



United Nations  
Educational, Scientific and  
Cultural Organization

# Implementing the Right to Education

## A Compendium of practical examples

Based on the Eighth Consultation of  
Member States on the implementation  
of the Convention and Recommendation  
against Discrimination in Education  
(2011-2013)



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# Preface

This publication is the second publication of a Compendium of practical examples on the right to education which was published in 2010 - five years before the target date for achieving the Education For All (EFA) goals.

Today, as the international community has adopted a Sustainable Development Agenda for the next fifteen years, it is commendable that the right to education has been reaffirmed, with the commitment to make it a reality for all. In order to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, the right to education must be maintained at the very foundation of development, in order to ensure that everyone can access and benefit from an education of good quality without discrimination or exclusion.

However, the challenges are huge. There are 59 million children still out of school and de facto deprived of educational opportunities which would enable them to lift themselves out of poverty and realise their full potential.

At a strategic time for political commitments, and following the Incheon Declaration adopted at the World Education Forum, the 2030 Development Agenda and the Education 2030 Framework for action, we need to put into operation a strong vision for an education of the future that is rooted in the principles of equity and inclusion. We need an education that is open to all learners and fosters their diversity as a source of wealth rather than a basis for exclusion. We need an education for all that provides the tools necessary for the next generation to build and maintain sustainable societies.

We cannot leave those 59 million children behind. Education is not a privilege or a luxury, it is a fundamental human right that must be safeguarded, promoted and monitored to prevent discrimination or violation.

In its efforts to support the universal realization of the right to education, UNESCO promotes initiatives aimed at encouraging countries to share their experiences and learn from one another. Dialogue and the exchange of information play a key role in further developing legislation and national policies, while drawing upon good practice.

The success of the first compendium covering the Seventh Consultation of Member States shows that countries have a keen interest in what others are doing to address similar challenges. The information and material provided in this compendium aim to feed and serve that interest.

We hope that this publication will be an inspiring source of information and reinforce the understanding and the development of the right to education.



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# Introduction

UNESCO has the constitutional mission to institute collaboration among nations to ‘advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social.’<sup>1</sup>

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 the Constitution of UNESCO. 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, while 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 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 legal scope inherent in the nature of these two categories of instruments<sup>2</sup>, 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 as well as the Recommendation 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. They stipulate 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 in their national constitutions or domestic law and give effect to those provisions in their national legal system and their education policies.

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

2 Conventions are subject to ratification and have binding force while Recommendations are not subject to ratification and are not legally binding but they have political and moral force.

National-level action for creating equal educational opportunities is recognized as crucial to making education accessible to all, without discrimination or exclusion, taking into account the specificity of each context.

As a powerful tool for advocating for and supporting the development of the Education 2030 agenda, the promotion and monitoring of these instruments is of crucial importance in order to ensure an education for all and to counter persistent inequalities in access, participation and learning outcomes at all levels. Concrete measures adopted and implemented by Member States in accordance with their obligations under these instruments contribute to this process.

The Education 2030 agenda provides opportune momentum to intensify UNESCO's normative action in the field of education. The Incheon Declaration 'Education 2030: Towards inclusive and equitable quality education and lifelong learning for all' adopted in May 2015 encourages countries to "ensure inclusive and equitable quality education and promote life-long learning opportunities for all"<sup>3</sup>. This rights-based approach, promoted by UNESCO, is at the very foundation of the agenda. The new agenda is inspired by a humanistic vision of education and development based on human rights and dignity; social justice; inclusion; protection; cultural, linguistic and ethnic diversity; and shared responsibility and accountability. The Declaration reaffirms that education is a public good, a fundamental human right and a prerequisite for the realisation of other rights. Special emphasis is placed on access, equity and inclusion, quality and learning outcomes, within a lifelong learning approach.

The purpose of the Convention against discrimination in education, which is now being recognized as a cornerstone of the education 2030 agenda by UNESCO's Executive Board, and the Recommendation is, not only the elimination of discrimination in education, but also the adoption of concrete measures aimed at promoting equality of opportunities and treatment in this field.

As part of its mandate<sup>4</sup>, UNESCO has been conducting periodic consultations with Member States on their implementation of UNESCO's Conventions and Recommendations. The Eighth Consultation of UNESCO's Member States on the implementation of the Convention and Recommendation was conducted from 2011 to 2013. Countries were requested to provide detailed information on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education, during the period 2006-2011.

This publication compiles salient examples from countries, which participated in the Eighth Consultation. In all, 59 States participated in this Consultation. It is the second publication of a Compendium published in 2010, covering the previous consultation of

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3 <https://en.unesco.org/world-education-forum-2015/incheon-declaration>

4 See 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

Member States (the Seventh Consultation, on the period 2000-2005). It contains explicit references to the concrete measures taken by States to implement the right to education at the national level. These examples are taken from national State reports submitted to UNESCO and are therefore not intended to be exhaustive. As examples come directly from countries' national reports, it is important to note that some reported laws and policies may have been adopted or modified since this last reporting period.

The main body of this publication has six 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 and supporting affirmative action; promoting equality of opportunity and treatment in this field, across all levels of education and through inclusive education; enhancing quality education; guaranteeing freedom of education and religious and moral education; and the rights of minorities and language of instruction.

Aiming as it does at offering an overview of promising measures taken by Member States in implementing the provisions of these instruments, it is hoped that this publication will serve as an essential tool for information-sharing and advocacy for the purposes of normative action and inspire other countries to follow the practice with a view to implementing the Convention and the Recommendation.

A decorative graphic on the left side of the page features a large, semi-circular arc in a deep purple color. Overlapping this arc and extending towards the right are several squares of varying shades of gray, some of which are slightly offset from each other, creating a sense of depth. In the upper right quadrant, there are two overlapping squares: one in a dark purple color and another in a light blue color.

# Chapter 1.

## Legal framework

# Chapter 1.

## Legal framework

**S**tates 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 developed and implemented. If the adoption of a national legal framework does not necessarily mean the concrete implementation of the provisions of the right to education, the examples presented below can serve to inspire other States in this area. Also included are examples on 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 examples of legal remedies.

### A. Constitutional framework

Some States make constitutional guarantees of the right to education. In general, the constitution serves as a framework for laws and policies, which have to be in conformity with it. Thus, when a State guarantees the right to education in its constitution, it 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 39 of the Constitution of Armenia (2005): “Everyone shall have the right to education.”

Article 33 (1) of the Constitution of the Czech Republic (1992): “Everyone has the right to education.”

Article 43 of the Constitution of the Russian Federation (1993): “Everyone shall have the right to education.”

Article 42 (1) of the Constitution of the Slovak Republic (1992): “Everyone has the right to education.”

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

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

Article 20 of the Constitution of the Republic of Cyprus (1960): “Every person has the right to receive, and every person or institution has the right to give instruction or education [...]”

The Preamble to the Constitution of the Republic of Srpska, a canton of Bosnia and Herzegovina (1992): “Everyone has the right to education under equal conditions.”

Article 63 of the Constitution of Dominican Republic (2010): “Everyone has the right to lifelong comprehensive quality education, under equal conditions and with equal opportunities, without limitations other than those stemming from their aptitude, vocation and aspirations.”<sup>5</sup>

# 2. The principle of non-discrimination in education

Article 16 of the Statute of the BČko District of Bosnia and Herzegovina (1999): “Each individual in the District has an equal right to education without discrimination.”

5 Unofficial translation from: “Toda persona tiene derecho a una educación integral, de calidad, permanente, en igualdad de condiciones y oportunidades, sin más limitaciones que las derivadas de sus aptitudes, vocación y aspiraciones.”

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

#### ⇒ The principle of equal access to education

Paragraph 13 of the preamble to the French Constitution of 1946, of constitutional value: “equal access [...] to education [...]”.<sup>6</sup>

Article 38 (3) a) of the Constitution of Ghana (1992): “Equal and balanced access to the secondary and other appropriate pre-university education [...]”.

Article 27 of the Constitution of Sri Lanka (1978): “[...] the right to universal and equal access to education at all levels”.

#### ⇒ The principle of equality of educational opportunity

Article 25 (1) of the Constitution of Ghana (1992): “All persons shall have the right to equal educational opportunities and facilities [...]”.

Section 18 (a) of the Constitution of the Federal Republic of Nigeria (1999): “Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.”

Section 11 (3) of the Constitution of the United Republic of Tanzania (1977)<sup>7</sup>: “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.”

### 4. Free and compulsory education

#### ⇒ Examples of Constitutions that guarantee both free and compulsory education

Article 66 of the Constitution of Croatia (1990): “compulsory education is free [...]”.

Article 63 (3) of the Constitution of the Dominican Republic (2010): “The State guarantees free public education and declares it an obligation at the initial, basic and secondary levels. [...]”<sup>8</sup>

6 Unofficial translation from: « l'égal accès à l'instruction [...] ».

7 The Constitution is under review.

8 Unofficial translation from: “El Estado garantiza la educación pública gratuita y la declara obligatoria en el nivel inicial, básico y medio. [...]”



Paragraph 13 of the preamble to the **French Constitution** of 1946 (of constitutional value): “it is the duty of the State to organize free, compulsory and secular public education at all levels”.<sup>9</sup>

**Article 95 of the Constitution of Panama** (1972): “Formal education is free at all pre-university levels. Primary level or basic general education is compulsory. Free education requires that the State provide students with all the tools necessary for learning while completing their basic general education.”

**Article 25-A of the Constitution of Pakistan** (1973): “The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.”

**Article 49 of the Constitution of Qatar** (2004): “[...] the State shall endeavour to make general education compulsory and free of charge in accordance with the applicable laws and regulations of the State.”

**Article 32, Para. 1 of the Constitution of Romania** (2003): “The right to education is provided for by through the compulsory general education [...]” and al.3 “Public education shall be free [...]”

### ⇒ **Examples of a Constitution that guarantees free access to preschool education**

**Article 43 of the Constitution of the Russian Federation** (1993): “[...] the State guarantees universal and free access to pre-school [...].”

### ⇒ **Free and compulsory education at primary level**

**Article 16 of The Statute of the Brčko District of Bosnia and Herzegovina** (1997): “[...] Primary education is compulsory and free. [...]”

**Article 23 of the Constitution of the Grand Duchy of Luxembourg** (1868): “The State ensures the organization of primary education that is compulsory and free of charge, and to which access must be guaranteed for every person living in the Grand Duchy”.<sup>10</sup>

9 Unofficial translation from: « l’organisation de l’enseignement public obligatoire gratuit et laïc à tous les degrés est un devoir de l’État »

10 See operational definition of basic education (2007) [<http://unesdoc.unesco.org/images/0018/001833/183370m.pdf>].

Article 75 of the **Constitution of Montenegro** (2007): “the right to education under same conditions and elementary education is obligatory and free of charge.”

Section 18 c of the **Constitution of the Federal Republic of Nigeria** (1999): “Government shall strive to eradicate illiteracy, and to this end, government shall as soon as when practicable provide: Free, compulsory and universal primary education. [...]”

Article XIV, Section 2 of the **Constitution of the Republic of the Philippines** (1987): “The State shall: [...] (2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age; [...] »

### ⇒ **Free and compulsory basic education<sup>11</sup>**

Article 25 (1) a) of the **Constitution of Ghana** (1992): “Basic education shall be free, compulsory and available to all” and Article 38 (2): “The Government shall [...] draw up a programme for implementation within the following ten years, for the provision of free, compulsory and universal basic education.”

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

Article 39 of the **Constitution of Armenia** (1995): “[...] Secondary education in state educational institutions shall be free of charge. [...]”

Article 16 of **The Statute of the Brčko District of Bosnia and Herzegovina** (1997): “[...] Secondary education is free [...].”

Article 25 (1) (b) of the **Constitution of Ghana** (1992): “Secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education.”

Article 37-B of **Constitution of Pakistan** (1973) enjoins upon the State to: “[...] provide free and compulsory secondary education within minimum possible period.”

11 Unofficial translation from: « L'État veille à l'organisation de l'instruction primaire, qui sera obligatoire et gratuite et dont l'accès doit être garanti à toute personne habitant le Grand-Duché. »

## ⇒ Free access to higher education <sup>12</sup>

Article 25 (1) (c) of the **Constitution of Ghana** (1992): “Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education.”

Section 18(c) of the **Constitution of the Federal Republic of Nigeria** (1999): “[...] Government shall as soon as when practicable provide: [...] iii) Free university education”

## 5. Eliminating illiteracy

Article 7 (a) of the **Constitution of Bahrain** (2002): “[...] the necessary plan to eradicate illiteracy is laid down by law.”

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 63 (6) of the **Constitution of the Dominican Republic** (2010): “The eradication of illiteracy [...] [is] a State obligation [...]”<sup>13</sup>

Section 18(c) of the **Constitution of the Federal Republic of Nigeria** (1999): “Government shall strive to eradicate illiteracy, and to this end, government shall as soon as when practicable provide: [...] iv) Free adult literacy programme.”

Article 37-B of **Constitution of Pakistan** (1973): “Remove illiteracy [...] within minimum possible period”.

12 According to the article 4 (a) of the Convention against Discrimination in Education 1960, the States Parties: ‘undertake furthermore to formulate, develop and apply a national policy which will tend to promote equality of opportunity and of treatment in the matter of education and in particular to make higher education equally accessible to all on the basis of individual capacity’. The following examples present the implementation of this provision in the national legal frameworks.

13 Unofficial translation from: “Son obligaciones del Estado la erradicación del analfabetismo y la educación de personas con necesidades especiales y con capacidades excepcionales”.

## 6. Examples of Constitutions ensuring quality education

Article 63 (4) of the **Constitution of the Dominican Republic** (2010): “The State shall ensure the quality of general education and its provision free of charge, the fulfilment of its aims and the moral, intellectual and physical formation of the learner. It is obliged to offer the number of teaching hours needed to ensure the achievement of educational objectives.”<sup>14</sup>

Article XIV, Section 1. of the **Constitution of the Republic of the Philippines** (1987): “The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.”

## 7. Human rights education

Article 48 of the **Constitution of the Republic of Serbia** (2006): “The Republic of Serbia shall promote understanding, recognition and respect of diversity arising from specific ethnic, cultural, linguistic or religious identity of its citizens through measures applied in education, culture and public information.”

## 8. Freedom in education<sup>15</sup>

### ⇒ Examples of Constitutions guaranteeing parental choice and freedom in education

Article 64 of the **Constitution of Croatia**: “[...] the parents are obliged to raise, support and educate their children and have the right and freedom to decide independently on the upbringing of their children”.

14 Unofficial translation from: “El Estado velará por la gratuidad y la calidad de la educación general, el cumplimiento de sus fines y la formación moral, intelectual y física del educando. Tiene la obligación de ofertar el número de horas lectivas que aseguren el logro de los objetivos educacionales”.

15 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).

**Article 63 (2) of the Constitution of the Dominican Republic (2010):** “The family is responsible for the education of its members and has the right to choose the kind of education [it wishes] for minor children.”<sup>16</sup>

**Article 27 sub-Article 4 of the Constitution of Ethiopia (1994):** “[...] parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.”

**Article 35 of the Constitution of Georgia (1995):** “Everyone shall have the right [...] to free choice of a form of education [...].”

**Article 29(6) of the Constitution of Romania (2003):** “[...] the parents’ right to educate their children according to their own beliefs.”

### ⇒ **Examples of Constitutions recognizing and regulating private schools**

**Article 27 of the Constitution of Burkina Faso (1991):** “[...] Private education is recognized. The law establishes the conditions for its provision”.<sup>17</sup>

**Article 33 (3) of the Constitution of the Czech Republic (1999):** “Private schools may be established and instruction provided there only under conditions set by law; education may be provided at such schools in exchange for tuition.”

**Article 7, Paragraph 4 of Basic Law<sup>18</sup> of Germany:** “The right to establish privately-maintained schools [is guaranteed].”

**Article 25(2) of the Constitution of Ghana (1992):** “Every person shall have the right, at his own expense, to establish and maintain a private school or schools at all levels and of such categories and in accordance with such conditions as may be provided by law.”

**Article XIV, Section 4, (1) of the Constitution of the Philippines (1987):** “The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.”

16 Unofficial translation from: “La familia es responsable de la educación de sus integrantes y tiene derecho a escoger el tipo de educación de sus hijos menores”

17 Unofficial translation from: « [...] L’enseignement privé est reconnu. La loi fixe les conditions de son exercice. »

18 Grundgesetz

## 9. The financing of education

**Article 39 of the Constitution of Armenia (1995):** “[...] In cases and in conformity with the procedure prescribed by law the state shall provide financial and other assistance to institutions conducting higher and other professional education programmes, as well as their students”

**Article 63 (3) of the Constitution of the Dominican Republic (2010):** “[...] Higher education in the public system shall be financed by the State, which shall ensure a distribution of resources in proportion to the education offered in the regions, in accordance with what is established by law.”<sup>19</sup>

**Article XIV, Section 4 (5) of the Constitution of the Philippines (1987):** “The State shall assign the highest budgetary priority to education [...].” Article XIV, Section 2 adds: “The State shall: [...] (3) Establish and maintain a system of scholarship grants, student loan programmes, subsidies and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged.”

## 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.

<sup>19</sup> Unofficial translation from: “La educación superior en el sistema público será financiada por el Estado, garantizando una distribución de los recursos proporcional a la oferta educativa de las regiones, de conformidad con lo que establezca la ley”.

# 1. The right to education recognized in statutes

## > Armenia

The Law on education of the Republic of Armenia (1999) guarantees the right to education [...]: “The Republic of Armenia shall ensure the right to education, regardless of the nationality, race, gender, language, belief, political or other views, social origin, property status or other circumstances.”

## > Burkina Faso

The Education Act of Burkina Faso (2007) provides in Article 3: “Everyone living in Burkina Faso shall have the right to education without discrimination on any ground such as sex, social origin, race, religion, political opinions, nationality or state of health. [...] This right shall be exercised on the basis of equity and equal opportunities for all citizens.”<sup>20</sup>

## > Dominican Republic

The General Education Act 66-97 of 1997, Section 4 (a), establishes: “Education is a permanent and inalienable human right. [...]”

## > France

In France, Article L. 111-1 of the Education Code stipulates that: “The right to education is guaranteed to all. [...]”<sup>21</sup>

## > Nauru

In Nauru, The Education Act 2011, section 7 (a) affirms that “every child has the right to education.”

20 Unofficial translation from: « toute personne vivant au Burkina Faso a droit à l'éducation, sans discrimination aucune, notamment celle fondée sur le sexe, l'origine sociale, la race, la religion, les opinions politiques, la nationalité ou l'état de santé. [...] Ce droit s'exerce sur la base de l'équité et de l'égalité des chances entre tous les citoyens ».

21 Unofficial translation from: « [...] Le droit à l'éducation est garanti à chacun [...] ».

## 2. The principle of non-discrimination in education

### > **Dominican Republic**

The General Education Act 66-97, Section 4(a), establishes: “[...] In order to make [the right to education] effective, everyone is entitled to a comprehensive education [...] without any kind of discrimination based on race, sex, creed, economic and social position or anything else.”

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### > **Serbia**

In the Republic of Serbia, Article 3 of the Law on the Fundamentals of the Education provides for: “equal right and accessibility of education and pedagogy without discrimination based on gender, social, cultural, ethnic, religious or other background, place of residence or domicile, financial or health status, developmental difficulties and impairments and disabilities. [...]”

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### > **Slovakia**

In Slovakia, Section 5(1) of the Antidiscrimination Act (2004) states that: “in accordance with the principle of equal treatment discriminatory treatment of persons on grounds falling under section 2(1) is prohibited in [inter alia] education.”

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### 3. The principle of equality of educational opportunity

#### > Bosnia and Herzegovina

The Framework Law on Preschool Care and Education in Bosnia and Herzegovina (2007) provides in Article 6: “(1) Every child has equal access and equal opportunity to participate in appropriate care and education without discrimination on any ground. (2) Equal access and equal opportunities include ensuring equal conditions and opportunities for all, to begin and continue further education.”

Besides, Article 36 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003) sets out: “Schools shall promote equal opportunities for all of their pupils, teachers and other employees, while recognizing and promoting the right to diversity among them.”

#### > Dominican Republic

The General Education Act 66-97 of the Dominican Republic, Section 4 (j): “It is the duty of the State to enforce the principle of equal educational opportunities for all, promote policies and provide the necessary resources for the development of educational life with social, economic and cultural support for the family and learner alike, in particular to give learners the necessary help to overcome the lack of family or socio-economic support.” <sup>22</sup>

### 4. Broad Community Participation and social inclusion in education

#### > Argentina

Argentina’s National Education Act No. 26.206 (2006) provides that “the State, the provinces and the autonomous city of Buenos Aires hold primary non-delegable responsibility for providing comprehensive, lifelong, quality education to all of the nation’s inhabitants,

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22 Unofficial translation from: “Es obligación del Estado, para hacer efectivo el principio de igualdad de oportunidades educativas para todas las personas, promover políticas y proveer los medios necesarios al desarrollo de la vida educativa, a través de apoyos de tipo social, económico y cultural a la familia y al educando, especialmente de proporcionar a los educandos las ayudas necesarias para superar las carencias de tipo familiar y socio-económico.”

who are guaranteed the right to equal, fair access to education, free of charge, in which social organizations and families participate”<sup>23</sup>(Article 4).

➤ **Chile**

Article 4 of the General Law on Education of Chile (2009) requires the State to ensure the quality of education and to ensure equal opportunities and inclusion in education and reduce inequalities resulting from factors such as financial, social, ethnic, gender or geographical circumstances.

