percentage of students enrolled in vocational education programmes at post-secondary level:*	
15.1 total	
15.2 female	

QUESTION	COMMENTS
15.3 male	
15.4 in urban areas	
15.5 in rural areas	
15.6 among low income groups	
15.7 with disabilities	
15.8 among minority groups (language, religion, ethnicity, etc.)	

EDUCATION ATTAINMENT

16. Percentage of children completing the full number of years prescribed for the primary school cycle:*	
16.1 total	
16.2 female	
16.3 male	
16.4 in urban areas	
16.5 in rural areas	
16.6 among low income groups	
16.7 with disabilities	
16.8 among minority groups (language, religion, ethnicity, etc.)	
17. Percentage of primary school leavers who pass the primary school leaving exam if it exists:	
17.1 total	
17.2 female	
17.3 male	
17.4 in urban areas	
17.5 in rural areas	
17.6 among low income groups	
17.7 with disabilities	
17.8 among minority groups (language, religion, ethnicity, etc.)	
18. Percentage of pupils starting grade 1 who reach grade 5 (primary completion rate):*	
18.1 total	
18.2 female	
18.3 male	
18.4 in urban areas	
18.5 in rural areas	
18.6 among low income groups	
18.7 with disabilities	
18.8 among minority groups (language, religion, ethnicity, etc.)	

QUESTION	COMMENTS
19. Percentage of primary school leavers who enter secondary school:*	
19.1 total	
19.2 female	
19.3 male	
19.4 in urban areas	
19.5 in rural areas	
19.6 among low income groups	
19.7 with disabilities	
19.8 among minority groups (language, religion, ethnicity, etc.)	
20. Percentage of children completing secondary education (secondary completion rate):*	
20.1 total	
20.2 female	
20.3 male	
20.4 in urban areas	
20.5 in rural areas	
20.6 among low income groups	
20.7 with disabilities	
20.8 among minority groups (language, religion, ethnicity, etc.)	
21. Percentage of children passing the secondary schools exams:	
21.1 total	
21.2 female	
21.3 male	
21.4 in urban areas	
21.5 in rural areas	
21.6 among low income groups	
21.7 with disabilities	
21.8 among minority groups (language, religion, ethnicity, etc.)	
22. Number of graduates (first-level university degree) per 1,000 population:	
23. Percentage of women and targeted population with professional or university qualification:	
23.1 total	
23.2 in urban areas	
23.3 in rural areas	

24. LITERACY RATE ^{27*}					
	URBAN			RURAL	
AGE	TOTAL	FEMALE	MALE	FEMALE	MALE
12-18					
19 and over					

27 Based on UNESCO's definition of 1958.

Annex II

List of international standard-setting instruments

UN Declarations

- Universal Declaration of Human Rights, 1948;
- Declaration on the Rights of the Child, 1959;
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992;
- Declaration on the Rights of Indigenous Peoples, 2007;
- Declaration on Human Rights Education and Training, 2011.

UN Conventions

- Convention on the Rights of the Child, 1989;
- Convention relating to the Status of Refugees, 1951;
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965;
- International Covenant on Economic, Social and Cultural Rights, 1966;
- International Covenant on Civil and Political Rights, 1966;
- Convention on the Elimination of All Forms of Discrimination against Women, 1979;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;
- Convention on the Rights of Persons with Disabilities, 2006.

UNESCO Constitution, Conventions and Recommendations

- Constitution of UNESCO, 1945;
- Convention against Discrimination in Education, 1960;
- Convention on Technical and Vocational Education, 1989;
- Recommendation against Discrimination in Education, 1960;
- Recommendation concerning the Status of Teachers, 1966;
- Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, 1974;

- Recommendation on the Development of Adult Education, 1976;
- Recommendation on the Recognition of Studies and Qualifications in Higher Education, 1993;
- Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997;
- Revised Recommendation concerning Technical and Vocational Education, 2001.

Other instruments of human rights framework

- Hamburg Declaration on Adult Learning, 1997;
- World Declaration on Education for All, Jomtien, Thailand, 1990;
- Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy, 1994;
- Salamanca Statement on Principles, Policies and Practice in Special Needs on Education, 1994;
- Delhi Declaration, Education for All Summit, 1993;
- World Declaration on Higher Education for the Twenty-first Century, 1998;
- World Programme for Human Rights Education (2005-ongoing);
- Dakar Framework for Action, World Education Forum, Dakar, Senegal, 2000;
- Universal Declaration on Cultural Diversity, 2001.

ILO Conventions

- Convention on the minimum age for employment (convention No. 138, adopted the 6 June 1973);
- Worst Forms of Child Labour Convention (convention No. 182, adopted on 17 June 1999);
- Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169, adopted on 27 June 1989).

Regional Systems

African

- African Charter on Human and People's Rights, 1981;
- African Charter on the Rights and Welfare of the Child, 1990;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003.

American

- Charter of the Organization of American States, 1948;
- American Declaration of the Rights and Duties of Man, 1948;

- American Convention on Human Rights, 1969;
- Protocol of San Salvador: Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, 1988;
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 1994.

Arab

- Arab Charter on Human Rights, 2004.

Asian

- ASEAN Human Rights Declaration, 2012.