➤ **Dominican Republic**

The General Education Act 66-97 of the Dominican Republic, Section 4: “Education in the Dominican Republic is based on the following principles: (a) Education is a permanent and inalienable human right. To ensure its effective enjoyment, everyone is entitled to a comprehensive education that will allow them to develop their own individual personality and perform a socially useful activity, appropriate to their vocation and within the requirements of the national or local interest, without any kind of discrimination based on race, sex, creed, economic and social position or anything else. [...]”<sup>24</sup>

## 5. Provisions concerning free and compulsory education

### ⇒ **Laws providing for free education**

➤ **Bahrain**

Article 7 of the Education Act No. 27 issued on 15 August 2005 of the Kingdom of Bahrain states that: “Basic and secondary education shall be free in schools within the Kingdom.”

23 Unofficial translation from: “La Ley de Educación Nacional N° 26.206 fija entre sus principios la responsabilidad principal e indelegable del Estado Nacional, las Provincias y la Ciudad Autónoma de Buenos Aires de proveer una educación integral, permanente y de calidad para todos/as los/as habitantes de la Nación. (Art. 4)”

24 Unofficial translation from: “La educación dominicana se fundamenta en los siguientes principios: a) La educación es un derecho permanente e irrenunciable del ser humano. Para hacer efectivo su cumplimiento, cada persona tiene derecho a una educación integral que le permita el desarrollo de su propia individualidad y la realización de una actividad socialmente útil; adecuada a su vocación y dentro de las exigencias del interés nacional o local, sin ningún tipo de discriminación por razón de raza, de sexo, de credo, de Posición económica y social o de cualquiera otra naturaleza”.

> **Georgia**

The Law on General Education (2004) of Georgia ensures the equal and free access to general education for everyone during entire life.

> **Nauru**

Section 73(2) of the Education Act 2011 in Nauru provides that: “Education for school-age children in government schools is free and no fees may be charged for it.”

.....

> **New Zealand**

The Education Act 1989 of New Zealand provides free education in state primary and secondary schools for students aged from 5 to 19.

> **Norway**

The Education Act in Norway guarantees that compulsory education will be provided free of charge: “The municipality may not require pupils or their parents to cover any costs, including costs for teaching materials, transport during school hours, stays at school camps, excursions or other outings that are part of primary and lower secondary education” (Section 2 – 15).

> **Russian Federation**

Article 5 of the Russian Federation’s Law of Education: “the State guarantees universal and free pre-school education, primary and basic general education, secondary (complete) general education and initial vocational education”.

.....

⇒ **Laws providing for compulsory education**

> **Argentina**

The National Education Act 26.206 (2006) states that: “Education is compulsory throughout the country between the age of five and completion of secondary education. [...]”<sup>25</sup>(Article 16).

.....

> **Chile**

The General Law on Education (2009) now extends compulsory education to secondary school, specifying that both primary and secondary education are compulsory.

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25 Unofficial translation from: “la obligatoriedad escolar en todo el país se extiende desde la edad de cinco (5) años hasta la finalización del nivel de la Educación Secundaria (Art. 16).”

> **Georgia**

The Law on General Education (2004) lays down that: “Elementary and basic education is compulsory in Georgia. [...]”

> **Mauritius**

Section 37 (ii) of the Education Act as amended in 2004 provides as follows: “It shall be compulsory for every child to attend school up to the end of the academic year in the course of which he attains the age of 16.”

⇒ **Laws providing for both free and compulsory education**

> **Bosnia and Herzegovina**

The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003), Article 16 paragraph 5 states that: “Compulsory education is free. Free primary education is provided to all children.”

> **Cyprus**

Law 24(I) of 1993 provides for free and compulsory education: “Attendance in primary school and lower secondary school (gymnasium) is compulsory until a pupil graduates from gymnasium or reaches the age of 15. [...]” and “Education is provided free of charge in public primary and secondary schools: gymnasium, lyceum and technical schools.”

> **France**

In France, Article L. 131-1 of the Education Code provides that “Education is compulsory for children of both sexes, French and foreign, between the age of six and sixteen years.”<sup>26</sup> Article L. 132-1 stipulates that the compulsory education (for children of both sexes, French and foreign, between the age of six and sixteen years) be free of charge.

> **New Zealand**

The Education Act 1989, section 20 states that: “Attendance is compulsory from age 6 until the age of 16 years.” The Act also provides for free education in state primary and secondary schools for students aged from 5 to 19.

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26 Unofficial translation from: “L’instruction est obligatoire pour les enfants des deux sexes, français et étrangers, entre six ans et seize ans.”

> **Nigeria**

Part 1 paragraph 2 of the Universal Basic Education Act of 2004 states that: “Every government (Federal, State and Local) shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.”

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## **6. Provisions concerning literacy, adult education and lifelong learning**

> **Bahrain**

Article 9 of the Education Act states that: “the eradication of illiteracy and adult education are national responsibilities [...].”

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> **Bosnia and Herzegovina**

Article 20 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina lays down the following provisions: “Education of adults shall be organized in specific subjects and for the purpose of their professional and personal advancement. Education of adults shall include professional training, supplementary training, re-training and other activities ensuring lifelong learning. Education of adults shall be governed in more detail in the laws of the entities, cantons, and the Brčko District of Bosnia and Herzegovina, in line with the principles and standards defined in this Law.”

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> **Romania**

In Romania, the Law of National Education no. 1/2011 states that: “the State ensures equal rights of access for the Romanian citizens to all levels and forms of pre-university and higher education, as well as lifelong learning, with no form of discrimination (Article 2 (4)).”

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Moreover, Article 1 of the law guarantees the fundamental rights to lifelong learning in state, private and confessional education and Article 13 provides that lifelong learning includes all the activities of education realized by each person, starting with early education, in order to achieve knowledge, skills/abilities training and develop significant aptitudes from the personal, civic, social and/or occupational perspective.

# 7. Provisions concerning inclusion (vulnerable groups)

## ⇒ Ensuring gender equality and girls’ and women’s right to education

### > Argentina

Act No. 26.150 on Comprehensive Sex Education of Argentina (2006), contains curriculum guidelines, including the requirement to foster learning that respects diversity, rejects all forms of discrimination and provides for **equal gender treatment and opportunities**.<sup>27</sup>

### > France

In France, Article L. 121-1 of the Education Code requires schools and educational establishments to: “contribute to the promotion of co-education and gender equality.”<sup>28</sup>

### > Nigeria

In Nigeria, Section 15 of the Child Rights Act guarantees: “female students the opportunity to complete their education should they become pregnant, while in school.”

### > Philippines

In the Philippines, The Republic Act of 2009 No. 9710, known as The Magna Carta of Women, provides that: “The State shall ensure that gender stereotypes and images in educational materials and curricula are adequately and appropriately revised. Gender-sensitive language shall be used at all times.[...]” (Section 13 (a)).

27 Unofficial translation from: “la Ley N° 26150 de Educación Sexual Integral, sancionada en 2006, incluye dentro de sus lineamientos curriculares la necesidad de propiciar aprendizajes basados en el respeto por la diversidad y el rechazo por todas las formas de discriminación, así como procurar igualdad de trato y oportunidades para varones y mujeres.”

28 Unofficial translation from: « contribuent à favoriser la mixité et l’égalité entre les hommes et les femmes ».

> **Romania**

In Romania, Law 202/2002 on equal chances between women and men that: “forbids any form of discrimination based on gender in what concerns women’s and men’s access to all levels of instruction and professional training, improvement and, in general, to continuous education (Article 14 (1)); ensures equal chances and treatment between women and men within public and private institutions of education (Article 14 (2 and 3)); assigns the role to ensure instruction and education in the spirit of equal chances between genders to the Minister of Education.”

⇒ **Ensuring the right to education of persons with disabilities or special needs**

> **Czech Republic**

According to Section 16 (7) of the amended Education Act (Act No. 561/2004 Coll., on Pre-school, Basic, Secondary, Tertiary Professional and Other Education), “Disabled children, pupils or students shall be, during their education, entitled to the free use of special textbooks and special didactical and compensatory teaching aids provided by the school. [...]”

> **Ghana**

In Ghana, the Persons with Disability Act (2006) states: “The Government shall: 1) Provide free education for a person with disability, and 2) Establish special schools for persons with disability who by reason of their disability cannot be enrolled in formal schools.”

> **Nauru**

Part 11 of the Education Act 2011 of Nauru makes provision for students with special educational needs, at the heart of which is section 95(1) which provides that: “A school-age child with a disability must not be excluded from access to free primary and secondary education on the basis of the disability.”

> **New Zealand**

Section 8 (1) of the Education Act of New Zealand (1989) states that: “[...] people who have special educational needs (whether because of disability or otherwise) have the same rights to enrol and receive education at state schools as people who do not.”

> **Serbia**

In the Republic of Serbia, the Law on the Fundamentals of the Education states in Article 77: “An institution shall eliminate physical and communication obstacles and adopt individual education plan for child or pupil in need of additional educational and pedagogical support, due to social deprivation, developmental impairment, physical disability or for other reasons.”

⇒ **Ensuring the right to education of persons from minority groups**

> **Argentina**

Act No. 26.206 on National Education of Argentina (2006) provides for the development of Intercultural Bilingual Education as: “the mode of education delivery, at the pre-school, primary and secondary levels. [...]”<sup>29</sup>

> **Armenia**

According to the Law of the Republic of Armenia On Language: “Public education and upbringing in the national minorities’ communities of the Republic of Armenia may be organised in their native language in compliance with the state programme and under state sponsorship, by compulsory teaching of the Armenian language.”

> **Bosnia and Herzegovina**

Article 8 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003) provides that: “Language and culture of any significant minority in Bosnia and Herzegovina shall be respected and studied at the school to the fullest extent practicable, in accordance with the Framework Convention for the Protection of National Minorities.”

> **Montenegro**

Article 79 of the Constitution of Montenegro (2007) “guarantees to persons belonging to minority nations and other minority national communities [...] the right to education in their own language and alphabet in public institutions [...]”

> **Philippines**

Republic Act No. 8371 – The Indigenous Peoples Rights Act of 1997 of the Philippines: Section 30 provides that: “[...] Indigenous children/youth shall have the right to all levels and forms of education of the State.”

29 Unofficial translation from: “impulsa el desarrollo de la Educación Intercultural Bilingüe como “la modalidad del sistema educativo de los niveles de Educación Inicial, Primaria y Secundaria [...]”



> **Romania**

Article 32 (3) of the Constitution of Romania (2003) states: “the right of persons pertaining to national minorities to learn their mother tongue.”

.....  
The Law of National Education 1/2011 ensures the right of national minorities to study in their mother tongue, at all levels, types and forms of pre-university education (Article 45, Article 46). National minorities have the right to university and post-university studies in their mother tongue (Article 135 (4)).

> **Serbia**

Article 79 of the Constitution of Serbia (2006) outlines: “[...] the right to education in the language of a national minority in public institutions and institutions of autonomous provinces. [...]”

> **Slovakia**

Under Section 12 of Act no. 245/2008 Z.z. of Slovakia the children and pupils belonging to national minorities and ethnic groups have not only the right to learn the state language but also the right to upbringing and education in their language subject to the conditions laid down in the act.

## 8. Provisions concerning quality education

> **Nauru**

Part 3 of Nauru Education Act 2011 sets objectives that are to: “a) make available to each school-age child in Nauru a high quality education that will maximise the child’s educational potential and enable the child to become an effective and informed member of the community.”

> **Poland**

In Poland, amendments of 18 March 2011 to the Act on Higher Education state that: “higher education facilities are obligated to develop internal system for ensuring quality of education.”

> **Serbia**

According to Article 103 of the Law on the Fundamentals of the Education, the rights of children and students include, among others, the right to: “high quality educational and pedagogical work and activities.”

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

> **Burkina Faso**

In Burkina Faso, Article 8 of the Education Act (2007) provides for the establishment of private education institutions: “Private education is recognized. Natural or legal persons may establish and manage private schools. This right is exercised within the framework of the current legislation and in accordance with the educational standards recommended by the State.”<sup>30</sup>

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> **Uzbekistan**

The Law on Education of the Republic of Uzbekistan specifies at Article 29: “The State education bodies control private educational institutions compliance to the education laws. Private educational institutions violating the education laws may have their activities suspended by their accreditation bodies. Admission to private educational institutions is at the same time and by the same time methods as state educational institutions.”

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## 10. Provisions concerning State education aims

> **Argentina**

Act No. 26.206 on National Education of Argentina (2006) states that the purpose and aim of the national education policy are to ensure equal conditions and respect for differences among people and to prevent gender discrimination or any other type of discrimination (Article 11 (f)).<sup>31</sup>

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30 Unofficial translation from: “L’enseignement privé est reconnu. Les personnes physiques ou morales peuvent créer et diriger des établissements d’enseignement privés. Ce droit s’exerce dans le cadre des textes en vigueur et conformément aux normes prescrites par l’État en matière d’enseignement.”

31 Unofficial translation from: “La Ley de Educación Nacional N° 26 206, establece como fin y objetivo de la política educativa nacional “Asegurar condiciones de igualdad, respetando las diferencias entre las personas sin admitir discriminación de género ni de ningún otro tipo.” (Art. 11, Inc. f)”

> **Bosnia and Herzegovina**

Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003) defines the general goals of education, which include the: “promotion of respect for human rights and fundamental freedoms, and preparation of each person for life in a society that respects the principles of democracy and the rule of law” (item c) and “ensuring equal opportunities for education and choice at all levels of education, regardless of sex, race, ethnic affiliation, social and cultural background and status, family status, religion, psycho physical and other personal characteristics” (item e).

.....

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

> **Argentina**

The Act No. 23.592 on the Punishment of Discriminatory Acts (1988)<sup>32</sup>, provides that: “any person who arbitrarily prevents, obstructs, restricts or in any other way impairs the full and equal exercise of the fundamental rights and guarantees enshrined in the National Constitution (including the right to education), shall, at the request of the injured party, nullify or cease to perform the discriminatory act and shall repair the moral and material damage caused. Particular consideration shall be given to all discriminatory acts or omissions committed for such reasons as race, religion, nationality, ideology, political or trade-union views, gender, economic standing, social status or physical characteristics” (Article 1).<sup>33</sup>

.....

> **Nigeria**

In Nigeria, Section 15 of the Child Rights Act (6) prescribes punishment for parents or guardians who prevent a child from attending and completing his/her education. The Universal Basic Education Act of 2004 makes the denial of access to education or discrimination against any child in relation to education, a punishable offence, no matter what the circumstances.

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32 Unofficial translation from: Ley N° 23.592 de Penalización de Actos Discriminatorios

33 Unofficial translation from: “Quien arbitrariamente impida, obstruya, restrinja o de algún modo menoscabe el pleno ejercicio sobre bases igualitarias de los derechos y garantías fundamentales reconocidos en la Constitución Nacional (entre ellos el derecho a la educación), será obligado, a pedido del damnificado, a dejar sin efecto el acto discriminatorio o cesar en su realización y a reparar el daño moral y material ocasionados. A los efectos del presente artículo se considerarán particularmente los actos u omisiones discriminatorios determinados por motivos tales como raza, religión, nacionalidad, ideología, opinión política o gremial, sexo, posición económica, condición social o caracteres físicos”. (Art.1)”

# 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 expand educational opportunities and eliminate discrimination.

## 1. Adoption of rules

> **Argentina**

In regard to education for children with disabilities, Resolution No. 155 on “Special Education”<sup>34</sup>, approved by the Federal Council of Education of Argentina in 2011, states that policies will be implemented to ensure that children with disabilities receive a comprehensive education.<sup>35</sup> Pursuant to that resolution, mechanisms were established in 2012 for coordination with other ministries and State bodies that cater for people with temporary and permanent disabilities.

> **France**

In France, since the memorandum issued at the start of the 2009-2010 school year, school rules must mention the rejection of all forms of discrimination, which must be clearly stated, as well as the prohibition of any discriminatory harassment undermining human dignity. The same applies to abusive or defamatory language.

> **Latvia**

In Latvia, pursuant to Paragraph 2 of Cabinet Regulation No 174 of 23 February 2010: “Procedures for the Provision of Minor Asylum Seekers with Opportunities for Acquiring Education”, an asylum- seeker shall be provided with the preparation for the acquisition of basic education from the age of five years, and the opportunity to acquire basic education and general secondary education in accordance with the procedures specified in regulatory enactments.

34 Resolución N° 155, “construir un sistema de información relevante para obtener datos de la trayectoria escolar de los/as alumnos/as con discapacidad que sirva de insumo para tomar decisiones en la planificación de las políticas”

35 Item 2, Policies on the Mode of delivery

## 2. Establishment of special bodies

### > **Bulgaria**

By a special Order of the Minister of Education, Youth and Science of Bulgaria as of 2003, a Consultative Council was established and assigned with the task to deal with the issues relating to the education of the children and pupils from ethno-cultural groups. This Council was set up as a specialized advisory body reporting to the Minister of Education on issues concerning the educational integration of children and pupils from the ethno-cultural groups.

### > **Burkina Faso**

In Burkina Faso, a special department in charge of promoting girls' education, established in 1989, was upgraded to a technical division for girls' education and gender mainstreaming<sup>36</sup> in 2007 and the National Council for the Prevention of Violence in Schools<sup>37</sup> was established in April 2009.<sup>38</sup>

### > **Romania**

In Romania, Social Inspection functions under Government Decision no. 1059/2007 which replaced the inspection duties and responsibilities of the National Authority for Persons with Handicap and the National Authority regarding Children's Rights; it controls respect of the legal provisions regarding citizens' equal and non-discriminatory access to social rights, informs the competent bodies if legal provisions are violated and monitors compliance with legal provisions regarding access for people with disabilities. It also has the role to prevent and fight discrimination and promote equality of opportunity and gender as well as equality across the entire system of social assistance for the social inclusion of vulnerable groups.

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36 Unofficial translation from: « Direction technique de l'éducation des filles et de la promotion du genre »

37 Unofficial translation from: « Conseil National pour la prévention de la violence à l'école »

38 Decree N° 2007-542/PRES/PM/MESSRS and Decree 2009/200/PRES/PM MESSRS/MEBAISECU

## D. Enforcement of the right to education: legal, judicial or quasi-judicial remedies

Justiciability is essential to uphold the right to education as an entitlement and promote its realization. As underlined by the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR)<sup>39</sup> and the United Nations Special Rapporteur on right to education<sup>40</sup>, judicial pronouncements in the field of education have tremendous effect on the implementation of the right to education.<sup>41</sup> This section considers the actions taken by some States to reinforce the justiciability of the right to education and to provide for national legal remedies before national courts, tribunals or administrative authorities.

### > Argentina

The rights enshrined in the 1960 UNESCO Convention and Recommendation against Discrimination in Education are guaranteed in Argentina after their incorporation into the national Constitution with established conditions for their observance and the understanding that they are complementary to the rights and guarantees enshrined in the Constitution of Argentina. These rights may therefore be legitimately invoked before the courts and administrative authorities.<sup>42</sup>

### > Poland

Pursuant to Article 14 of the Act of 3 December 2010 on the Implementation of certain European Union Regulations concerning Equal Treatment in Poland, the proceedings are regulated by the principle of the reversed burden of proof, i.e. it is the defendant who is responsible for proving that the principle of equal treatment was not breached.

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39 The Joint Expert Group UNESCO (CR)/ECOSOC (CESCR) on the monitoring of the right to education (JEG) was a body of experts institutionalised jointly by UNESCO and the Committee on Economic, Social and Cultural Rights (CESCR). Established in 2001, the aim of the JEG was to reinforce the collaboration between the Organization and CESCR for the monitoring and promotion of the right to education. In 2012, the mandate of the Group was terminated, while providing for the possibility of allowing, as necessary, an ad hoc group to be summoned to fulfil a particular mission.

40 See also the Report of the United Nations Special Rapporteur on the right to education, Kishore Singh, about the justiciability of the right to education, UN.doc [A/HRC/23/35], 10 May 2013

41 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.

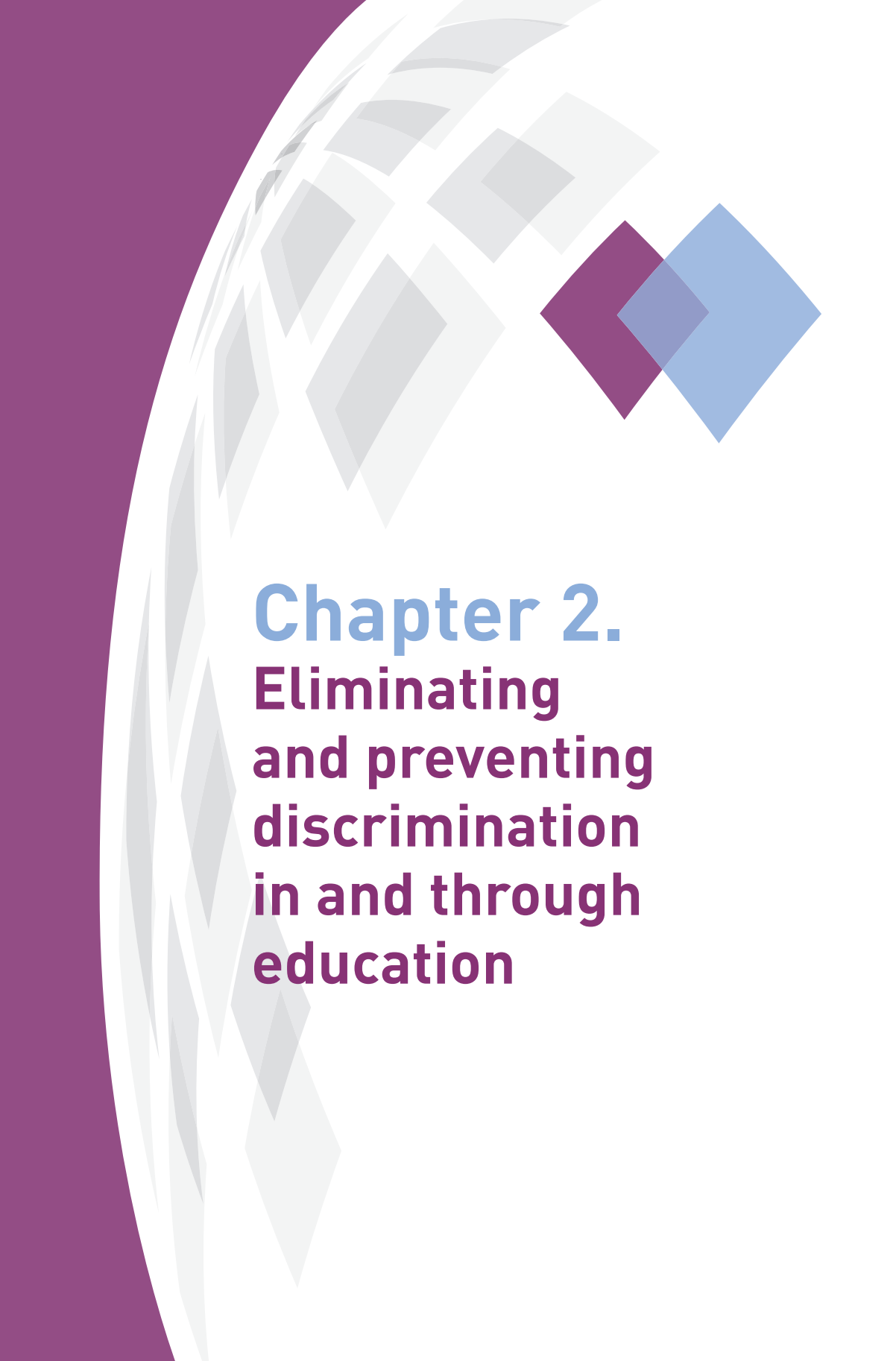
42 Unofficial translation from: “Los derechos asociados a la Convención y a la Recomendación se encuentran garantizados en nuestro país vía incorporación en la Constitución Nacional, y sus condiciones de su vigencia, tienen jerarquía constitucional y deben entenderse como complementarios de los derechos y garantías reconocidos por la Constitución Nacional Argentina, por lo que al igual que éstos pueden ser invocados ante cortes, tribunales y autoridades administrativas.”

In this case the claimant has only to prove on the grounds of probabilities that his/her personal interests were breached, and the defendant is required to prove that he/she did not discriminate.

> **Serbia**

In the Republic of Serbia, pursuant to the Law on the Fundamentals of the Education System (LFES), Article 111: “A student, his/her parent or caregiver who considers that his/her rights guaranteed by this law or the pertaining law have been violated, by means of adoption or non-adoption of a decision following the filing of an application, a complaint or an appeal or if a prohibition as stipulated in Articles 44 and 45 has been violated as well as the right in Article 103 of this law impacting the student’s status, shall be entitled to file a request for the protection of rights to the Ministry, within eight days from the day he/she learned that his/her rights have been violated. If the Ministry assesses that the request as stated in paragraph 1 of this article has merit, it shall issue a warning to the school and set an appropriate deadline for the elimination of rights violation. Should the school fail to act on the warning as stated in paragraph 2 of this Article, the Ministry shall decide on the request.”

.....



# **Chapter 2.**

## **Eliminating and preventing discrimination in and through education**



# Chapter 2.

## Eliminating and preventing discrimination in and through education

**A**rticle 3 of the Convention against Discrimination in Education clarifies 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<sup>43</sup>.**

### 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

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43 Such as “(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.”

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

### > **Bosnia and Herzegovina**

Article 4, paragraph 1 of the Framework Law on Primary and Secondary Education (2003) states: “Every child shall have equal access and equal opportunities to participate in appropriate education, without discrimination on any ground.”

### > **Romania**

Article 2 (4) of **the Law of National Education 1/2011** ensures: “equal rights of access to all levels and form of pre-university and higher education, as well as to lifelong learning, **with no form of discrimination.**”

### > **Zimbabwe**

Section 4 (2) on Children’s fundamental right to education of **the Education Act of Zimbabwe** clearly states: “no child in Zimbabwe shall –

- a) Be refused admission to any school; or
- b) Be discriminated against by the imposition of onerous terms and conditions in regard to his admission to any school; [...]

## 2. Specific cases of prohibited discrimination

### > **Czech Republic**

The Education Act (2004) specifies in Section 2(1)(a) that: “education shall be based on the principle of equal access of all citizens of the Czech Republic or nationals of any other European Union Member **State 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.**”

> **Dominican Republic**

The General Education Act 66-97 governing pre-university education in the country establishes in Section 4(a): “[...] everyone is entitled to a comprehensive education [...] **without any kind of discrimination based on race, sex, creed, economic and social position or anything else.**”

> **Philippines**

The Philippine AIDS Prevention and Control Act of 1998 (Republic Act No. 8504) provides in Section 36 that “No educational institution shall refuse admission or expel, discipline, segregate, deny participation, benefits or services to a student or prospective student **on the basis of his/her actual, perceived or suspected HIV status.**”

> **Serbia**

The Law on the Fundamentals of the Education System<sup>44</sup> provides for “equal right and accessibility of education and pedagogy without discrimination **based on gender, social, cultural, ethnic, religious or other background, place of residence or domicile, financial or health status, developmental difficulties and impairments and disabilities.**”

### 3. Non-compliance and sanctions

#### > Hungary

The paragraphs of the CXXXIX Act of 2005 on Higher Education in connection to equal treatment are as follows: Section 9:

(1) Persons engaged in the organization, governance, operation and the execution of the tasks of higher education shall be obliged to adhere to the requirements of equal treatment in making decisions and taking actions affecting students, lecturers and staff employed in higher education.

(2) Consequences of non-compliance with the requirement of equal treatment shall be remedied. This, however, may not entail the violation or impairment of the rights of others.

(3) Non-compliance with the requirements of equal treatment, on condition students are affected, shall be remedied in line with the procedure regulated herein. The procedure shall not exclude the possibility to enforce inherent rights in court or the initiation of any other procedure suitable for the establishment of liability and its legal consequences, including the procedure before a public authority in charge of monitoring the functioning of the requirement of equal treatment.

(4) In applying subsections (1)–(3), the provisions of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter the ‘Equal Treatment Act’) shall also apply.

#### Zimbabwe

Section 4 (5) of **the Education Act of Zimbabwe** takes as defence in **criminal proceedings** for a person who contravenes sub-section (2) On Children’s fundamental right to education on the following grounds:

- Where the school reserves admission of children of one gender and the aggrieved child is the other gender; or
- Where admission is refused in the interests of defence, public safety or public morality; or
- Where refusal of admission is justified in view of physiological differences between children of different gender; or
- On the basis of creed where the school concerned accords preference in admission to members of that religious organization or adherents of a particular religious belief.

## 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.

### > **Bosnia and Herzegovina**

The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina regulate the Role and Obligations of Schools as follows: “Schools shall not exert discrimination in the children’s access to education or their participation in the education process, based on race, colour, sex, language, religion, political or other opinion, ethnic or social origin, based on the children being those with special needs, or on any other basis.” (Article 35, paragraph 1)

Moreover, the Framework Law on Higher Education in Bosnia and Herzegovina<sup>45</sup> defines the Rights and Obligations of Students: “The statute or another equivalent core document of any higher education institution shall contain the provisions that protect students against discrimination on any basis, such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status.” (Article 38, subparagraph 3).

### > **Dominican Republic**

Article 1 of the Department Order No. 03-2008 amending national guidelines for inclusive education<sup>46</sup>, states that: “Every education centre **must welcome and value all children and young people under 18 years in their diversity**, and accordingly must ensure access, retention and promotion in the education system, without excluding anyone on the grounds of gender, social class, culture, ethnicity, religion, age, etc. or their personal condition (different styles and rates of learning, ability, interests, motivations, ways of relating, disability or being intellectually gifted).”

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45 Official Gazette of Bosnia and Herzegovina, No. 59/07  
46 Established by Department Order 24-2003

## > Serbia

The following provisions of the of the Law on the Fundamental of the Education System (LFES) relate to the detection of forms and prohibition of discrimination: “**Activities aimed at threatening, belittling, discriminating or singling out groups or individuals** on the basis of their racial, national, ethnic, linguistic, religious background or gender, physical and psychological characteristics, developmental impairments and disabilities, health condition, age, social and cultural origin, financial status or political views as well as encouraging or not preventing such activities, and other types of activities stipulated by the law prescribing the prohibition of discrimination, shall be prohibited in an institution.[...]” (Article 44).

In order to provide equal treatment of pupils from vulnerable groups, the LFES provides for the involvement of all pupils, regardless of their abilities - primarily pupils with developmental impairments and disabilities- in a joint educational environment of mainstream schools, with application of the individual education plans: “An institution shall eliminate physical and communication obstacles and adopt individual education plan for child or pupil in need of additional educational and pedagogical support, due to social deprivation, developmental impairment, physical disability or for other reasons. The aim of the individual education plan shall be to attain an optimal level of inclusion of a child or pupil into regular educational and pedagogical activities and to enable him/her to gain independence in his/her peer group.” (Article 77)

## > Sweden

**The Discrimination Act (2008)**<sup>47</sup> explicitly bans discrimination in the educational system related to a person’s sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. In addition to prohibiting discrimination, the Discrimination Act also obliges pre-schools, schools and universities to actively prevent discrimination due to gender, ethnicity, religion or other belief, disability and sexual orientation.

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47 Diskrimineringslagen (2008:567)

## 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 [...] 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.” Georgia provides an interesting example of the implementation of this provision.

.....

### > Georgia

The State finances the general education of its citizens according to the rules and procedures prescribed by law. **Education is financed from state budget by granting voucher equalling to the financial normative calculated for each child.** In accordance to Paragraph “c” of Article 3 of the 1960 UNESCO Convention against Discrimination in Education, **inequality and differences of treatment in terms of financing the nationals is prohibited** by Georgian legislation. Increased voucher (amount of standard voucher deducted) or additional financing for foreign citizens or persons without citizenship is carried out according to the rules established by law.

## 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 [...] 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

## > Argentina

Act No. 26.206 on National Education vests primary and non-delegable responsibility in the State, the provinces and the autonomous city of Buenos Aires for providing all of the country's inhabitants with comprehensive, lifelong and quality education (Article 4). To that end, Argentina has taken steps to ensure that everyone, including undocumented persons, has access to formal education, which have facilitated the inclusion of migrants, migrants' children and persons who lack the resources to be properly documented.

Accordingly, as set forth in **Act No. 25.871 on Migration**, steps are being taken to ensure that irregular migrant status shall in no case prevent a foreigner from being admitted as a pupil or student to a public or private national, provincial or municipal educational institution at the primary, secondary or tertiary level. The authorities of educational institutions are required to give guidance and advice on procedures for resolving irregularities in migrant status (Article 7).

## > Bahrain

According to **Law No. 35 of 2009**, the treatment of the non-Bahraini wife of a Bahraini and the children of a Bahraini woman who is married to a non-Bahraini is the same as that received by a Bahraini citizen with regard to some fixed fees for government services in health, education and residence.

## > Czech Republic

Section 20 of **the Education Act** governs the access of foreign nationals to education and school services:

“(1) **Citizens of European Union Member States** shall have access to education and school services defined herein under the same conditions as citizens of the Czech Republic.

(2) **Person not included in sub-section 1** shall have, under the same conditions as citizens of the Czech Republic, access hereunder to:

- a) basic education including institutional education and protective education provided that they legally reside in the Czech Republic;
- b) meals provided at schools, school clubs organised by a school facility for the development of hobbies and interests of pupils in regular day school attendance, in the case of pupils of a basic school, the relevant grade of a secondary school or the relevant grade of a conservatory;



- c) secondary education, tertiary professional education, including institutional education and protective education, provided that they legally reside in the Czech Republic;
- d) pre-school education, basic artistic education and school services hereunder if they are in possession of a residence permit of the Czech Republic exceeding ninety (90) days and reside in the Czech Republic, or are persons enjoying subsidiary protection, international protection seekers, or persons enjoying temporary protection; [...]"

### > **Serbia**

In Serbia, Article 14 of the Law on **Preschool** Education establishes that children that are foreign citizens, as well as children from vulnerable groups without proof of residence and other personal documents, refugees or displaced persons are enabled to enrol in a pre-school and/or school delivering the preparatory preschool programme under the same conditions and in the manner regulated for the citizens of the Republic of Serbia.

Moreover, in order to treat equally foreign citizens in the enrolment, attendance and completion of secondary school, Serbia implemented a procedure of recognition of education diploma-certificate acquired abroad or from a foreign school.

## 2. Specific measures for refugees or asylum-seekers

### > **Latvia**

According to Section 46, Paragraph three of the **Asylum Law**, a minor who has been granted temporary protection shall be provided with opportunities for acquisition of education in accordance with the procedures specified in the Education Law. Section 8, Paragraph three, Clause 4 of the Asylum Law states that the Cabinet shall determine the procedures by which a minor asylum seeker shall be provided with opportunities for acquiring education.

On the basis of the foregoing, the Cabinet has issued **Regulation No 174 of 23 February 2010 "Procedures for the Provision of Minor Asylum Seekers with Opportunities for Acquiring Education."** Pursuant to Paragraph 2 of this Regulation, an asylum seeker shall be provided with the preparation for the acquisition of basic education from the age of five years, the opportunity to acquire basic education and general secondary education in accordance with the procedures specified in regulatory enactments. In accordance with Paragraph 7 of this Regulation, the Ministry of Education and Science shall organise the development and issuance of training aids suitable for educational

programmes for learning Latvian in order to provide an asylum seeker with the opportunities of receiving general education. At the same time, Paragraph 10 of this Regulation provides that an asylum seeker shall be provided with an opportunity to finish the commenced acquisition of general education also after reaching the age of 18 years.

> **Norway: Introductory programme for refugees**

The purpose of the introduction scheme is to achieve swift integration for refugees into social and working life. From September 1st 2004 newly arrived refugees between 18 and 55 years of age have a statutory right and obligation to full-time training for basic qualifications through an introduction programme. This also applies to persons granted residency on humanitarian grounds, persons who have collective protection and those who immigrate in order to be reunited with family members in these categories. In 2010 nearly 43 000 immigrants participated in such courses.

> **New Zealand**

New Zealand accepts refugees from the Office of the United Nations High Commissioner for Refugees (UNHCR), and both UNHCR **refugees and asylum seekers** (and their dependants) **have the right to access free publicly funded education**. The Ministry of Education also provides extra support, both funding and expertise, to schools that are working with refugees and asylum seekers. As part of this support the Ministry of Education employs a national refugee coordinator and associated regional coordinators.

> **Romania**

**The Law no. 122/2006 on asylum in Romania** ensures, inter alia, the right of the minor asylum applicants to have access to compulsory education under the same conditions as the Romanian minor citizens (Article 17 (1)(p)).

## **E. Positive measures and affirmative action**

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 International Covenant on Economic, Social and Cultural Rights (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.”<sup>48</sup>

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.

# 1. Positive measures provided for by law

> **France**

Article L. 111-1 of the Education Code stipulates that: “[...] The right to education is guaranteed to all (...). To ensure this right on an equal-opportunities basis, assistance is granted to pupils and students according to their (resources and merits (...)); and the third paragraph of Article L. 111-2 of the Education Code states that: “To promote equal opportunities, appropriate provisions enable access for all – according to their skills and individual needs – to the various types or levels of school education.”<sup>49</sup>

.....

> **Hungary**

The CXXXIX Act on Higher Education (2005) provides in Section 128 (1) “Grants available through applications shall especially be provided for [...] g) the promotion of equal opportunities.” Section 153 (1) adds: “The Government shall be authorised to regulate by way of a decree (10) the requirements for preferential treatment to promote equal opportunities among applicants and students; the rules on the organization of mentoring programmes [Sections 39 (7), and 66 (6)].”

.....

48 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.

49 Unofficial translation from: « (...) Le droit à l’éducation est garanti à chacun (...). Pour garantir ce droit dans le respect de l’égalité des chances, des aides sont attribuées aux élèves et aux étudiants selon leurs ressources et leurs mérites. (...)» and « Pour favoriser l’égalité des chances, des dispositions appropriées rendent possible l’accès à chacun, en fonction de ses aptitudes et de ses besoins particuliers, aux différents types ou niveaux de la formation scolaire ».

> **Luxembourg**

Article 23 of the Constitution states that: “[...] The law determines the means to be provided for public education and the conditions for supervision by the Government and municipalities; it furthermore decides on anything related to education and, based on the criteria that it determines, provides for a **system of financial assistance for pupils and students** [...]”.<sup>50</sup>

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> **Serbia**

In the Law on the Fundamentals of the Education System<sup>51</sup>, provisions on enrolment of children, pupils and adults into primary and secondary school (Articles 98, 99 and 100) contain exceptions and special measures of support to members of socially vulnerable groups, foreign citizens, refugees and displaced persons, in order to avoid discrimination of children, pupils and adults on any grounds. Article 99 states: “Exceptionally, certain persons or groups of persons may be enrolled into the secondary school under more favourable conditions so as to achieve full equality in education opportunities, in accordance with standards and pursuant to the procedure prescribed by the minister.”

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> **Slovakia**

An amendment to the Antidiscrimination Act in 2008 allowed a competent state body to adopt temporary balancing measures in response to violations of the principle of equal treatment. Such balancing measures must be used to achieve equal opportunities in practice with a view to eliminating forms of social and economic disadvantage and disadvantage due to age or disability.

## 2. Establishment of preferential mechanisms and financial support

> **Chile**

The Law on Preferential Educational Allowances provides additional funds to State-run schools and subsidized private schools serving the country’s most disadvantaged children (referred to as “priority students”), in accordance with objective measurements of social vulnerability or poverty. Schools are able to subscribe to this system if they

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50 Unofficial translation from: L'article 23 de la Constitution dispose que : « [...] La loi détermine les moyens de subvenir à l'instruction publique ainsi que les conditions de surveillance par le Gouvernement et les communes; elle règle pour le surplus tout ce qui est relatif à l'enseignement et prévoit, selon des critères qu'elle détermine, un système d'aides financières en faveur des élèves et étudiants. [...] »

51 LFES - Official Gazette of RS, no. 72/09, 52/II

have priority students at one or more of the levels to which the allowance applies (pre-school and all levels of primary education). In order to participate, schools enter into a four-year agreement with the Ministry of Education, the Agreement on Equal Opportunities and Excellence in Education.

Between early 2008 and mid-2010,<sup>52</sup> 7,283 schools (63 per cent of the total number of subsidized establishments) entered the preferential educational allowance system, receiving a total of 297,337,940,304 Chilean Pesos in additional resources. These schools have a total of almost 700,000 priority students and overall student numbers of over 1.6 million, representing 50% of enrolment in subsidized education.

### > **Cyprus**

Some areas with disadvantaged pupil population and with high registration and attendance of non-native language speakers operate as “**Zones of Educational Priority**”. Actions taken within this framework include:

- Lowering the number of pupils per classroom.
- Employment of teachers speaking the mother tongue of foreign language speaking pupils.
- Offer of free breakfast to pupils of kindergartens and primary schools.
- Offer of free meals to underprivileged pupils of kindergartens and primary schools.
- Offer of afternoon activities (groups, clubs) at the gymnasiums included in the Zones.
- Appointment of two teachers in each Zone as coordinators.
- All-day operation of the primary schools and gymnasiums covered by the Zones.

**The operation of the “Zones of Educational Priority”** has had positive results, such as a reduction of pupil dropouts, of school failure (referrals and repetitions) and of referrals to the Educational Psychology Service, as well as improvement of school success.

### > **France**

**The ‘ECLAIR’ programme** (‘Écoles, collèges et lycées pour l’ambition, l’innovation et la réussite’ – Primary and Secondary Schools for Ambition, Innovation and Success) was established in 2010 in 105 schools. It is based on new developments in human resources management and on experimental initiatives in teaching and education. It aims to bridge the performance gap between those schools and others. Since the start of

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52 Source: Ministry of Education, report on the implementation of Act No. 20,248 on preferential educational allowances, July 2010.

the 2011-2012 school year, the programme has been extended to primary and secondary schools of the “ambition réussite” (aim for success) network.

### 3. Positive measures and affirmative action adopted at university level

A large number of countries have introduced positive measures and affirmative action that aim at countering obstacles to access to university education by targeting specific and disadvantaged groups of the population. By offering additional opportunities to enter universities such as quotas and scholarships, these measures help to ensure that all students can have access to higher education on an equitable basis.

#### > Armenia

In Armenia, the low level of enrolment of the poor in higher education is not only due to high tuition fees of the paid system but also to a number of factors which are related to other necessary expenditures during preparation to admission exams and in the course of studies. That is why the provision of **state scholarship** and **the process of partial discount of tuition fee** have been implemented, based on procedure of the Government of the Republic of Armenia approved in 2011 “**On admission to state and non-state higher education institutions of the Republic of Armenia.**”

#### > Cyprus

At higher education level, a limited number of places (10 per cent) are granted to special categories of people such as the persons with disabilities due to the acts of war, children of missing persons, persons living in the occupied area of the country. Three per cent of the positions are also granted to people with disabilities and people with special needs. Facilities are also offered by the Immigration Department of the Republic with regard to securing entry visas and stay permits for foreign students.

#### > Georgia

In order to promote access to higher education, Georgia has elaborated special programmes aimed at promoting enrolment of minority students in higher education institutions. In November 2009, the **Law on Higher Education** was amended to establish a new system allowing better access for national minorities to higher education institutions. Armenian and Azerbaijani language speakers in Georgia are being allocated 10 per cent of all state university seats. Unlike other university entrants, who must pass four different exams in Georgian, these candidates are only required to pass a single test of general skills in their native language.