European

European Union:

- Charter of Fundamental Rights, 1999.

Council of Europe:

- Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, and its Protocols 1, 4, 6, 7, 11 and 12;
- European Social Charter, 1961, 1999;
- European Charter for Regional or Minority Languages, 1992;
- Framework Convention for the Protection of National Minorities, 1995;
- Charter on Education for Democratic Citizenship and Human Rights Education, 2010.

General Comments adopted by the UN Treaty bodies including notably:

- General comment No. 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (CESCR) on The nature of States parties' obligations (art. 2 (1));
- General comment No. 9 (1998) adopted by the Committee on Economic, Social and Cultural Rights (CESCR) on The domestic application of the Covenant,
- General comment No. 11 (1999) adopted by the Committee on Economic, Social and Cultural Rights (CESCR) on Plans of action for primary education (art. 14);
- General comment No. 13 (1999) adopted by the Committee on Economic, Social and Cultural Rights (CESCR) on The right to education (art. 13);
- General comment No. 20 (2009) adopted by the Committee on Economic, Social and Cultural Rights (CESCR) on Non-Discrimination in Economic, Social and Cultural Rights (art. 2 (2));
- General comment No. 1 (2001) adopted by the Committee on the Rights of the Child (CRC) on the aims of education (art. 29 (1));
- General comment No. 7 (2005) adopted by the Committee on the Rights of the Child (CRC) on Implementing Child Rights in Early Childhood; and
- General comment No. 9 (2006) adopted by the Committee on the Rights of the Child (CRC) on the rights of children with disabilities.

Annex III

Definitions

The **human rights framework** consists of the evolving and interrelated body of international instruments that define human rights and establish mechanisms to promote and protect them. This framework is established by **human rights instruments**: any formal, written document of a State or States that sets forth rights as non-binding principles (a declaration) or codifies rights that are legally binding on ratifying States (a covenant, treaty, or convention).

Declaration: Document, non-binding in nature, stating agreed-upon principles and standards and having political and moral force. UN conferences, like the 1993 UN Conference on Human Rights in Vienna and the 1995 World Conference for Women in Beijing, usually produce two sets of declarations: one written by government representatives and one by nongovernmental organisations (NGOs). The UN General Assembly often issues influential but legally non-binding declarations.

Universal Declaration of Human Rights (Universal Declaration, UDHR): Proclaimed by the UN General Assembly on 10 December 1948, the Universal Declaration provides moral foundation for the expanding field of human rights. Although the Declaration was intended to be non-binding, through time its various provisions have become so widely recognized that it can now be said to be customary international law.

Convention: Binding agreement among States; used synonymously with treaty and covenant. A convention is stronger than a declaration because it is legally binding for governments that have ratified it. When, for example, the UN General Assembly adopts a convention, it creates international norms and standards. To be bound by a convention, Member States need to ratify it.

International Covenant on Civil and Political Rights (ICCPR): Adopted in 1966, and entered into force in 1976, the ICCPR declares that all people have a broad range of civil and political rights; it sets up ways to monitor Member States' respect of these rights.

International Covenant on Economic, Social, and Cultural Rights (ICESCR): Adopted in 1966, and entered into force in 1976, the ICESCR declares that all people have a broad range of economic, social and cultural rights.

Human Rights Treaty Bodies: A Treaty Body consists of independent experts covering all regions to monitor the implementation of the UN human rights treaties by States parties. They are called 'treaty bodies' because each is created according to the provisions of the treaty it oversees. In many important respects, they are independent of the UN system.

General Comment: A treaty body's interpretation of the content of human rights provisions, on thematic issues or its methods of work. General comments often seek to clarify the reporting duties of State parties with respect to certain provisions and to suggest approaches to implement treaty provisions. Also called 'general recommendation' (CERD & CEDAW).

Reporting guidelines for States parties: Each treaty body has produced written guidelines for States parties, giving advice on the form and content of the reports States are obliged to submit under the relevant treaty. These guidelines can vary in approach: some committees have provided detailed guidance on an article-by-article basis while others have given more general guidance.

Concluding Observations of UN Human Rights Treaty Bodies: The observations and recommendations issued by a treaty body after consideration of a State party's report. Concluding observations refer both to positive aspects of a State's implementation of the treaty and to areas where the treaty body recommends the State needs to take further action. The treaty bodies are committed to issuing concluding observations that are concrete, focused and implementable; they are paying increasing attention to measures to ensure effective follow-up to their recommendations.

Special Rapporteur on the Right to Education: A Special Rapporteur is a person appointed by the UN Human Rights Council to report back on a country situation or a specific human rights theme. The mandate of the Special Rapporteur on the Right to Education was established in 1998.

International human rights instruments have established a solid normative framework providing for the right to education. Considerable efforts have also been made to implement this fundamental human right at country level. Nevertheless, millions of children of school-going age are still out of school and millions of adults are deprived of learning opportunities worldwide.

Making the right to quality education a reality for all is an absolute priority and this cannot be achieved without strong national legal and policy frameworks.

The present guidelines were developed to assist countries wishing to assess the compatibility of their national education laws and policies with international standard-setting instruments on the right to education.