### > Germany

Comprehensive measures for the advancement of women have been adopted in the **higher education and academic programme**.<sup>53</sup> Notably, study courses specifically for women are offered. In setting up and designing the study courses, there are a number of measures which can be taken to make it easier for women to decide to enter higher education. They include extended examination deadlines for parents, the establishment of part-time study courses and child care support.

### > Hungary

Section 39 of the CXXXIX Act of 2005 on Higher Education provides the following:

“(7) The Government may order preferential treatment

- a) for disadvantaged student groups,
- b) for those on unpaid leave for childcare purposes, or in receipt of pregnancy-maternity benefits, childcare allowance, child-rearing allowance or childcare benefits,
- c) for those termed disabled applicants, provided that preferential treatment may only be granted with respect to the condition justifying preferential treatment, and may not result in exemption from the fulfilment of basic academic requirements that are requisite to the granting of professional qualifications certified as Bachelor or Master degree, or the vocational qualification evidenced by the certificate of higher-level vocational training.”

### > Zimbabwe

**The Cadetship Scheme** is an initiative of the government that is meant to cushion students in public institutions who are from disadvantaged backgrounds. The scheme is run by the M.H.T.E. but students apply through their institutions where they undergo a means test. **Successful candidates receive tuition fees** from the Treasury. There has been a general increase in the number of students who access higher and tertiary education with assistance from the cadetship scheme. The number has risen from 5,714 in 2009 to 32,857 in 2011 marking a staggering 575 per cent increase in just 3 years.

## 4. Positive measures and affirmative action for specific groups

### > Bangladesh

**Quota facilities for women and ethnic groups have been established.** To encourage women in technical education 10 per cent quota facilities for women in addition to their normal opportunities, 2 seats are reserved for the tribal students in each institute to bring them in the mainstream society and 15 per cent quota for vocational students for admission to Diploma course.

### > Ethiopia

**The National Plan for Gender Equity** embraces several initiatives to realize equity of women. For example, to improve girls participation in schools and higher education, the government, through the Higher Education Proclamations and the internal policy of the Ministry of Education, has introduced a positive discrimination policy at the main point of entry, i.e., at grade ten, twelve, and university level. Due to this measure, the enrolment of female students in higher education shows perceptible increment. Other preferential treatment includes **special (tutorial) support** for female students when they join universities, **pilot scholarship programme providing different assessments for female students**, etc. Through establishing **separate latrines** and **provision of sanitary napkins efforts** are made to encourage and motivate girls to hold on tenaciously to their learning<sup>54</sup>.

### > France

Since the adoption of **the Act of 11 February 2005** on the equal rights and opportunities, participation and citizenship of persons with disabilities<sup>55</sup>, disabilities have been considered within their social context, that is, by taking into account the young person within his or her environment. Two principles have emerged, namely accessibility (access to everything for all) and compensation (individual measures to restore equal rights and opportunities).

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54 For reference, 'focus group discussion with school girls cited that the lack of protection during their menstrual cycle was one the main reasons for low enrolment and the high dropout rate of girls in schools in Ethiopia', see: TEMBOM, Mercy ; FORT, Lucia, « Girls' Education in the 21st Century- Gender Equality, Empowerment and Economic Growth », The World Bank, Washington, 2008, p. 175, accessed:[[http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/DID\\_Girls\\_edu.pdf](http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099080014368/DID_Girls_edu.pdf)].

55 Unofficial translation from: « loi du 11 février 2005 relative à l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées »



A personalized compensation plan<sup>56</sup> may involve, for example, classroom accompaniment by a teaching assistant or childcare from professionals at medical and social centres in addition to schooling. The plan also includes a disability card and the right to transport.

#### > Finland

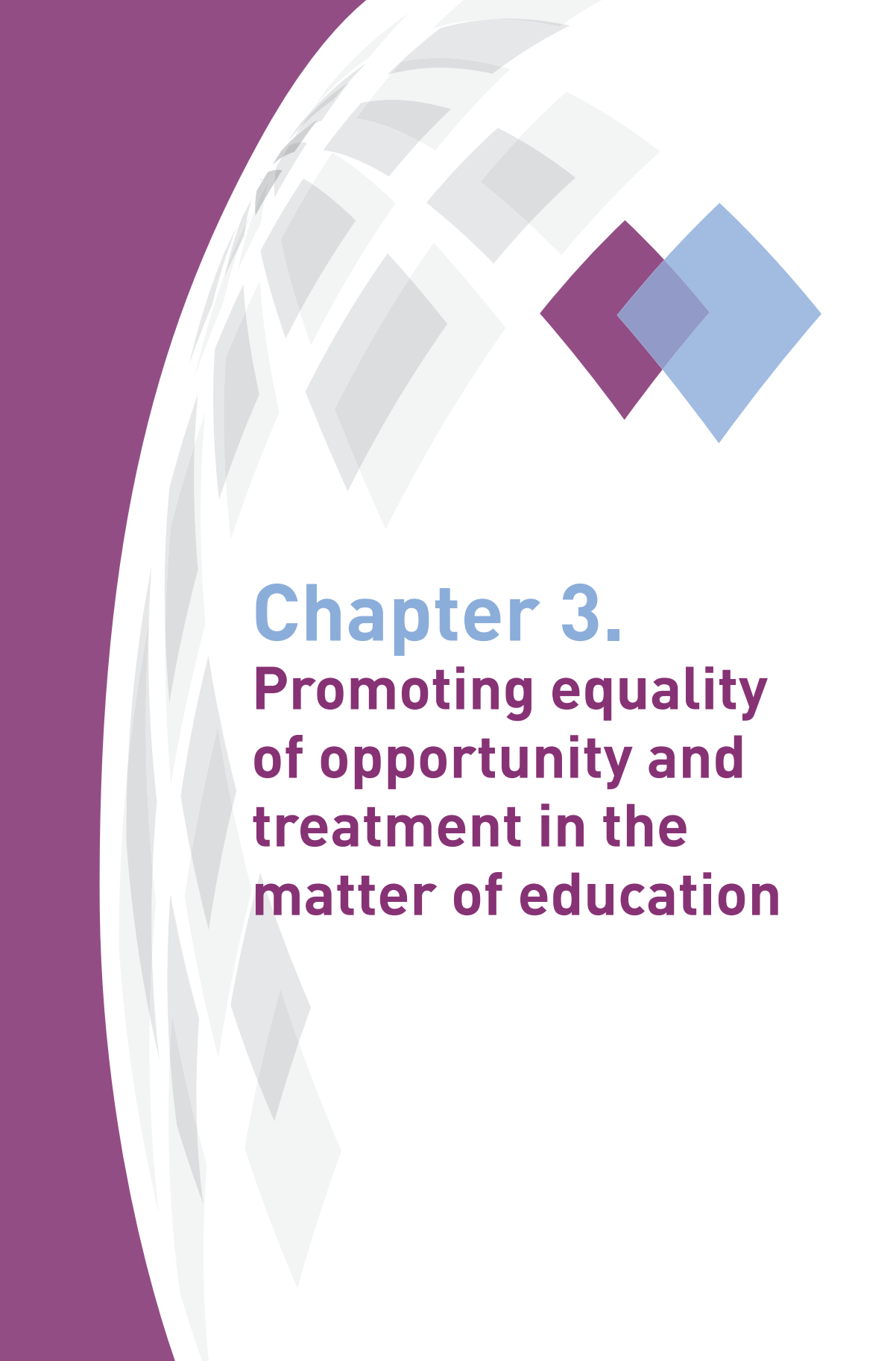
The Ministry of Education and Culture decree (1777/2009) determines: “the grounds for subsidising **supplementary instruction provided for children with foreign, Sámi or Roma backgrounds** in basic education and upper secondary education. If an educational institution does not arrange mother tongue instruction for foreign, Sámi or Roma language pupils, as laid down in the Basic Education Act, a separate subsidy may be granted in accordance with the said decree to arrange instruction in the pupil’s own mother tongue... In 2009, separate state subsidies were earmarked to a total of 6 million euro and, in 2010 and 2011, to a total of 12 million euro, for supplementary instruction to foreign, Sámi and Roma pupils, i.e. the situation has improved also in regard to financing since the beginning of 2010.”

#### > Georgia

In order to promote access to higher education, **special programmes have been elaborated aimed to promote enrolment of minority students in institutions of higher education**. In November 2009, the Law on Higher Education was amended to establish a new system allowing better access for national minorities to institutions of higher education in Georgia. Armenian and Azerbaijani language speakers in Georgia are being allocated 10 per cent of all state university seats. Unlike other university entrants, who must pass four different exams in Georgian, these candidates are only required to pass a single test of general skills in their native language.

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56 Unofficial translation from: « Plan personnalisé de compensation du handicap »



# **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

**T**he 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. As the Incheon Declaration, adopted in May 2015 during the World Education Forum reaffirmed, "inclusion and equity in and through education is the cornerstone of a transformative education agenda", committing countries "to addressing all forms of exclusion and marginalization, disparities and inequalities in access, participation and learning outcomes".

## 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 education. 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 a legal obligation under the Convention against Discrimination in Education.<sup>57</sup> However, reflecting the growing understanding of the multicultural and holistic nature of early childhood care and education,<sup>58</sup> the Incheon Declaration calls for “(...) the provision of at least one year of free and compulsory quality pre-primary education and that all children have access to quality early childhood development, care and education.” A number of countries have adopted measures to guarantee early childhood care and education.

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57 To further clarify the obligations of States Parties vis-à-vis young children, and to provide guidance in the implementation of the rights enshrined in the United Nations Convention on the Rights of the Child, the Committee on the Rights of the Child issued General Comment 7: Implementing Child Rights in Early Childhood (2006). The committee interpreted ‘the right to education during early childhood as beginning at birth and closely linked to young children’s right to maximum development’ (Paragraph 28, art. 6.2).

58 Investing against Evidence: The Global State of Early Childhood Care and Education, Serie: Education on the Move, UNESCO, P. T. M. Marope and Y. Kaga (eds), 2015, p. 11

### > Montenegro

The Government of Montenegro adopted the **Strategy for Early and Preschool Education (2010-2015)** in September 2010, whose goals include accessible, high quality, comprehensive, culturally appropriate, inclusive services for all children in Montenegro, from birth until they enrol in primary school, with a special emphasis on the most vulnerable children.

### > Philippines

The **Kindergarten Education Act of the Philippines**<sup>59</sup> institutionalizes kindergarten schooling as part of the basic education system. It was enacted on January 20th, 2012 in order to provide equal opportunities for all children to avail of accessible mandatory and compulsory kindergarten education that effectively promotes physical, social, intellectual, emotional and skilful stimulation and values formation to sufficiently prepare them for formal elementary schooling.

### > Russian Federation

According to Article 43 of the **Constitution of the Russian Federation**, the State guarantees universal and free access to pre-school education.

## 2. Making primary education free and compulsory

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*<sup>60</sup> 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

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59 Republic Act No. 10157

60 Accessible online at: <https://www.google.fr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCgQFjAAahUKEwjLhrm-sPnHAhWFchQKHUMBCjc&url=http%3A%2F%2Fwww.unesco.org%2Feducation%2Fframework.pdf&usq=AFQjCNGfuvVdGwc3eztniZ4ynuiojo7NQw&cad=rja>

Definition suggested that the phrase “basic education” was the most suitable for the mandate.<sup>61</sup>

⇒ **Constitutional guarantees of free and compulsory primary education**

> **Bosnia and Herzegovina**

The Constitution of the Republic of Srpska states in Chapter II, Article 38: “[...] Primary education is compulsory and free. [...]”

> **Ghana**

Article 25(1) a) of the Constitution of Ghana provides “Basic education shall be free, compulsory and available to all” and Article 38(2) “The Government shall, within two years after Parliament first meets after the coming into force of this constitution, draw up a programme for implementation within the following ten years, for the provision of free, compulsory and universal basic education.”

> **Luxembourg**

Article 23 of the Constitution of the Grand Duchy of Luxembourg: “The State ensures the organization of primary education that is compulsory and free of charge, and to which access must be guaranteed for every person living in the Grand Duchy. [...]”<sup>62</sup>

> **Panama**

Article 95 of the Constitution of Panama specifies that: “Formal education is free at all pre-university levels. Primary level or basic general education is compulsory. [...]”

61 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.”

62 Unofficial translation from: « L'État veille à l'organisation de l'instruction primaire, qui sera obligatoire et gratuite et dont l'accès doit être garanti à toute personne habitant le Grand-Duché. [...] »

## ⇒ **Legislative guarantees of free and compulsory primary education**

### > **Bosnia and Herzegovina**

**The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina**, Article 16 (paragraph 1) clearly specifies that: “Primary education is compulsory for all children”, and paragraph 5 states that “Compulsory education is free. Free primary education is provided to all children.”

### > **France**

Since the adoption of the Jules Ferry law of 29 March 1882, primary education has been compulsory from the age of six years for all children, French and foreign, residing in France. Free education was extended to secondary level by the law of May 1933.

## ⇒ **Financial measures to guarantee primary education**

### > **Argentina**

Under the universal child credit scheme, all children are entitled to receive a monthly benefit, through their parents, on condition that they attend school and produce a medical certificate. This has helped to boost the coverage rate, which is an estimated 99.5 per cent.

### > **Ghana: Free, Compulsory and Universal Basic Education**

Under **the Free, Compulsory and Universal Basic Education (FCUBE)** various policies and programmes have been implemented to provide the opportunity for every school-going age child in Ghana to receive quality basic education. It includes among other things:

**Supply of Free Exercise Books:** The Government of Ghana supplies free exercise books to all pupils attending public basic schools and private schools run by philanthropists.

**Supply of Text Books:** In this scheme, the Government of Ghana supplies the full complement of the required textbooks to pupils in public basic schools free of charge and provides complimentary copies of the textbooks to private basic schools.

## > Zimbabwe

**The Basic Education Assistance Module (BEAM):** The Basic Education Assistance Module was launched by government to ensure that vulnerable children had access to education and were retained in the system. The programme, which temporarily ceased to function some years after its inception in 2000, was revitalised in 2009. Government sought and entered into partnership with the United Nations Children's Emergency Fund (UNICEF) and the international donor community. The Ministry of Labour and Social Welfare administers the fund together with the Ministry of Education, Sport, Arts and Culture (MoESAC). BEAM assists disadvantaged children with the payment of tuition and examination fees and levies. According to MoESAC, the four education categories of people who receive assistance are:

- Children in school but failing to pay or having difficulties in paying levies and fees.
- Children who have dropped out of school due to economic reasons.
- Children of school going age who have never been to school due to economic reasons.
- Other types of social vulnerability for instance child-headed families, children living on the streets and children with special needs.

While BEAM was initially meant to assist children at the primary level of education, in 2010 the programme was extended to cover children at the secondary school level. In 2009 the number of targeted schools was 5,407 and the number of schools that benefited was 5,055 with the number of children benefiting at 527,330 out of a target of 560,000. The guiding principle is that 50% of the beneficiaries should be girls.

## ⇒ National Programmes and Strategies

### > Bangladesh

**The Third Primary Education Development Programme (PEDP-III)** adopted for the period July 2011-June 2016 aims at ensuring quality primary education for all primary school age children of the country. The main objective of the programme is to establish an efficient, inclusive and equitable primary education system delivering effective and relevant child-friendly learning to all Bangladesh's children from pre-primary to grade V.

### > Montenegro

**The Strategy for the Development of Primary Education in Montenegro (2012-2017)** approaches children with special needs in a unique way and provides directions for inclusive development of schools for every specific goal. The emphasis is placed on inclusive orientation of the school which should respond to children's needs by individualized methods and differentiated services.



> **Panama**

The programme “Accelerated Primary Education” (EPA) is aimed at children and adolescents aged nine to fifteen, two or more years older than the school year that they should be studying in, who have left school or have not entered the mainstream subsystem. It takes place in primary schools in rural areas and benefits about 150 students, with the support of about 40 teachers.

> **Romania**

“The Second Chance for Primary Education” Programme (2005-2006) represented a MECT initiative. The programme had as goal to support children/youths/adults to recuperate primary education. In this programme persons could register if they exceeded by at least 4 years the school age corresponding to primary education and were in one of the following situations: they either did not attend any class from primary education, or abandoned on the way and exceeded the legal maximum age for re-registering in primary education.

### 3. Making secondary education generally available and accessible to all<sup>63</sup>

#### ⇒ **Constitutional guarantees of secondary education**

> **Ghana**

Article 25(1) b) of the Constitution (1992) states: “Secondary education in its different forms, including technical and vocational education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education.”

Article 38 (3) adds: “The State shall, subject to the availability of resources provide: “a) Equal and balanced access to the secondary and other appropriate pre-university education, with emphasis on science and technology. [...]”

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63 According to Article 4 (a) of the Convention against Discrimination in Education State Parties should: “(...) make secondary education in its different forms generally available and accessible to all” and Article 13 (2) (b) of the International Covenant on Economic, Social and Cultural Rights states that: “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”. According to the Committee on Economic Social and Cultural Rights, progressive introduction of free education means that while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education (explained in its General Comment n° 13 paragraph 14).

### > Pakistan

Article 37-B of the Constitution of Pakistan (1973) establishes that the State shall “[...] provide free and compulsory secondary education within minimum possible period”.

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## ⇒ Legislative guarantees of secondary education

### > Bosnia and Herzegovina

Article 17 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina states that “Secondary education shall be accessible to all, **depending on the achievement in the primary school, personal interest and abilities**. Secondary education at public institutions shall be free of charge pursuant to the law.”

### > Romania

Article 2(4, 5) of the **Law of National Education (LEN) no. 1/2011** provides for the equal rights of access to all levels of education, with no form of discrimination. According to Article 85 (2) of the Law, the State will subsidize the costs for high-school attendance for pupils coming from rural areas or from socio-economic disadvantaged groups, as well as for those attending vocational schools.

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

### > Croatia

The Croatian Parliament adopted on June 21, 2007 **the National Plan of measures for the introduction of compulsory secondary education**<sup>64</sup> with the following objectives:

1. Increase the enrolment rate of pupils and the rate of completion of the regular secondary education
2. Improve the quality of Croatian secondary education, while coordinating with the European educational systems and standards of the European Union member countries.
3. Provide opportunities for lifelong learning in line with the needs of modern life and economy.

> **Ghana**

The Government also subsidizes the fees of all students in secondary schools and offers various scholarships to students. These scholarships include:

Northern Scholarship Scheme exclusively for students from northern Ghana who gain admission as boarders into Government-recognized public senior high schools and technical institutes. This intervention dates back to the period of colonial administration and is a deliberate government policy aimed at bridging the gap in educational development between the north and south of the country.

Hardship Awards for brilliant but needy students in Government-recognized public senior high schools and technical institutes in regions outside the three northern regions.

Merit Awards for brilliant students who excel in special examinations conducted by respective senior high schools in the southern regions which are covered by the Scholarships Secretariat.

His Excellency the President's Special Award is a merit award scheme and presented to brilliant students from each of the administrative regions of Ghana (1 boy and 1 girl each) as part of activities organized during Ghana's Independence Anniversary Celebrations.

## 4. Making technical and vocational education generally available and accessible to all<sup>65</sup>

### ⇒ **Constitutional guarantees of technical and vocational education**

> **Philippines**

Article XIV, Section 2 (5) of the Constitution of the Republic of the Philippines (1987) states that the State shall "Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency and other skills."

In addition, The Philippines adopted in 2009 the Republic Act No. 9710, known as The Magna Carta of Women, which provides in Section 13 that: "(b) Enrolment of women in non-traditional skills training in vocational and tertiary levels shall be encouraged."

65 According to the Article 4 (a) of the Convention against Discrimination in Education, technical and Vocational Education is considered as a form of secondary education: "(...) make secondary education in its different forms generally available and accessible to all". The Article 13 (2) (b) of the International Covenant on Economic, Social and Cultural Rights states: "[s]econdary 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".

### > **United Republic of Tanzania**

Section 11 (3) of the **Constitution of the United Republic of Tanzania** provides 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.

## ⇒ **Legislative guarantees of technical and vocational education**

### > **Argentina**

The **Act No. 26.058 on Technical and Vocational Education** provides that vocational education may be delivered in coordination with literacy or level completion schemes and with compulsory and post-compulsory stages of education (Chapter III, Article 19).

### > **Bosnia and Herzegovina**

The **Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina**, Article 21, specifies the following:

- (1) “Schools may organize adult training within their registered activities, with the consent of the competent education authorities. The competent minister shall make the curriculum for adult education and training.
- (2) Participants of adult training shall be charged for the training. The amount of compensation shall be determined by the school board with the consent of the competent ministries of education.
- (3) Schools may receive financial and other assistance for the improvement of labour conditions, education and other needs of the school. This assistance shall in no way be conditioned.”

## ⇒ **Development of policies to support technical and vocational education**

### > **Montenegro**

The goal of the **Vocational Education Development Strategy of Montenegro** is to develop the ability of students with special needs so as to enable them to participate fully in society to the extent of their existing and potential skills. Therefore, further schooling of children with special needs should place the emphasis on their orientation towards secondary vocational education. Vocational education can prepare these children adequately for independent living since classes enrol smaller number of students and opportunities for individual tuition and the gaining of practical knowledge, skills and competences are higher.

### > **Qatar**

The **Education and Training Strategy for 2011-2016** envisions business sectors participating in developing the infrastructure for vocational training and education, by creating a framework for national competencies and national standards for vocational education.

Coordination with the aim of developing vocational and specialist education in Qatar will involve:

1. developing current comprehensive strategies in accordance with the needs of the field;
2. putting mechanisms in place to evaluate the schools that offer technical education;
3. studying the compatibility of the output of schools with national vocational and technical skills standards for Qatar;
4. working on linking the Supreme Education Council (SEC) strategy with the output of these schools;
5. studying the feasibility of providing these types of schools for females;
6. adding specialist schools according to the requirements of the labour market in Qatar.

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

### > **Barbados**

Technical and vocational education is free at the secondary level and children are given a small stipend to assist in pursuing their studies.

### > **Cuba**

In 2009, **vocational training** was initiated in greater depth in secondary schools in an endeavour to increase admissions to technical and vocational education and intermediate teacher training courses, diversify educational provision for young people in the appropriate age groups and pay greater attention to local social and productive needs.

### > **Russian Federation**

In 2011, the Russian Ministry of Education and Science allocated a budget of 2,100 million roubles to further increase the scholarships available at institutions of vocational

education. Under the **Decree No. 945 of November 18, 2011**<sup>66</sup>, enhanced State academic scholarships were designated for students with achievements in academic, research, social, culturally creative or sporting activities, etc., on the basis of set criteria.

## 5. Making higher education equally accessible to all

### ⇒ Constitutional provisions regarding access and admission to higher education

#### > Ghana

Article 25 (1) c) of the Constitution of Ghana (1992) states: “Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education”.

.....

#### > Nigeria

According to Section 18 (c) of the Constitution of the Federal Republic of Nigeria (1999): “[...] Government shall, as soon as when practicable, provide: [...] iii) Free university education”

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66 Russian Federal Government’s Decree No. 945 of 18 November 2011 “On improving the supply of scholarships for those studying at Federal state institutions of vocational education”

## ⇒ **Legislative provisions regarding access and admission to higher education**

### > **Bosnia and Herzegovina**

The Framework Law on Higher Education in Bosnia and Herzegovina (2007)<sup>68</sup> provides that higher education is based on “respect for human rights and civic freedoms, including a ban of all forms of discrimination.” (Article 4, paragraph 2, item 5)

Access to higher education is defined in Article 7, paragraph 2, “Higher education within the scope of which the licensed higher education institutions operate in Bosnia and Herzegovina shall not be restricted, either directly or indirectly, based on any realistic or assumed basis such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status.”

Article 38 adds: “The statute or another equivalent core document of any higher education institution shall contain the provisions that [...] protect students against discrimination on any basis [...]” (item 3).

### > **Hungary**

Section 39 of the CXXXIX Act of 2005 on Higher Education establishes that:

“(1) Each Hungarian citizen has the right to pursue studies in a higher education institution under the conditions defined in this Act, enrolled in either state-funded or fee-paying training. The following persons shall also be vested with this right:

- a) persons having the right to free movement and residence as set forth in a separate act,
- b) refugees, asylum-seekers, exiles, immigrants, and residents living in the territory of the Republic of Hungary not falling under the scope of paragraph a),
- c) foreign nationals enjoying the same rights as Hungarian citizens on the basis of an international agreement,
- d) the nationals of countries where Hungarian citizens have recourse to the higher education services of the country concerned based on the principle of reciprocity.”

### > Romania

Article 118 (2) of the Law of National Education, no. 1/2011 provides: “In higher education there are not allowed discriminations on age, ethnicity, sex, social origin, political or religious orientation, sexual orientation criteria or other types of discrimination, except the affirmative measures envisaged by the law”.

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

### > Chile

In 2006, state-guaranteed student loans were introduced in order to make financial help available to all students regardless of the type of higher-education institution in which they enrolled. As their name suggests, the State acts as a guarantor for these loans.

To ensure equity in the higher-education system, the available loans are complemented with a variety of grants and scholarships, mostly targeting students from the country's least wealthy population groups, to provide monetary help for expenditure on items including fees, food and equipment. New scholarships have recently been established to reward merit and support low-income students.

### > Georgia

In Georgia, 10 per cent of state education grants are annually allocated for the social grants programme. Special state funds secured through merit-based and needs-based education grants provide secondary school graduates with an opportunity to continue their education at higher education level. The merit-based grants are provided to students achieving in subjects at Unified National Exams while the needs-based grants are awarded to marginalized students.

### > Hungary

Grants are provided for the promotion of equal opportunities. At higher education level, the Hungarian government has established a scholarship called **Bursa Hungarica Local Governmental Scholarship Programme** to support students coming from socially disadvantaged background.



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

### > Bahrain

Article 6 of the **Education Act No. 27** of the Kingdom of Bahrain issued on 15 August 2005 states that: “The Ministry of Education in the Kingdom will issue the necessary decrees to regulate and enforce the compulsory nature of education with regard to parents and legal guardians.”

### > Iran, Islamic Republic of

The executive by-law on providing compulsory education up to the end of the lower secondary level approved by the board of ministers commits all ministries and governmental institutes to cooperate with the Ministry of Education to identify, enrol and retain all school-aged children of 6-13 years up to the end of the lower secondary level.

### > Qatar

In Qatar, Article 3 of the **Compulsory Education Law** holds guardians responsible at the beginning of any academic year until the end of December of the same year for children of six years of age to attend compulsory schooling. Article 11, as amended by Law No. 25 of 2009, establishes that the child’s guardians shall be sanctioned to pay a fine between 5,000 and 10,000 Qatari Riyals if they fail to enrol the child in compulsory education without an acceptable reason. In cases of repeated violations, both upper and lower limits of the penalty are doubled.

### > Mauritius

Section 37 of the amended **Education Act**<sup>68</sup> provides for compulsory education up to age of 16 as follows:

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As amended by the Education (Amendment) Act of November 23rd, 2004

- Every child who has attained such age as may be prescribed for admission to a primary school shall attend a primary school.
- It shall be compulsory for every child to attend school up to the end of the academic year in the course of which he attains the age of 16.
- Any responsible party of a child under the age of 16 who, without reasonable cause, refuses or neglects to cause the child to attend school regularly in accordance with subsection (i) or (ii) shall commit an offence and shall, on conviction, be liable to a fine not exceeding MUR 10,000 and to imprisonment for a term not exceeding 2 years.

In 2011, the Ministry of Education and Human Resources has secured the services of a Social Statistician to put in place a Student Tracking System with a view to ensuring enforcement of compulsory education for all until the age of 16.

#### > **Sri Lanka**

**The Education Ordinance No.31 of 1939** provides the principal legal basis for the system of education and advocates for the compulsory school attendance, regulated under Regulation No. 1 of 1997 which requires schooling for all children between the ages of five to fourteen years. Under the regulations enforcing compulsory attendance of 5-14 year olds, the Minister appointed two sets of committees to support implementation: the School Attendance Committees in GramaNiladhari Units (SACs) and the School Attendance Monitoring Committees in each Divisional Secretariat Division (SAMCs).

## 7. Eliminating illiteracy and encouraging lifelong learning<sup>69</sup>

### ⇒ Constitutional provisions

#### > Ghana

Article 25(1) c) of the **Constitution of Ghana** (1992) states that “Functional literacy shall be encouraged or intensified as far as possible” and Article 38(3) provides that “The State shall, subject to the availability of resources, provide: [...] b) A free adult literacy programme [...] and c) Lifelong education.”

### ⇒ Legislative provisions

#### > Argentina

The **National Education Act** sets out general policy for the development of youth and adult education, states that its purposes are to ensure literacy, the completion of compulsory education and its connection with the world of work, and provides, in Article 17, that it is one of the education system’s mode of delivery. Article 48 specifically sets the criteria and goals of Continuing Youth and Adult Education (EPJA).

Besides, the National Education Financing Act provides that the specific goals of youth and adult education are to eradicate illiteracy throughout the national territory and to strengthen youth and adult education at all levels of the system (Article 2 (a)).

#### > Bosnia and Herzegovina

Article 20 of the **Framework Law on Primary and Secondary Education in Bosnia and Herzegovina** provides that: “Education of adults shall be organized in specific subjects and for the purpose of their professional and personal advancement. Education

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69 General Comment 13 on Article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasizes in the Para. 24 that: “[i]t should be emphasized that enjoyment of the right to fundamental education is not limited by age or gender; it extends to children, youth and adults, including older persons. Fundamental education, therefore, is an integral component of adult education and life-long learning. Because fundamental education is a right of all age groups, curricula and delivery systems must be devised which are suitable for students of all ages”. The Committee also indicated that the ‘World Declaration on Education for All’ defines “basic learning needs” as: “essential learning tools”, such as literacy, oral expression, numeracy, and problem solving (General Comment 13 on Article 13 (right to education) of the International Covenant on Economic, Social and Cultural Rights (ICESCR, footnote N.4).

of adults shall include professional training, supplementary training, re-training and other activities ensuring lifelong learning. [...]”.

#### > **Germany**

The amended **Upgrading Training Assistance Act**<sup>70</sup> came into force on 1 July 2009. The amendments expanded the circle of eligible persons and introduced significant improvements in benefits. The measures aim to step up participation in continuing education. Specifically, by 2015, the aim is to:

- increase participation in formalised continuing education from the 43 per cent to 50 per cent,
- increase participation in all forms of learning, including so-called informal learning from 72 to 80 per cent
- considerably increase the participation of the low-skilled.

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

#### > **Dominican Republic**

The Ministry of Education of the Dominican Republic (MINERD), acting through its Directorate General for Young Adult Education, has designed a Flexible Model of Basic Education for Young Persons and Adults, over 15 years old, for the purpose of responding to the high rate of illiteracy and low educational level that tend to affect a significant segment of the Dominican population. Implementation of this Flexible Model also involves the design and construction of a **National System of Assessment for Adult and Youth Learning** providing diagnostic evaluations and accreditation of learning for young persons and adults.

#### > **Croatia**

In accordance with the resolutions of the United Nations Literacy Decade, Croatia launched the “**For a Literate Croatia: The Way to a Desirable Future - A Decade of Literacy in Croatia 2003-2012**” project. The project allows people older than 15 years to complete primary education and to train for simple tasks in an occupation. Currently, the project involves about 6000 participants, of which about 50 per cent are between 15-30 years old, 40 per cent between 30-50 years old, and about 10 per cent older than 50 years. The project is currently implemented in 18 counties and in the City of Zagreb.

> **Ghana**

The Education Strategic Plan (ESP) and the Mass Literacy and Social Campaign Policy (MASSLIP) (NFED 1998) provide the policy bases for the operations of the Non-Formal Education Division of the Ministry of Education. In fact, the Education Sector Strategic Plan states that the NFED shall provide educational opportunities outside school for those who missed formal education. Thus, NFED runs a 21-month adult functional literacy programme for persons from 15 years and above in 15 Ghanaian languages and English. Currently, the 21-month literacy cycle is targeted at 100,000 learners.

> **Pakistan**

A number of measures were being undertaken by the Government of Pakistan to provide literacy programmes for adults, especially women. Under **the President's Education Sector Reforms programme**, an amount of 100 Million Rupees was allocated annually since 2001-02 until 2008 for opening adult literacy centres in the provinces. **The Literacy Initiative for Empowerment (LIFE)** was launched in collaboration with UNESCO in 2006. LIFE activities include training of literacy managers and teachers, curriculum development, development of literacy materials, establishment of community learning centres and needs assessment for literacy for the next 10 years. A number of other adult literacy projects were implemented by the Government and by NGOs. For the first time in the history of Pakistan, a **national curriculum for literacy** was developed and launched. The curriculum covers the areas of basic literacy (3 levels), functional literacy and income-generating skills.

⇒ **Policies and programmes supporting education and lifelong learning**

> **Bangladesh**

The Bureau of Non-Formal Education has been implementing the “**Post Literacy and Continuing Education for Human Development Programme-2**” since 2002, targeting 1.2 million neo-literates of 11-45-age group. The main objectives of the project are:

- To include the neo-literate in post literacy programmes to consolidate, maintain and upgrade their literacy skills;
- To develop their lives by increasing their income through technical skills training;
- To eliminate gender disparity and establish social equitability expediting women's empowerment.

### > **Cyprus**

The Government of the Republic of Cyprus has adopted a “National Lifelong Learning Strategy 2007-2013”. The vision of the strategy, according to which lifelong learning is every learning individuals’ activity throughout their whole life, is aimed at strengthening the learner’s ability to face the challenges of knowledge-based societies, moving freely between learning frameworks, professions, regions and countries for the accomplishment of learning, to combat exclusion and create greater prosperity, tolerance and democracy.

### > **Germany**

Through the competition, “Getting ahead through education: Open higher education institutions,” the Federation and the Länder plan to promote the development of practical, vocational and training-related study courses integrating employees and the professionally qualified into higher education more closely. Through target agreements with higher education institutions the Länder also support the expansion of studies and continuing training measures which accompany employment.

Furthermore, in the Federation **scholarship programme** Aufstiegsstipendium, non-repayable scholarships are awarded to highly vocationally-qualified candidates as an incentive to start a course of higher education. Around 2,500 scholarships have been awarded so far.

## **B. The principle of equal opportunities as a basis of inclusive education for achieving the education agenda**

Ensuring equality of educational opportunity is a continuing challenge faced by Member States, as shown by the results of the Eighth Consultation on the measures taken for implementation of the Convention and the Recommendation against Discrimination in Education. Even in countries where education is generally widely available for all, 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.

Guaranteeing an inclusive education was a priority under the previous education agenda (EFA goals) set by the Dakar Framework, and still remains paramount in the new sustainable development agenda, Education 2030. It shows that inclusion must be a guiding principle for countries in adopting and implementing their education laws and policies.

Below are good examples of measures adopted by countries in order to include vulnerable groups.

## 1. Adoption of national plans of action for Education for All (EFA)

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

### > Bangladesh

The National Plan of Action (NPA) on Education for All (EFA) makes the following broad proposals to ensure full and equitable access and equality of primary education:

#### Improvement in access:

- Enhancing classroom space to an average of 50 square meter,
- Specially designed classrooms for early childhood education and handicapped children,
- Reliable database and adequate coordination between stakeholders
- Encouraging communities to establish schools. Strong social mobilization campaigns.

#### Improved attendance, retention and completion of cycle

- Phased elimination of shift system,
- Reducing class size to 45 by 2008 and 40 by 2015 and teacher student ratio to 1:45/40,
- Individual attention to children and flexible class structure,
- Ensuring time on task and eliminating wasteful time in class,

- Improving school environment,
- Classroom transaction by using child-friendly and participatory approach,
- Ensuring gender equity,
- Improving the School Management system.s.

### > **Nigeria**

The National Action Plan (2006), reviewed in 2007 and 2011, has identified priority direction for the attainment of Education for All (EFA), UBE and MDGs based on the following targets:

1. Early Childhood Care and Education (ECCE)
2. Universal Basic Education (UBE), including adult literacy and non-formal education; and human capacity development;
3. Eliminating gender disparities/discrimination through the education of women and girls/girls generally
4. Quality and relevance of learning.

## **2. General measures promoting an inclusive education**

As recognized at the World Education Forum (2015), Education 2030 will focus on inclusive and equitable quality education and lifelong learning for all. “Inclusion and equity in and through education is the cornerstone of a transformative education agenda, and we therefore commit to addressing all forms of exclusion and marginalization, disparities and inequalities in access, participation and learning outcomes. No education target should be considered met unless met by all. We therefore commit to making the necessary changes in education policies and focusing our efforts on the most disadvantaged, especially those with disabilities, to ensure that no one is left behind.”<sup>71</sup> Below are examples of general measures adopted by countries for inclusive education.

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71 Incheon Declaration, World Education Forum 2015, para. 7.



### > Cook Islands

In 2011, the Ministry of Education launched its **new Inclusive Education Policy**. This policy replaces the Special Needs policy of 2002, and is more holistic in its approach. The policy requires stakeholders to recognize and meet the needs of the diversity that all children bring with them. The policy focuses on the right of all children to have a successful education and on developing an understanding of inclusivity and the promotion of inclusive practices. In order to operationalise this policy, schools are provided with specialist services (including early intervention diagnostic services), advisory support in developing individual education plans for the students concerned and, where required, additional classroom staffing to support identified students. The policy requires a holistic approach to child development through collaboration between the Ministry of Education, Ministry of Internal Affairs (responsible for children and youth as well as people with a disability), the Ministry of Health and other stakeholders.

### > Dominican Republic

**The Department Order No. 03-2008** amending national guidelines for inclusive education, established by Department Order 24-2003 states in Article 1 that “Every education centre must welcome and value all children and young people under 18 years in their diversity, and accordingly must ensure access, retention and promotion in the education system, **without excluding anyone** on the grounds of gender, social class, culture, ethnicity, religion, age, etc. or their personal condition (different styles and rates of learning, ability, interests, motivations, ways of relating, disability or being intellectually gifted)”.

The Dominican Republic reported on the establishment of a Resource Centres for Attention to Diversity, which aims to promote and strengthen the development of inclusive education in the country. It is designed as a strategy for addressing **the special educational needs of students** attending mainstream schools by means of teacher training, intervention and psychoeducational support.

### > Georgia

Since 2005, with the support of the Norwegian Ministry of Education and Research, the Ministry of Education and Science of Georgia has been working to make the education system accessible to people with **special educational needs** [SEN]. The following activities were undertaken:

- The physical environment of schools was adapted for physically challenged students
- Extra professionals including special teachers, psychologists were hired in schools to support SEN children

- An inclusive education support system was created which consists of multidisciplinary groups assessing children's education needs and consulting teachers,
- A professional development system for teachers was created: trainings were conducted in more than 1000 schools, an inclusive education summer academy was established in several universities and a new special education MA programme was created in Ilia state university.
- Public awareness activities, for example the publication of success stories was carried out
- Guidelines and learning materials about inclusive education were prepared for teachers.
- Special schools reform was started
- Main documents that regulate education were amended to provide access to general education to SEN students.

#### > **Mauritius**

In 2006, the Ministry of Education and Human Resources, after multi-sectoral consultations, developed a National Policy and Strategy Document on Special Education Needs and Inclusive Education in Mauritius to respond to specific and emerging special educational needs with the focus on children with disabilities. The Ministry's Education and Human Resources Strategy Plan 2008-2020 includes among its strategic goals the aim to "Give a greater thrust to special education needs" while the Ministry's Programme-Based Budgets as from 2011 include a "Special Education Needs of School Age Children" programme with clearly defined outcomes (successful integration of children with special education needs into the world of higher education, training or work), services to be provided, service standards and quantifiable enrolment targets for 2011 to 2014.

#### > **United Republic of Tanzania**

**The National Strategy on Inclusive Education (2007-2017)** states that all children, youths and adults in Tanzania have equitable and accessible quality education in inclusive settings. **This strategy ensures that people with disabilities or special needs are also taken on board.** Furthermore, the Ministry of Education and Vocational Training has adopted the Inclusive Education toolkit, which provides for access and provision to education to all regardless of gender, race, age and disabilities.

### 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.

##### > Australia

The Australian Government supports **the right of students with disabilities to have the same educational opportunities** as other students through the Australian Government Disability Discrimination Act 1992 (the DDA) and the Disability Standards for Education 2005. The Standards clarify and make more explicit the obligations of education and training service providers under the Act. The Standards seek to ensure that students with disability can access and participate in education on the same basis as other students. All education and training providers, both government and non-government, must comply with Australian Government legislation and any relevant discrimination legislation of their State and Territory.

##### > France

Article L. 112-1 et seq. of the Education Code<sup>72</sup> states that: “The public education system shall provide schooling, vocational training and higher education for **children, adolescents and adults with disabilities or invalidating health problems**. Within its areas of competence, the State shall provide the necessary financial and human resources to educate children, adolescents and adults with disabilities in mainstream educational settings [...].”<sup>73</sup>(Article 1). The articles also set out the conditions for integrating young deaf or hearing-impaired persons and the adjustments that can be made to enable pupils with disabilities to take exams and competitive examinations.

The Act of 11 February 2005 on equal rights and opportunities, participation and citizenship of **persons with disabilities has resulted in appreciable advances in the schooling of young deaf persons**. French Sign Language is now recognized as a language in its own right. All pupils concerned (e.g. deaf children and their siblings)

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72 Article 19-III of Act No. 2005-102 of 11 February 2005 was codified in article L. 112-1 et seq. of the Education Code

73 Unofficial translation from: « 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 compétence, l'Etat met en place les moyens financiers et humains nécessaires à la scolarisation en milieu ordinaire des enfants, adolescents ou adultes handicapés (...) ».

have the right to receive French Sign Language instruction, and this language can be chosen as an optional subject for exams and competitive examinations, including in vocational training. French Sign Language has been offered at primary schools since the beginning of the 2008 academic year and at middle and secondary schools since the beginning of the 2009 school year.

### > **Luxembourg**

**The Act of 15 July 2011** relating to the access of pupils with special educational needs to educational and professional qualifications<sup>74</sup> entered into force at the beginning of the 2011-2012 school year. The aim of the new act is to help these young people to succeed in their secondary school education, whether general or technical, by means of arrangements called ‘reasonable accommodations’, which compensate **for their disability or medical condition**. The Act sets forth the procedures to be followed and the authorities that may make decisions about such accommodations.

Reasonable accommodations may involve classroom teaching, work assigned to the pupil both inside and outside the classroom, in-class tests and evaluations, and final exams. For example, a visually impaired pupil can benefit from a different presentation of test questions and a pupil who has been hospitalized for a long time can sit their exams in hospital. The certificates and diplomas issued do not mention the reasonable accommodations provided for some pupils.

### > **Montenegro**

**Law on Prohibition of Discrimination against Persons with Disabilities** – Article 11 on ‘Discrimination in the area of formation and education’ envisages:

The following shall be considered **discrimination against persons with disabilities in the area of education**:

- 1) denying the admittance of a pre-school child, pupil, or a student in an appropriate formative educational institution, pursuant to the law;
- 2) exclusion from a formative educational institution of a pre-school child, pupil, or a student, and
- 3) prescribing psychophysical abilities as a special condition for the admittance into a formative educational institution, except if the nature of the educational process is such that a person with disability could not participate in it.

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74      Unofficial translation from: « Loi du 15 juillet 2011 visant l'accès aux qualifications scolaires et professionnelles des élèves à besoins éducatifs particuliers »

Harassment, insulting and disdain of a preschool child, pupil or a student on the grounds of disability by the employees of a formative educational institution shall also be considered discrimination in the area of education.

### **Law on Education of Children with Special Needs:<sup>75</sup>**

Pursuant to Article 16 paragraph 1 of the same Law, a school or special institution respectively, shall adopt individual curriculum for a child with special needs, in cooperation with a parent within 30 days of the admission of the child and inform the Bureau for Educational Services, Vocational Education Centre and Examination Centre thereon.

#### **> Nauru**

Section 6(2) of **the Education Act** outlines specific ways in which the objects of the Act are to be achieved, which include [...] providing for the education of school-age children with disabilities; [...].

Besides, Part 11 of the Act makes provision for students with special educational needs, at the heart of which is section 95(1) which provides that: “A school-age child with a disability must not be excluded from access to free primary and secondary education on the basis of the disability.”

The Government is required under **the Education Act** to implement the principle of inclusive education, for example, **by requiring schools to accommodate and support school-age children who have a disability and by ensuring that teachers are trained** with additional modes of communication and educational techniques as may be required. Secondly, the Education Act requires the Minister for Education to establish a centre for special education of school-age children with disabilities who cannot attend school. The Able-Disable Centre currently has 37 students enrolled and 5 staff, including an expatriate special education adviser.

### **⇒ Administrative measures**

#### **> Argentina**

In regard to education for children with disabilities, **Resolution No. 155 on “Special Education”**, approved by the Federal Council of Education in 2011, states that policies will be implemented to ensure that **children with disabilities receive a comprehensive**

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75 Children with special needs include children with difficulties in growth (children with physical, mental and sensory disability, and children with combined disabilities) and children with developmental difficulties (children with behavioural disorders; serious chronic diseases; children ill for a long time, and other children who encounter difficulties in learning and other difficulties caused by emotional, social, linguistic and cultural obstacles).

**education** (Item 2, Policies on the Mode of delivery). Pursuant to that resolution, mechanisms were established in 2012 for **coordination with other ministries and State bodies** that cater for people with temporary and permanent disabilities. Furthermore, complementarity and mutual assistance have been established among various government departments, such as Health, Social Development, Labour and Human Rights.

## ⇒ Policies and programmes

- Strategies and initiatives

- > **Australia**

Under the More Support for Students with Disabilities initiative, the Australian Government is providing significant funding to education authorities to increase support for students with disability by building the capacity of schools and teachers to **better meet students' individual needs**. The funding may be used for a range of activities, including adapting curriculum to students' needs; providing assistive technology to support students' learning in the classroom and the professional development of teachers.

Besides, **the Disability Support Programme** aims to **increase access to and participation in higher education by domestic students with a disability**. The programme includes an enrolment loading, weighted by success and retention, to eligible higher education providers to develop activities and implement strategies that assist in removing barriers to access for domestic students with disabilities. It also provides funding to eligible higher education providers to assist with the high costs incurred in providing educational support and equipment to domestic students with a disability with high cost needs.

- > **Ethiopia**

In 2006 the Ministry of Education adopted its first strategy of **Special Needs Education/ SNE**. The main goal of the strategy is to ensure access and quality education for marginalized children and students with special educational needs, **especially children with disabilities**. Subsequent to the adoption of the strategy, different practical measures were undertaken. Different universities and colleges have started new teacher education programmes on special needs education; core curricula have been modified for children with disabilities and manuals were prepared on disability; special needs education has been mainstreamed across all teacher education and training institutions in the country. Furthermore, five Teacher Education Institutes and four Higher Education Institutions have opened SNE departments and are training SNE professionals at different levels

(Diploma, BA, MA and Ph.D). Moreover, sign language training has been given as a subject in undergraduate programme to train teachers with a BA degree.

> **France**

**Localized units for inclusive education** (Unités localisées pour l'inclusion scolaire – ULIS): In 2010-2011, 2120 localized units for inclusive education were opened, including 268 new units, representing a 14.5 per cent increase. The initial target of 2,000 units was thus surpassed. This mechanism enables pupils with disabilities to attend lower and upper secondary schools. In addition, support hubs for the education of young deaf people set up at the beginning of the 2010 school year facilitate the education of deaf or hearing-impaired pupils in ordinary school settings.

A personalized compensation plan may involve, for example, classroom accompaniment by a teaching assistant or childcare from professionals at medical and social centres in addition to schooling. The plan also includes a disability card and the right to transport.

> **Iraq, Islamic Republic of: National Project of Comprehensive Educational Integration**

The strategic national project of educational integration for comprehensive education aims to improve the quality of education provided to children with special needs. The project is extended at the level of Governorates and Districts.

It features among others: qualified educational staff; supervision of the admission of pupils; establishment of resources rooms in regular school for pupils with special educational needs, especially visually disabled pupils and children with special educational needs, the hearing impaired and those with sight, speech and communication difficulties to achieve the general objectives of integrated education in a safe scholastic environment.

> **Poland**

As of 2009, a number of projects have been implemented as part of the programme Development and pilot implementation of **innovative teaching programmes** for students with special educational needs using modern diagnostic and therapeutic methods for students with disabilities”. Their objective is the development and pilot implementation of innovative teaching programmes for students with special educational needs using modern diagnostic and therapeutic methods for students with disabilities. Until the end of 2011, a total of 58 teaching programmes were developed, including 12 related to entrepreneurship, mathematics and natural sciences as well as technical sciences. The programmes have been implemented in 257 schools and educational facilities. A total of 834 teachers were prepared for the implementation of these programmes and 5819 students were provided with support.

In 2010-2011, a system project titled “**Improving the effectiveness of education for students with special educational needs**” aimed at:

- preparing management and pedagogical staff in schools and education system facilities, pedagogical supervisor, representatives of local government units and other founding bodies of schools and education system facilities to ensure e.g. students with disabilities with support and individualised assistance in accordance with the objectives of the new legislation,
- supporting the groups referred to above in correct implementation of changes, in particular by informing, training and providing materials to facilitate the understanding of the essence of the changes and their practical application.

As part of the project referred to above more than 52,000 teachers throughout Poland were provided with training related to new models of working with children with special educational needs, including the implementation by schools of tasks related to the organization and provision of psychological and pedagogical assistance.

#### > **Sri Lanka**

Currently special education services are provided through 850 special education units in government schools and 25 assisted special schools, meeting the needs of disabled children including the visually impaired, hearing impaired, physically disabled and/or mentally challenged.

General programmes include:

- **Special schools** run by the private sector for those who are severely disabled with financial assistance from the government
- **Special Education** Units in schools with trained instructors and specialist facilities which give intensive attention at an early stage and later direct students into regular classes
- **Inclusion of disabled children in regular schools** - The provision of education alongside other students in standard classrooms is being introduced and explored, with the MoE providing special education equipment to schools such as Braille writing materials, equipment required by hearing impaired children and teaching/learning aids for mentally challenged children. However, the process of identification of children with disabilities and assessment of their special needs is not yet well established.



- **Financial assistance**

- > **France**

Education allowance for children with disabilities<sup>76</sup> is a family benefit to help parents with expenses incurred from **the education of their children with disabilities**. Compensation allowance for children with disabilities<sup>77</sup> was initiated on 1 April 2008 in compliance with article 94 of **Act No. 2007-1786 of 19 December 2007**. All pupils with disabilities who meet specific conditions set by the Commission on the Rights and Autonomy of Persons with Disabilities can be covered for school transport fees.

- > **Mauritius**

**To assist in the education of children with disabilities, the Ministry of Social Security, National Solidarity and Reform Institutions** provides the following facilities:

- Refund of transport costs for one accompanying parent of children with disabilities attending schools/day care centres.
- Refund of taxi fares to students with severe disabilities attending university who cannot travel by ordinary means of transport.
- Scholarship Scheme by the National Council for the Rehabilitation of Disabled Persons to encourage students with disabilities to pursue secondary and tertiary studies.
- Annual Grant-in-Aid by the NGO Trust Fund to NGOs running special schools.

- > **Norway**

The Norwegian student support system has mainstreaming as its major feature, **providing basic loans and grants to all resident students in higher education** through the State Education Loan Fund. During recent years, the system has been extended with special schemes for disabled students. These schemes allow additional grants, support during the summer months and additional coverage when the disability causes delays in study progress.

- > **Poland**

As part of the **Implementation of the National Scholarship Programme** which includes the School Starter Kit, students with hearing or visual impairment or mild mental retardation receive financial support to purchase selected textbooks for general education to address their needs without the need to comply with income criterion.

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76 L'allocation d'éducation pour enfant handicapé (AEEH)

77 La prestation de compensation du handicap enfant (PCH enfant)

Financial support is provided in the form of a School Starter Kit and textbooks are purchased based on recommendations from the teacher for the particular subject. This significantly increases educational opportunities as teachers are not restricted to textbooks prepared especially for students with disabilities and students can take advantage of a wide variety of books available on the publishing market.

### ⇒ **Concrete examples of arrangements in terms of physical accessibility of schools and adaptation of curriculum and textbooks adapted to disabled students**

#### > **Barbados**

The **disabled and physically** challenged: Efforts are being undertaken to upgrade facilities to make them more accessible to them. In the first phase of the Edutech Programme, one school for the deaf and blind has been retrofitted with an elevator, acoustic floors for dance, and modern technology such as large screens, braille printers and special audio software. Further programmes, resources and projects are envisioned to further enhance the education of those with disabilities.

#### > **Cuba**

The entire network of special education centres has been equipped with information and communication technology. **The computer curriculum** has been instrumental in enhancing the quality of pupils' learning achievement, as the scope of their education has been broadened through the use of the computer as a teaching medium and working tool. The installed capacity for all centres currently stands at 2,340 computers, with add-ons and special software, where necessary, including touch screens, smart boards, switches, a Cuban Visual Voicemail system, Braille printers (in 15 schools) and a voice synthesizer in schools for the blind. Furthermore, 4,930 television sets and 898 video players have been introduced in schools whose pupils are taught under the audio-visual programme.

#### > **Mauritius**

Measures taken in terms of facilities include:

- **Improvement of physical facilities**
  - 148 schools have been equipped with ramps.
  - All new secondary schools (over 30) have been provided with adapted toilets for children with disabilities. Moreover, links between school blocks have been constructed to ease access of children using wheelchairs.

- Facilities such as a music room, library, science laboratory and computer labs are available on the ground floor where necessary. In primary schools, arrangements have already been made to move all classes where children have disabilities to the ground floor.
- **Pedagogical facilities to SEN children**
  - Children with disabilities benefit from extra time for the Certificate of Primary Education examinations.
  - Enlarged print schoolbooks/manuals and question papers are being produced and provided, free of charge, for children suffering from visual impairment.

## 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**

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.

#### > **France**

**Boarding schools of excellence:** since the start of the 2010-2011 school year, 13 “boarding schools of excellence” (internats d’excellence) have been accommodating 1,100 pupils and almost 550 schools have been offering 5,300 approved places for secondary pupils who lack a satisfactory working environment at home or in their local school to continue and succeed in their studies.

Boarding schools of excellence aim to further the academic success of motivated pupils from disadvantaged backgrounds by providing them with optimal working conditions: innovative teaching and enhanced personalized support and openness to culture and sports with an international perspective in order to increase their chances of academic

success, enhance their educational aspirations and contribute to their personal development. This measure also aims to strengthen social diversity in schools.

> **Germany**

On 3 December 2010, the German Bundestag (parliamentary assembly) adopted the so-called Bildungs- und Teilhabepaket (**Education and Participation Package**), which **offers additional** benefits to improve the educational opportunities of needy children and young people. The total financial volume for the education package is some 700 million Euros for 2011 and 730 million Euros for 2012 and 2013. It comprises the following benefits: learning/study support, school supplies, the cost of school trips, lunch subsidies and support for participation in club, cultural and holiday activities.

> **Ghana**

Under the **Free, Compulsory and Universal Basic Education scheme**, needy pupils attending public basic schools are identified and supplied with school uniforms free of charge by the government to lessen the risk of dropping-out of school.

> **Panama**

The **Committee for the Elimination of Child Labour and the Protection of Working Minors (CETIPPAT)** has been created. This programme contributes to the prevention and elimination of child labour, keeping children in school, training them, protecting them and raising their awareness of personal responsibility, as children and members of tomorrow's society. This programme has benefited 3,933 students aged six to fifteen and 107 tutors.

⇒ **Free school lunches**

> **Ghana: Free, Compulsory and Universal Basic Education scheme**

Under the Free, Compulsory and Universal Basic Education scheme, the School Feeding Programme aims to provide children in public primary schools and kindergartens with one **hot meal on every school day**. The programme seeks among others, to improve enrolment, attendance and retention among pupils in deprived communities in Ghana. It is also geared at improving the health and nutritional status of the pupils.

> **Zimbabwe**

The **School Feeding Programme (SFP)** is targeted at primary school level and is meant to **feed all children from disadvantaged schools**. In 2009, the Treasury allocated USD 100 000 for this purpose while in 2011 it allocated USD 1 million. The allocated sums are released to the ministry depending on availability of funds. The scheme cushions

children who would otherwise miss out on school on account of poverty and the ravages of drought. The programme provides wet food, prepared and consumed at school.

## ⇒ Free transportation

### > Bahrain

The ministry provided many facilities and programmes to help achieve success in eradicating illiteracy. These include the provision of transport for learners and teachers, especially women.

### > Ghana

Under the **Free, Compulsory and Universal Basic Education scheme**, Free Ride Metro Mass Transit Buses for School Children are provided. In this package, school children in Ghana are allowed free transit on “metro mass transit” buses to eliminate walking long distances to and from school.

### > Romania

The **Law of National Education no. 1/2011**, Article 84 (2), states that orphan pupils, **pupils with special educational requests** and those institutionalized, may benefit from free transportation.

## ⇒ Free textbooks and/or educational materials

### > Bangladesh

The government distributes books and other education materials with a view to provide equal access to learning materials to all school-going children. A total of 221.3 million **textbooks were distributed free of cost to the primary level**, Ebtedayee (primary level Madrasha education) and technical students in 2012. In 2013 the government distributed around 270 million books including to students on the first day of the academic year as part of a Textbook Festival. The result is reflected in the increased enrolment of students in primary and secondary level schools.

### > Cyprus

Law 24(I) of 1993 provides that textbooks published by the Ministry of Education are **provided free of charge** to teachers and pupils.

## ⇒ Other measures of interest

- Education in prisons/confinement

### > Argentina

The **National Education Act** has instituted Education in Contexts of Confinement through which the education system guarantees the right to education and promotes the comprehensive education and full development of all persons deprived of freedom. This right may be exercised without any form of limitation or discrimination based on their situation of confinement, and all persons deprived of freedom must be duly apprised of this right as soon as they enter the institution (Article 55).

### > Cuba

Education in prisons is provided in a non-institutional educational setting under the Educate Your Child programme, a family-oriented welfare scheme designed to prepare families to participate actively in their children's education. It was first implemented **in women's prisons**, yielding very good results and was then extended to men's prisons in all the country's provinces from 2010.

### > France

To **better meet the needs of prisoners**, prison authorities have introduced an anti-illiteracy action plan using teachers from the national education system within prisons. Priority is given to inmates unable to read or count and lacking a basic education or vocational training.

- Non formal education and alternative ways of learning for the hard-to-reach

### > Iran, Islamic Republic of

Iran has developed distance learning and semi-face-to-face education centres. These centres have been established by virtue of the Education Supreme Council's approval on developing more flexible curricula, such that the number of these centres has increased from 216 in 2003 when they were established to 997 in 2006. More than 201,447 school-aged students of lower secondary, upper secondary and pre-university courses have enrolled in these schools since 2006. Distance learning and semi-face-to-face education has been developed for many reasons including: geographical dispersion of the country, impossibility of conducting classrooms under quorum due to poor financial and human resources, impracticality of attending conventional classrooms for a great number of students, mobile students in certain tribal regions.

### > **Luxemburg: for early-school leavers**

On 30 April 2009, a law was passed to establish a second-chance schools system. Second chance schools ('écoles de la deuxième chance') accommodate learners aged 16 to 24 years who have been unable to make any further progress in academic or technical education in secondary school; have dropped out of school; cannot find an apprenticeship place, or are newcomers.

The schools' mission is to provide general and practical education as well as integrated socio-educational support. Courses for learners include general education modules, practical learning modules and work experience placements, along with additional activities. The core skills targeted are those required for admission to a given academic or technical secondary education course and the subjects taught are based on the curricula in academic or technical secondary education.

### > **Mauritius**

The Institute of Training and Development of Mauritius carries out the 9 month part-time Second Chance Programme to provide Basic and Advanced Literacy and Numeracy and Life Management Skills **to 16-21 year olds who have dropped out of the school system** and are not in full time employment. Since its implementation in 2009, 468 youngsters from both Mauritius and Rodrigues, successfully completed the programme while for the third cycle of the programme which started in March of 2011, 333 participants were enrolled from both islands. This programme aims to prepare youth for a vocational training programme, which would eventually qualify them to be selected for the Circular Migration Programme.

### > **Panama**

Panama implements non-formal education programmes that target socio-vulnerable groups of its population. For example, **the Family and Community Centers for Early Childhood Education (CEFACI)** offer non-formal pre-school education for children aged 4 and 5 living in **rural, indigenous and marginal urban** areas of Panama's 13 educational regions. About 871 promoters were trained for the implementation of the project, thereby benefiting 1,100 CEFACI locations nationwide and targeting a population of around 20,000 children. The Home Early Childhood Education Programme (EIH) also provides educational services to children under 6 living in scattered and indigenous communities, thus benefitting 550 EIH centres and serving a population of 5,600.

### > **Romania**

In Romania the **Access to education for the disadvantaged groups Phare RO programme** has been launched with the general objective to prevent and fight

marginalization and social exclusion through ensuring access to a quality education for all disadvantaged groups. The main activities developed within the programme, in various stages of its development, aim: to draft curricular materials for inclusive education; to develop “second chance”-type programmes for primary and secondary education; to train education personnel (trainers, teachers, school mediators, managers of various grades) in the field of inclusive education; to create an attractive school environment through refurbishing schools and equipping them with adequate educational materials; to stimulate participation of the community in education through the development of centres of resources for inclusive education; to support the process of integrating children with CES in mass schools.

➤ **Sri Lanka: street children**

**The Community Learning Centre programme** is an intervention to direct street children into education. These centres are run with the assistance of the government as well as non-governmental organizations. The number of centres in operation in 2009 was 171 and the total number of children who have participated in these programmes so far is 7,495 with 430 instructors. At these centres children are provided with opportunities to improve their basic literacy and vocational skills. After completing this programme children are admitted into nearby government schools.

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

➤ **Australia**

Australia directly supports rural and isolated school students through the following programmes:

- **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 on a daily basis because of geographical isolation. The underlying principle of the scheme is that all Australian children should have reasonable daily access to an appropriate government school without regard to parents' income.
- **The Country Areas Programme (CAP)** is an ongoing programme that provides supplementary funding to non-government schools to cover some of the additional costs associated with schooling that result from geographic isolation. CAP funding is used for: professional development, curriculum enhancement, information and communication technology, school support, and purchase of tangible items.



### > Iran

Positive developments for students in deprived, rural and tribal regions who wish to continue their studies include **renting a minibus and organizing central-village schools for transportation of students**. The Ministry of Education finances part or all of the expenditure for minibuses or public vehicles to take students from rural areas where there is no lower or upper secondary schools to the education centres of nearby villages or towns.

### > Mauritius

To reach **isolated students**, Mauritius opened a **Lower Secondary School in Agalega** in 2008 to accommodate children of 13 to 15 years from the two islets of Agalega who faced travelling long distances to reach secondary schools in Mauritius and thus tended to stop attending. In order to track school retention and student progress, arrangements were made to admit undeclared children in schools through a Fast Track System put in place by the Ministry of Gender Equality, Child Development and Family Welfare in collaboration with various stakeholders.

### > Zimbabwe

**The Correspondence Primary School:** According to the Ministry of Education, Sport, Arts and Culture (Director's Circular Number 5 of 2011), the school exists mainly to increase access to education for any children of primary school going age in the following categories:

- Children who live more than five kilometres from the nearest registered primary school;
- Children who live in scattered and isolated communities such as farms, estates, mines, research and training stations and national parks;
- Those in rehabilitation, transit and other temporary centres; children, who for geographical reasons do not have access to a school; children with health problems, namely: disabled persons; children requiring long periods of hospitalisation; children suffering from chronic illness prohibiting them from attending formal schools; children of parents whose jobs make them mobile; and
- Children who for any other reason are unable, in the opinion of the Secretary for Education, Sport, Arts and Culture, to attend a formal school.

## ⇒ Examples of measures taken to target nomadic students

### > Iran, Islamic Republic of

In Iran, lower/upper secondary, pre-university and nomadic education centres play a pivotal role in preventing drop-outs of graduates in fifth grade at the primary level and third grade at lower secondary level, as well as other students having no access to daily conventional schools in the deprived, under-populated and tribal regions of Iran. In these schools, students are supplied with three meals, dormitories and other educational and training facilities for free. These schools have increased in number from 2,111 to 3,239 with a growth rate of 53.43 per cent. Furthermore, the number of students enrolled in these schools grew from 350,201 in 2000 to 456,591 in 2006, a growth rate of 30.38 per cent.

### > Nigeria

Nigeria has introduced **Nomadic Education** in order to increase the level of literacy amongst the nomadic cattle-rearing or fishing communities.

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

### > Iraq

The following measures have been adopted at secondary level:

- Facilitation of the procedures of students' moving and acceptance, and change of their examination centres where they wish from 2006 to 2008.
- Facilitation of the procedures of moving students among schools, and moving their examination centres in consideration of their circumstances.
- Gaining proper approval for students who could not join their schools during 2006 to 2007 years up to the examinations of midyear to join school seats; for allowing the students who could not continue their study due to the security condition to study 'partially' (and to attend only midyear and final examinations); for changing the study branch to desired students up to midyear examinations for school years 2006/2007, 2007/2008 in consideration to the country circumstances.

### > Sri Lanka

The **Presidential Task Force (PTF)** in collaboration with the Ministry of Nation Building (Economic Development) and the Northern Provincial Ministry of Education is overseeing the construction and rehabilitation of schools, toilets and water supply in the former conflict-affected areas of Northern and Eastern Provinces. Other measures taken

by the Ministry of Education, with UNESCO support to ensure that children continue with their education with minimal disruption throughout conflict include: Emergency Preparedness Response Plans; capacity development of teachers in psychosocial response; Home/School Programme; Catch-up Education, as well as teaching disaster preparedness in schools.

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

### > **Australia**

**The Aboriginal and Torres Strait Islander Education Action Plan (2010-2014)** was released in June 2011, after it received endorsement by the Council of Australian Governments. The Action Plan identifies national, systemic and local actions in six priority domains that evidence shows will contribute to improved outcomes in Indigenous education. Priority domains are:

- Readiness for school;
- Engagement and connections;
- Attendance;
- Literacy and numeracy;
- Leadership, quality teaching and workforce development; and
- Pathways to real post-school options.

The Action Plan highlights how national reforms in early childhood education, schooling and youth will come together with indigenous-specific measures to accelerate improvements to the education outcomes of indigenous students.

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

### > **Croatia**

**The National programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005 - 2015** provides measures that contribute to the elimination of long-standing marginalization and discrimination of the Roma minority and contribute to their integration into the mainstream education system. This applies particularly to a fivefold increase in attendance of compulsory primary education of the Roma minority in the past five years, and provides: a pre-school programme in the year before they start primary school; parental co-share in the cost of pre-school education; the provision of learning the Croatian language for those children with little or no knowledge of it, and

transportation and extended stay. In secondary education all Roma receive scholarships as do students in higher education who are identified as belonging to the Roma minority.

> **Finland**

A scheme for supporting the basic education of Roma children was launched by **the National Board of Education in 2008** based on the principles of equality and cultural diversity. The aim is to fully realise the value base set out in the national core curriculum, to accommodate language and cultural considerations relating to Roma pupils in basic education and to translate procedures developed within the project into everyday school life.

## C. Measures taken to ensure gender equality

A full section has been dedicated to measures adopted in relation to gender inequality given the magnitude of the subject and the extent of country reporting. The diversity of measures taken by countries reveals a growing attention paid to this issue and a deeper interest in finding ways to overcome this discrimination. Considerable progress has been made by some countries although much remains to be done to achieve complete gender equality in education.

### 1. Constitutional provisions

⇒ **Guaranteeing gender equality generally**

> **Armenia**

The Constitution of the Republic of Armenia adopted in 2005 provides in Article 14 that: “Discrimination based on sex [...] shall be prohibited”.

> **Germany**

As set out in Article 3 (3) of the **Basic Law (Grundgesetz)** “No one may be disadvantaged or favoured as a result of their **gender** [...]”.

> **Mauritius**

The **Constitution of Mauritius** guarantees the enjoyment of fundamental rights and freedoms without discrimination by reason of, amongst others, sex, and specifies that any law inconsistent with the constitution shall be void.

⇒ **Guaranteeing gender equality specifically in education**

> **Cuba**

The **Constitution of the Republic of Cuba** provides in Article 42 that discrimination based on gender, among other things, is forbidden and will be punished by law. The institutions of the State educate everyone from the earliest possible age in the principle of equality among human beings. Article 43 provides that all citizens, regardless of gender, have a right to education at all national educational institutions, ranging from elementary schools to universities.

> **Poland**

According to Article 32 of the **Constitution of Poland**, **no person can be discriminated** against in political, social or economic life for any reason. Article 33 adds **that women and men have equal rights** in family, political, social and economic life and in particular have an equal right to education.

## 2. Legislative measures regarding gender equality in education

> **Argentina**

**Act No. 26.150 on Comprehensive Sex Education**, passed in 2006, contains curriculum guidelines, including the requirement to foster learning that respects diversity, rejects all forms of discrimination and provides for **equal gender treatment and opportunities**.

> **Bosnia and Herzegovina**

**In the Framework Law on Primary and Secondary Education of 2007 in Bosnia and Herzegovina:**

- Article 3 (e) defines the general goals of education, which includes “ensuring equal opportunities for education and choice at all levels of education, **regardless of sex** [...]”

- Article 35 (1) provides that “Schools shall not exert discrimination in the children’s access to education or their participation in the education process, based on [...] sex [...]”.

#### > **France**

**The principle of equality between boys and girls** is present in Article L.131-1 on compulsory education for children of both sexes.

The principle of co-education has been enshrined in the **Education Code** (Article L. 121-1) since the latter was amended by the 2005 framework and programme law for the future of schools: “Primary and secondary schools and establishments of higher education [...] shall help promote co-education and gender equality, particularly with regard to guidance”.<sup>78</sup>

#### > **Germany**

**The General Equality of Treatment Act**<sup>79</sup>, which entered into force on 18 August 2006, relates to the access to all forms and all levels of careers advice, vocational education, including vocational training, vocational further training as well as retraining and practical occupational experience, and also to employment and working conditions including wages and conditions of dismissal. The aim of the law is to **prevent or remove disadvantages due to, among other things, gender**.

#### > **Hungary**

**The CXXXIX Act of 2005 on Higher Education** - Section 27 (12) states that “The senate shall set up a committee for equal opportunities, which shall monitor the balanced representation of women and men in the operation of the higher education institution, shall make proposals for achieving such balanced representation, shall control the effectiveness of related measures, shall explore manifestations **of discrimination and the measures prejudicing the balanced representation of women as well as shall initiate the abolishment of such discriminatory measures**.”

#### > **Romania**

**The Law 202/2002** on equal chances between women and men published in the Official Monitor Part I no. 301 from 8.05.2002:

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78 Unofficial translation from: Loi d’orientation et de programme pour l’avenir de l’École de 2005 : « les écoles, les collèges, les lycées et les établissements d’enseignement supérieur [...] contribuent à favoriser la mixité et l’égalité entre les hommes et les femmes, notamment en matière d’orientation. ». The principle of co-education aims to promote and respect cooperation between school and parents.

79 Allgemeines Gleichbehandlungsgesetz.

- forbids any form of discrimination based on gender in what concerns women's and men's access to all levels of instruction and professional training, improvement and, in general, to continuous education (Article 14(1));
- ensures equal chances and treatment between women and men within public and private institutions of education (Article 14 (2 and 3));
- assigns the role to ensure instruction and education in the spirit of equal chances between genders to the Minister of Education.

### 3. Administrative measures

#### > Burkina Faso

In 1989 a specific service was established to promote girls' enrolment which was upgraded in 2007 to a technical department for girls' education and gender promotion by Decree No. 2007-542/PRES/PM/MESSRS.

#### > Ethiopia

To address gender equality, the Ministry of Education opened a Women's Affair Department in 1994 to implement the provision of girls education through the process of gender mainstreaming at all levels of the sector. In 2006, this became the **Gender and Equity Department** and expanded to include other equity issues and in addition address minority issues including pastoralists, children with special needs and other marginalized groups.

#### > France

An inter-ministerial agreement on gender equality in the education system<sup>80</sup> was signed by eight ministers for the 2006-2011 period.<sup>81</sup> It committed the signatories to stepping up inter-ministerial action promoting gender equality in the education system. The agreement steering committee is chaired by the Ministry of Education, Youth and the Voluntary Sector.

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80 Unofficial translation from: La convention interministérielle pour l'égalité entre les filles et les garçons, les femmes et les hommes dans le système éducatif

81 In its report, France indicated that a new version of the inter-ministerial agreement was being drafted.

> **Ghana**

The Ghana Education Service (GES) established the **Girls' Education Unit** in 1997 which ensures non-discriminatory enrolment in education, thus reducing gender disparities in the education sector.

## 4. Specific measures adopted to ensure gender equality

### ⇒ **National policies adopted to ensure gender-responsive education systems**

> **Burkina Faso**

In order to ensure equal access to all levels of education in Burkina Faso, **the National Strategy to Accelerate Girls' Education**<sup>82</sup> was adopted by the Council of Ministers on 8 June 2012 and the Ministry of Education and Literacy and Ministry for the Promotion of Women's literacy programme was launched in 2008.

> **Ethiopia**

The Ethiopian government as well as the regional states has policies and strategic statements promoting the equality of women within the education context. **The National Plan for Gender Equity** embraces several initiatives to realize equity of women. For example, to improve girls participation in schools and higher education, the government has introduced a **positive discrimination policy at the main point of entry** i.e. at grade ten, twelve, and university level. Due to this measure, the enrolment of female students in higher education shows a perceptible increment. Other measures include special (tutorial) support for female students when they join universities and a pilot scholarship programme providing different assessments for female students, etc. The provision of separate latrines and sanitary napkins also aims to encourage and motivate girls to continue learning.

The **national Girl's Education Strategy** identifies challenges girls face in relation to enrolment and dropout. It also provides measures that address schooling cost, cultural impediments, gender-based biases and health related problems. The strategy specifies the responsibilities of the Ministry of Education, Regional Education Bureaus, schools and other relevant bodies and reflects on changes, achievements and remaining challenges in relation to girls' education.

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82 Unofficial translation from: Stratégie nationale d'accélération de l'éducation des filles (SNAEF)



### > Morocco

Morocco has worked to establish an inter-ministerial framework bringing together sectoral policies on gender: the government agenda for equality, which has now become **the 2012-2016 government equality plan for parity**,<sup>83</sup> aims to create a high level of synergy in order to mainstream gender in socio-economic development programmes and policy. This plan has adopted eight priority fields of action for the 2012-2016 period. The second field covers education and bears the title 'Fair and equal access for girls and boys to a high-quality education system leading to qualifications'.<sup>84</sup> The action plan for this field is structured round two strategic objectives:

1. Ensuring fair and equal access for girls and boys to a high-quality education system and reducing the drop-out rate;
2. Introducing an incentive system for innovative initiatives to promote equality and combat gender-based violence in schools.

### > Norway

**Action Plan for Gender Equality:** The Norwegian government's general action plan for gender equality was launched in November 2011, the first of its kind in 20 years. It ran from 2011 to 2014 and contains 86 new policy initiatives/measures addressing gender equality in all areas of society. Traditional gender choices of education and occupation are among the main causes of systematic differences between women and men in the workplace and otherwise in society. The action plan aims to ensure that kindergarten, and primary and secondary education are conducive to an equitable society and that all pedagogical activities in those settings are organized accordingly.

## ⇒ Measures taken to promote gender equality

### > France

The agreement between the Ministry of National Education and the French Association of Women Graduates (*Association française des femmes diplômées des universités – AFFDU*) was renewed in January 2011. Every year AFFDU organizes "Olympes de la parole", a nationwide school competition from primary to upper-secondary level encouraging pupils to think about each individual's role at school and in society in terms of the core theme of gender equality. This event was held for the eleventh time in 2012.

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83 Unofficial translation from: « Plan gouvernemental pour l'égalité vers la parité 2012-2016 »

84 Unofficial translation from: « Accès équitable et égal des filles et des garçons à un système éducatif de qualité et qualifiant ».

### > Luxembourg

To contribute to the objectives set out in the **National Gender Equality Action Plan**,<sup>85</sup> the Ministry of education and vocational training actively helps to promote diversification of educational and occupational choices with its 'Girl's day – Boy's day' project. This project gives pupils in general and technical secondary education, particularly the younger classes, an opportunity to find out about an occupation traditionally associated with the opposite sex.

### > Romania

*I and the other – in private life. Education for gender equality project* - was developed by **ParteneriatpentruEgalitate Centre during 2002-2003**, within the Gender and Education Programme. The project had as objectives to promote education for gender equality among teachers, pupils and stakeholders in the field of education.

### > Afghanistan

A programme supporting gender studies at Kabul University (2010-Present):

- Conducted research on gender-based violence on university campuses and supported issuing decree by MoHE in eliminating gender-based violence on university campuses
- Is currently conducting a study on women's roles in economic and agriculture development in Afghanistan.

## ⇒ Measures taken to promote access to education for girls and women

### > Bahrain

The Ministry of Education has provided many facilities and programmes to help achieve success in eradicating illiteracy including the opening of **nursery schools** for mothers studying in continuing education centres. This provision offers to solve the problem of absenteeism of female learners unable to leave their children during class hours. This scheme greatly contributed to an increase in the number of admissions of women and of those continuing their studies.

### > France

An agreement between the Ministry and the 'Women and Mathematics', 'Women and Science' and 'Women Engineers' associations<sup>86</sup> was signed on 31 January 2011 upon

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85 Unofficial translation from: « Plan d'action national de l'égalité des femmes et des hommes »

86 Unofficial translation from: les associations Femmes et mathématiques, Femmes et sciences, Femmes ingénieurs

announcement of the School Science and Technology Plan.<sup>87</sup> These three associations work in schools to promote careers in science and technology for girls by increasing awareness of the occupations and openings available. They offer meetings with women pursuing scientific careers. An agreement between the Ministry and the association ‘Elles bougent’ (‘Women on the Move’) was signed in the first term of the 2011-2012 school year. The association’s object is to introduce girls through a sponsorship system to technical and engineering occupations in the car, aviation, space, rail, shipping and energy industries.

### > Mauritius

The **ELIT project (English Literacy using Information Technology)** was, with the collaboration of the then Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection, pilot-tested with 184 women aged 16 and above in 14 women’s centres in Mauritius. The specific objectives for the ELIT course include, among others, to:

- provide young girls and women (15 years and above) with the possibility for further education and increase their employability;
- improve their creative skills;
- empower them to take advantage of schemes promoting entrepreneurship development;
- bridge the digital divide by using ICT as a tool to make learning more interesting, interactive and flexible.

The Women’s Unit of the Ministry of Gender Equality, Child Development and Family Welfare was set up to serve as a focal point for women’s issues and functions through a network of 12 women’s centres and about 1000 women’s associations throughout the island. It also provides training in dressmaking, home economics, hairdressing, floral arrangements, handicrafts, tailoring etc. at Women’s Centres.

## ⇒ Specific financial measures targeting girls

### > Bangladesh

In Bangladesh, though primary and secondary education is free for girls in the country, the dropout rate among them is very high. In order to enhance girls’ educational opportunities, the Government of Bangladesh has undertaken the nationwide **Female Stipend Programme** for the primary and secondary level. As a result the gross enrolment rate of girls at secondary level is now 53 per cent. The government has expanded

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87 Unofficial translation from: Plan sciences et technologies à l’École

the stipend programme up to higher secondary and graduation level throughout the country. The decision is expected to have far-reaching impact on the education and empowerment of women and children as well as on the overall socio-economic development of the country. The stipend, which the government has made from target-oriented and pro-poor, is being provided to nearly 3.9 million secondary to degree level students under four development projects.

#### > **Burkina Faso**

Action taken by the government to guarantee equal access to all levels of education within Burkina Faso includes, among other things:

- A technical body set up at the institutional level to promote education for disadvantaged groups such as girls and persons living with disabilities;
- Development of a national strategy to accelerate girls' education;
- Scholarships awarded to deserving girls from disadvantaged backgrounds;
- Introduction of quotas for girls' access to technical education;
- Subsidized parents' fees for first-time enrolment of girls in the first year of primary school;
- Technical and financial support to teach mothers how to establish income-generating activities enabling them to contribute more effectively to girls' schooling;
- A joint programme for women's literacy launched in 2008 by the Ministry of Education and Literacy and the Ministry for Women's Empowerment.

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

#### > **Ghana**

Under **the Free Food Rations for Girls' programme**, girls are given take-home food rations every month to ensure their continued enrolment in primary and junior high schools. The programme is supported by the World Food Programme and it is implemented across districts in the 3 northern regions of Ghana. The programme aims at boosting enrolment of girls in schools in northern Ghana. Beneficiaries take home specified quantities of maize, cooking oil and iodized salt if they stay in school for at least three quarters of the month. Take-home rations enable the poorest and hungriest families to send their daughters to school and ensure they complete the entire school year.

### > Zimbabwe

The **Sanitary Wear Programme for girls** was born out of an identified need. It was observed that during the menstrual cycle, girls from disadvantaged homes did not turn up for school because of the lack of sanitary wear or were using unsuitable materials. In 2010 the Ministry of Education, Sport, Arts and Culture, with help from UNICEF and other cooperating partners, provided more than 5000 girls with sanitary pads. The programme has seen more girls attending school daily and future plans include requesting the Treasury to make funds available for this purpose and also training girls to make their own clean sanitary pads as part of their life skills programme. Girls who have benefited from the programme are said to have attended class regularly.

## ⇒ Measures regarding pregnant students and re-entry

### > Chile

The General Law on Education: Article 11 contributes to **gender equality** by specifying that **neither pregnancy nor motherhood** is to be an impediment to entering or remaining within educational establishments and that appropriate facilities are to be provided in such cases. It also requires that in State-funded establishments, no change in the marital status of parents or guardians shall prevent a student from remaining within the establishment. It also prohibits, for a period of one academic year, the expulsion of a student for reasons of academic underachievement or because his or her parents have failed to fulfil any financial obligations they may have contracted.

### > Nigeria

**Section 15 of the Child Rights Act** guarantees “female students the opportunity to complete their education should they become pregnant, while in school”.

### > Philippines

**The Republic Act of 2009 No. 9710** known as **The Magna Carta of Women** provides in Section 13, dedicated to ‘Equal Access and Elimination of Discrimination in Education, Scholarships and Training’ that “(c) Expulsion and non-readmission of women faculty due to pregnancy outside of marriage shall be outlawed. No school shall turn out or refuse admission to a female student solely on the account of her having contracted pregnancy outside of marriage during her term in school.”

## ⇒ Promotion of gender equality through curricula and teaching materials and teaching methods

### > Ethiopia

The **Education and Training Policy** states that ‘Special attention will be given to women and to those students who did not get educational opportunities in the preparation, distribution and use of educational support input’ (article 3.7.7). Furthermore, the Education Sector Development Programme IV (ESDP IV) of Ethiopia is currently in effect as part of the Growth and Transformation Plan (GTP) of Ethiopia (2010/11-2014/15). Under ESDP IV, several mutually reinforcing strategies are designed for implementation, including ‘producing a gender sensitive curriculum, textbooks and reference’.

### > Morocco

The Ministry of Education prepared a **Medium-Term Strategic Action Plan for Gender Mainstreaming**,<sup>88</sup> consisting of 13 projects, which constitutes a roadmap for implementing the directives and recommendations of the 2009-2012 emergency programme for eradication of sexist stereotypes in school textbooks, for gender mainstreaming in educational practice and for equal access for girls and boys to a high-quality education system leading to qualifications.<sup>89</sup>

### > Philippines

The **Republic Act of 2009 No. 9710** known as **The Magna Carta of Women** provides in Section 13 dedicated to ‘Equal Access and Elimination of Discrimination in Education, Scholarships and Training’ that “(a) The State shall ensure that **gender stereotypes and images in educational materials and curricula are adequately and appropriately revised**. Gender-sensitive language shall be used at all times. Capacity-building on gender and development, peace and human rights education for teachers, and all those involved in the education sector shall be pursued toward this end. [...]”

## ⇒ Measures taken in favour of boys

### > Cook Islands

In order to prevent young boys aged 11-14 years old disengaging with mainstream schooling leading to absenteeism, disciplinary issues, non- and under- achievement and potential criminal behaviour, the Ministry of Education of the **Cook Islands**, in

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88 Unofficial translation from: Plan d’Action Stratégique à Moyen Terme pour l’institutionnalisation de l’Egalité entre les Sexes (PASMT/IES)

89 Unofficial translation from: Programme d’Urgence 2009-2012 concernant l’éradication des stéréotypes sexistes dans les manuels scolaires et l’intégration de l’approche genre dans les pratiques éducatives et l’égalité d’accès des filles et des garçons à un système éducatif de qualité et qualifiant.

partnership with a community NGO, developed and funded an alternative programme to target these students. Since 2010 the Rakei Toa programme caters to between 10-15 students annually with an emphasis on self-identity and discipline. It ensures basic literacy and numeracy through the mediums of sport, carving, art, agriculture and basic vocational skills. The programme aims to guide young students back into mainstream schooling where appropriate, or into other specific courses such as the Cook Islands Sports Academy or Cook Islands Trade School.



# **Chapter 4.**

## **Quality education**



# Chapter 4.

## Quality education

**E**nsuring education of good quality for all and at all levels is a continuing concern for the international community.

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 the social, economic, and environmental context.<sup>90</sup>

There is no single definition of ‘quality’ and most attempts to define it incorporate two fundamental perspectives. First, cognitive development is a primary objective and the effectiveness of education is 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.<sup>91</sup> UNESCO promotes access to good-quality education as a human right and supports a rights-based approach to all educational activities.<sup>92</sup>

In its General Comment 1 on Article 29 (“The aim of education”), the Committee on the Rights of the Child (CRC) specifically mentioned that, whilst Article 28 of the Convention

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90 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>

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

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

on the Rights of the Child addresses access in education, Article 29 underlines the individual and subjective right to a specific quality education, which includes the educational objectives put forward in such article, namely the full development of the child's personality and of respect for human rights and fundamental freedoms.

Therefore, an education of good quality focuses on learners and their environments, as well as on education contents, processes and measurable learning outcomes.<sup>93</sup> Furthermore, ensuring quality of education is central to the 2030 Agenda for Sustainable Development. The Incheon Declaration affirms that countries are committed to “quality education and to improving learning outcomes, which requires strengthening inputs, processes and evaluation of outcomes and mechanisms to measure progress (...)”. Moreover, the sustainable development agenda<sup>94</sup> puts forward the vision of a world with equitable and universal access to quality education at all levels, to health care and social protection, where physical, mental and social well-being are assured. Goal 4 is devoted to “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”, and includes the target that, by 2030, all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

This chapter presents noteworthy steps taken by several Member States in implementing the different dimensions of good-quality education.<sup>95</sup> For ease of reading, this chapter is set around five basic dimensions of good-quality education: learners, environment, contents, processes and outcomes.<sup>96</sup>

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93 Please note that measuring quality education is particularly difficult due to the subjectivity of the indicators

94 “Transforming our world: the 2030 Agenda for Sustainable Development”

95 Regardless of the difficulties encountered to measure quality education

96 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.

# A. Learners

## 1. Ensuring the healthy development of children

### > Argentina

Through the **universal child credit** scheme, the State aims to ensure that children and teenagers attend school, undergo regular medical examinations and receive all compulsory vaccinations.

### > Panama

Panama has launched various food programmes, such as the school meals project which strives to provide a nutritious snack to all students who attend official pre-schools and primary schools daily.

This project benefited 3,533 schools during the 2006-2011 period, corresponding to 100 per cent of pre-schools and primary schools nationwide.

Other projects also developed to support school meals include the **‘School gardens and farms’**, a school production programme, and **‘I like eating healthily’** a food and nutrition education programme.

## 2. Stimulating the participation of learners

### > Cuba

Importance is placed on pupils’ participation in competitions including the Special Olympics that stimulate interest in studying a variety of subjects. Educational practice has shown that such events have great potential, not only to identify the most gifted pupils in basic science areas, but to bolster interest in further study and other areas of knowledge. In Cuba, knowledge and skills competitions are held formally and routinely in all subject areas as they have a proven impact improving the quality of teaching and learning.

Other competitions held include **“Reading to Martí”**, which has been staged on several occasions under a national **reading promotion programme**. Every year since 1998, thousands of children, teenagers and young people in all types of education, including

special education, compete throughout the country. University education was included in 2009.

> **Romania**

**The Global Campaign for Education.** The 2012 edition of this campaign aimed to bring to public attention the importance of **education and care for early childhood**. The central concept was that of **images including photographs and drawings** to encourage children's and adults active participation in activities that contribute to illustrating the childhood expectations – happy and healthy children, growing up in a safe environment.

## **B. Environment**

### **1. Legal provisions**

> **Australia**

From 20 June 2011, amendments to **the Sex and Age Discrimination Legislation Amendment Act 2011** came into force. Students of any age are now legally protected from sexual harassment. Students are also legally protected from sexual harassment by adult students and staff members from other institutions that they may come into contact with through inter-school events such as sports carnivals and school formals. These amendments provide greater protection for children from sexual harassment, particularly where it may occur through the use of modern technology, such as texting or the use of social networking sites.

> **Barbados**

**Constitution of Barbados:** “Where a school [...] has been inspected, the Minister shall register the school, as the case may be, if he is satisfied that:

- (a) the premises are suitable for use as a school or institution,
- (b) the accommodation provided at the premises is adequate and suitable, having regard to the number, ages and sex of the pupils attending the school or institution,
- (c) efficient and suitable instruction is being or will be provided at the school or institution having regard to the ages and sex of the pupils attending the school or institution, [...]”.

Besides, the **Education Act** Cap. 41 and the appropriate Regulations guarantee that facilities are all wholesome with equal hygiene and environmental standards which are on a par with the conditions at the Public Education institutions.

> **Bosnia and Herzegovina**

Article 34 paragraph 2 of the **Framework Law on Primary and Secondary Education in Bosnia and Herzegovina** regulates the Role and Obligations of Schools: “Schools shall exercise their role and obligations in an environment which develops incentive for acquisition of knowledge, which respects and supports the individual qualities of each pupil, as well as their cultural and ethnic identity, language and faith, which shall be safe and which shall not include any form of intimidation, abuse, physical penalization, insult, humiliation or degradation or harm to health, including the harm caused by smoking or use of other narcotic and outlawed substances.”

> **Nauru**

Section 6 (2) of the **Education Act** outlines specific ways in which the objects of the Act are to be achieved, which include ‘facilitating the operation of all schools as safe, supportive and inclusive learning environments’ (b).

## 2. Example of concrete measures

> **Bahrain**

In 2005, the Ministry of Education established 10 school clubs throughout all provinces to engage in cultural, educational, sports, technical and other activities. In addition,

each province contains two centres, one for boys and one for girls, which operate during the summer holidays (July and August). In 2010 the Ministry increased the number of these centres to 15. Since November 2011 events have taken place to promote the values of citizenship, human rights, joint responsibility and tolerance including student competitions, a series of workshops organized for secondary school students and a camp for Girl Guides attended by 200 secondary schools students.

#### > **Cuba**

Outstanding **projects** implemented since the beginning of 2006 include: computer studies from primary level upwards; use of educational technology, such as television and video in every classroom; establishment of two educational television channels; introduction of special university courses for mature adults; and establishment of university teaching units in every municipal district in the country in order to provide universal access to higher education.

**The Education Channel** broadcasts curriculum-specific content for each level of education for classroom pupils and holds pride of place in providing general educational content for the population at large. A second channel, **Education Channel 2**, was established in order to strengthen the country's educational television programmes. As a result all educational centres in Cuba, at all levels, have acquired television sets and video equipment as media to boost learning achievement and democratize knowledge and culture.

#### > **Ghana**

Under the **Free, Compulsory and Universal Basic Education scheme**, basic schools have been supplied with laptops and the government has initiated a basic schools computerization project aimed at facilitating ICT teaching and learning as part of broader measures to improve the quality of basic education and knowledge acquisition. A total of 25,751 computers have been distributed to schools in Ghana since the commencement of the programme in 2011. An additional 34,249 computers were to be supplied to selected basic schools by the end of October, 2012.

#### > **Iran, Islamic Republic of**

Iran adopted a law on fortification of weak schools buildings in 2006 and allocated US\$ 4 billion for the renovation of schools.

## C. Content

### 1. Life skills development

#### > Armenia

Subjects entitled ‘Life skills’, ‘Ecology’, ‘Social Sciences’, ‘Healthy Life Style’, ‘Me and the World Around Me’ were introduced in the field of public education. Thematic units relating to fundamental human rights, gender equality, rights of national minorities, tolerance and civil society have been included under Sociology in the curriculum.

#### > Chile

Pursuant to the **General Law on Education** and the fundamental cross-cutting objectives of the Chilean primary and secondary curricula which focus on promoting personal growth and self-confidence, the development of reasoning, ethical education, and interaction between humans and their environment, updated policy on coexistence in education is based on three criteria: the education of students as the basis and focal point for building democratic coexistence; commitment and participation by the whole educational community and the local population (neighbourhood, commune); and inclusion of all actors and institutions in education and the school system.

#### > Dominican Republic

The **curriculum review process** for the education of young people and adults has resulted in a proposed educational model also adaptable for adults; it is centred on learning and structured into four fundamental components: (a) a curriculum with a focus on life skills; (b) a management system for involving young people and adults; (c) a system for evaluating learning for young people and adults; and (d) a system of continuous and other training for teachers and other actors in the subsystem.

Article 63 (4) of the **Constitution**: “[...] The State shall ensure the quality of general education and its provision free of charge, the fulfilment of its aims and the moral, intellectual and physical formation of the learner. It is obliged to offer the number of teaching hours needed to ensure the achievement of educational objectives”

### > **Luxembourg**

The law of 6 February 2009 on the organization of basic education<sup>97</sup> stipulates, in Article 6, that basic education should aim to gradually foster in students:

- knowledge and skills in languages, mathematics and science;
- intellectual, emotional and social faculties and decision-making capacities;
- awareness of time and space, as well as an understanding and respect for the world around them by means of observation and experimentation;
- motor skills and physical and sporting capabilities;
- manual, creative and artistic proficiency; and
- citizenship, a sense of responsibility and respect for others, in order to become qualified for studies in further education and lifelong learning.

### > **Mauritius**

At the Secondary level, the **FIFA Football for Health project** was started in 2010 on a pilot basis in 11 secondary schools and extended in 2011 to 163 secondary schools covering some 17,000 students. It was scheduled to be implemented in 2012 in all secondary schools (state and private) at Form I level with the aim of conveying 11 health messages by playing football including respect for girls and women with sensitization on gender-based violence including trafficking of women, how to protect yourself from HIV, how to avoid drugs and alcohol.

### > **Nauru**

The objectives of the **Education Act 2011** include making available to each school-age child in Nauru a high quality education that will maximise the child's educational potential and enable him or her to become an effective and informed member of the community.

### > **Sri Lanka**

Psychosocial skills are developed through two subjects, Life Competencies and Health and Physical Education, at junior secondary level. Both subjects are compulsory for pupils in grades six to nine with two more years of Health and Physical Education offered to grades 10 and 11 as an optional subject.

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97 Unofficial translation from: « La loi du 6 février 2009 portant organisation de l'enseignement fondamental »



## 2. Human rights in and through education

### ⇒ Human rights education guaranteed by law

#### > Bosnia and Herzegovina

Article 3 (c) of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina defines the general goals of education, which include the “promotion of respect for human rights and fundamental freedoms, and preparation of each person for life in a society that respects the principles of democracy and the rule of law”.

#### > Croatia

The objectives and principles of education are laid down in Article 4 of **the Act on Education in Primary and Secondary Schools**. Those objectives include “To bring up and educate students in accordance with the general cultural and civilizational values, human rights and the rights of children, to enable them to live in a multicultural world, to respect diversity and tolerance and to actively and responsibly participate in the democratic development of the society” (objective 3).

#### > Luxembourg

**The law of 6 February 2009 on compulsory education** provides in section 3 that: “Schooling shall promote children’s development, creativity and confidence in their own abilities. It shall enable them to acquire an all-round education and prepare them for working life and their responsibilities as citizens in a democratic society. It shall teach children ethical values based on the Universal Declaration of Human Rights and encourage them to observe equality between girls and boys. It constitutes the basis of lifelong learning.”<sup>98</sup>

### ⇒ Human Rights Education integrated into curriculum

Human rights education is an essential aspect of quality education which seeks to contribute to the overall development of individuals and accords 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

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98 Unofficial translation from: « La formation scolaire favorise l’épanouissement de l’enfant, sa créativité et sa confiance en ses capacités. Elle lui permet d’acquérir une culture générale, le prépare à la vie professionnelle et à l’exercice de ses responsabilités de citoyen dans une société démocratique. Elle l’éduque aux valeurs éthiques fondées sur la Déclaration universelle des droits de l’homme et l’amène à respecter l’égalité entre les filles et les garçons. Elle constitue la base de l’éducation permanente » (Loi du 6 février 2009 relative à l’obligation scolaire, article 3)

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.

#### > **France**

Human rights education in general and children’s rights education in particular are an integral part of the curricula, as stipulated in Article L. 121-1 of the **Education Code** which states that schools and educational establishments “teach awareness of and respect for human rights as well as an understanding of specific situations that infringe on those rights”.<sup>99</sup>

It is fundamental to the fight against intolerance, racism and anti-Semitism. Alongside the lessons, the preferred means for this educational work include educational action underpinned by highlights, such as awareness-raising days or weeks, or in the form of prizes and competitions. They feature the involvement of various institutions and associations.

#### > **Mauritius**

**The school curriculum at primary level has been reviewed** to provide an education that is gender friendly and meets the needs for the academic, aesthetic, physical and social development of the child. Citizenship education, Health and Physical Education and ICT have been included. It also mainstreams Human Rights, Children’s Rights, duties of all children, Women’s Rights and concern for the environment.

#### > **Uzbekistan**

For the purpose of promoting human rights the following subjects on the values of humanism values are included in the curriculum or integrated into existing subjects at all levels of education:

- “Odobnoma” (Ethics) and “ABC of Constitution” in primary education;
- “Trip to the Constitution World”, “History”, “Basics of Morals”, “Literature”, “Basics of State and Law” in secondary education;
- “Person and Society” in secondary specialized, vocational education;
- “History of Uzbekistan”, “Cultural Rights”, “Constitution of the Republic of Uzbekistan”, “Human rights”, “Child rights” in higher education.

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<sup>99</sup> Unofficial translation from: « assurent une formation à la connaissance et au respect des droits de la personne ainsi qu’à la compréhension des situations concrètes qui y portent atteinte »

## ⇒ Development of materials to support human rights education

### > Argentina

Materials for the promotion of rights, including the right to non-discrimination, have been produced under the programme that promotes the rights of children and teenagers, and specific materials have been compiled jointly **with the National Institute Against Discrimination, Xenophobia and Racism (INADI)**, an organization with which a mutual-cooperation agreement has been signed for the distribution of “Equal but Different” material to combat all forms of discrimination.

## ⇒ Implementing human rights education in everyday school life

### > Argentina

Action is being taken through various education-system schemes and arrangements such as child activity centres (Centros de Actividades Infantiles) (CAI), youth activity centres (Centros de Actividades Juveniles) (CAJ), comprehensive sex education and counselling teams to foster an inclusive culture based on the principle of non-discrimination as a fundamental value in citizenship education.

### > Croatia

**The Law on Education in Primary and Secondary Schools (2008)** set out the principles of education in schools according to which students are educated in accordance with the general cultural and civilizational values, human rights and the rights of children respect for diversity and tolerance, and active and responsible participation in the democratic development of the society. Pursuant to this Law, the rights of students include the right to participate in the student council and in the development and implementation of house rules, the right to propose improvements in the educational process and in educational work.

### > France

France’s Ministry of Education and LICRA [Ligue internationale contre le racisme et l’antisémitisme]<sup>100</sup> signed and renewed the Triennial Convention on July 5th, 2011. This convention aims to raise awareness and forge responsibility among students that commit racist, anti-Semitic, and/or discriminatory acts. If requested, schools have the right to receive mediation support in order to help solve these discriminatory conflicts within the school environment.

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100 International League against Racism and anti-Semitism.

> **Romania**

**Pupils' participation, a way of living democracy project** (2005-2006) - This project aimed to create structures and mechanisms and offer concrete opportunities to practice democratic participation to pupils at school level. Also, it aimed to support the transformation of schools into democratic environments for study, characterized by a participative management, a flexible curriculum and an organizational culture based on the principles of democracy and human rights.

## D. Processes

On this issue, states provide interesting practical examples regarding teachers' status and training. Teachers with qualifications 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**

> **Argentina**

The **National Teacher Training Institute (INFD)**, established by **Act No. 26.206 on National Education**, is the national regulatory body for teacher training in Argentina and is responsible for planning and implementing policies to coordinate initial and further teacher training (Article 76 (d) of the Act).

> **Croatia**

Professional development of teachers is realized according to the **Act on Education and Teaching in Primary Schools** and the provisions of the **State Standards of Education and Teaching for Primary Schools** and various subordinate regulations. **Article 115** of said act stipulates that teachers, professors, teaching associates and principals have the right and are obliged to undertake continuing professional education and to receive further training through programmes approved by the Ministry.

## ⇒ Teacher training provided through administrative measures

### > Croatia

Professional training programmes are conducted and organized by the Agency for Teacher Training and Education but may also be implemented by higher education institutions and entities from the civil sector. Sub-regulative provisions provide for the methods and procedure of the professional training of teachers, professors, teacher associates and principals.

Competent agencies conduct free professional training for all educational workers (educators, teachers, expert associates and principals). Training enables advancement in the profession by giving teachers higher credit points for the calculation of their wages at a certain rate of percentage. In 2011 a total of 1789 educational workers were promoted into the position of mentors and advisers.

## ⇒ Teacher training policies

### > Cuba

Advanced teacher training exists to reinforce initial **training in education science, psychology, teaching and philosophy**. Topics include pupil assessment, interaction with families, value formation with José Martí used as an example of a model teacher, educational research and the use of information and communication technology.

Students who wish to become teachers and professors must undergo **higher education teacher training in centres that provide initial and continuing training for all of the country's educators** who hold university degrees in the 18 subjects taught in those institutions. In addition, students who have completed secondary education are currently trained to teach mainly in primary schools, pre-school and special schools. The training curriculum reflects the changes that have been made to the various levels and forms of education in the national education system, and aims above all to raise the quality of education in regard to training and to learning outcomes.

### > Cyprus

A comprehensive strategy for **in-service training of teachers** has been adopted, which provides for the systematic identification of training needs and planning of specific programmes to address these needs in order to upgrade the skills of teachers at various stages of their careers. It aims to keep them at the forefront of technological and educational developments and compensate for any teaching weaknesses they may have. The strategy promulgates a combination of institutional and school-based training aiming at a balance between theoretical and practical training.

### > Georgia

The government finances several programmes and trainings for teachers in order to support their professional development, inter alia: **the Novice Teacher Induction Programme; the Teach for Georgia Programme; Georgian, As a Second Language Programme; and the Teach and Learn with Georgia programme.**

## 2. Salary and status of teachers

### > Croatia

In order to improve **the living conditions of teachers** and provide for their professional employment in all parts of Croatia, a **Decision** was signed in August 2007 stipulating the terms and conditions of granting subsidized interest rates for **housing loans to teachers** in primary schools and secondary school temporary professors from August 31 to December 31, 2007. According to this Decision, the objectives of granting subsidized interest rates for housing loans are: to provide professional teaching staff in schools where teaching is carried out by temporary teachers and to systematically consolidate the quality of educational and teaching work at the state level. Priority is given to teachers of foreign languages, mathematics, physics and computer science, because ministry data show that those subjects are frequently taught by temporary teachers.

### > Dominican Republic

Article 63 (5) of the Constitution: “The State recognizes the exercise of the teaching profession as essential to the full development of education and the Dominican nation and, therefore, is obliged to strive to ensure the professionalism, stability and dignity of teachers.”

A new policy of “**pay consolidation**” for teachers was implemented, by which many wage settlements were simplified and unified and many of the existing incentives were consolidated. In the past, the appointment of teachers and school principals could be influenced by political and other extra-professional circumstances. Under **Teaching Statute 639/03**, more transparent procedures have been implemented.

### > Ethiopia

Candidates to the teaching profession are exempted from the cost-sharing programme<sup>101</sup>, in order to encourage trainees to join the profession. Furthermore, salaries of teachers at

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101 Normally, students at the tertiary level are supposed to share the cost of their studies with the government.

primary and secondary levels are two tiers above those of other government employees. Some regions like Somali, Gambella, Benishangul and Afar have an arrangement whereby they pay a special per diem to their teachers called **desert allowance** because of the geographical nature of the regions. Some regions like the Oromia regional state also provide **houses** to teachers to alleviate acute and increasing accommodation problems caused by rapid urban expansion.

#### > **Zimbabwe**

Measures taken to improve the living and professional conditions of teachers include the provision of **housing and transport allowances**, **loans** to teachers so that they can build or buy houses and cars and the review of teachers' salaries in line with the performance of the economy.

### **3. Good practices to improve teachers' professional conditions**

#### > **Australia**

The **200 Additional Teachers programme** was announced in 2007. The programme provided support to Northern Territory remote schools with an additional 200 teachers who were to be recruited by the end of 2012 at a total cost of \$107.8 million, comprising:

- \$91.6 million for the recruitment, placement and retention of up to 170 classroom teachers in agreed remote and very remote Northern Territory Government schools in order to improve attendance and education outcomes for indigenous students; and
- \$16.2 million in 2009-10 for the engagement of 30 additional teachers in non-government schools in remote communities in the Northern Territory.

The target is to provide extra 50 teachers each year with a total of 200 additional teachers deployed by the end of 2012. Targets have been largely met by the end of each year to date.

#### > **Lesotho**

Since 1992, the Ministry of Education and Training (MOET) of Lesotho has issued new grants to primary schools to create new teaching positions in order to **reduce the average pupil - teacher** ratio from 70:1 to about 45:1. Grants were also increased to make provision for extra teachers to be employed to cope with the increased number of pupils under Free Primary Education (FPE) that was implemented in 2000. The

MOET's target is to have a pupil - teacher ratio of 40:1 at primary level where some schools are still above 60:1. In secondary schools the average pupil - teacher ratio is 35:1. Furthermore, as part of the Public Sector Improvement and Reform Programme (PSIRP), the MOET was mandated by the Government of Lesotho to review the career structure of the teaching service with a view to professionalizing it to attract and retain more teachers. The career structure was last reviewed in 2009.

## 4. Supervision and support

### > Philippines

According to Section 3 of the **Governance of Basic Education Act of 2001**,<sup>102</sup> the purposes and objectives of this act include, among others, the following:

- (e) To enable schools and learning centres to reflect the values of the community by allowing teachers/learning facilitators and other staff to have the flexibility to serve the needs of all learners;
- (f) To encourage local initiatives for the improvement of schools and learning centres and to provide the means by which these improvements may be achieved and sustained; and
- (g) To establish schools and learning centres as facilities where schoolchildren are able to learn a range of core competencies prescribed for elementary and high school education programmes or where out-of-school youth and adult learners are provided with alternative learning programmes and receive accreditation for at least the equivalent of a high school education.

### > Serbia

According to Article 4 of the **Law on Higher Education**, higher education is based on principles including, among others, the participation of students in management and decision-making, especially in relation to issues relating to teaching quality.

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102 Republic Act No. 9155



## E. Outcomes

Countries have deployed many efforts in trying to monitor the efficiency of the education system, with a view to improve the overall quality of education. Below are examples of action taken by Member States to achieve higher quality levels.

### 1. Monitoring of the quality of the education system established by law

#### > Argentina

According to the **National Education Act (2006)**, it is the responsibility of the education system to ensure quality processes and results. **Article 47** extends these responsibilities to other government departments in order to guarantee successful coordination and improve the quality of the available training.

#### > Bosnia and Herzegovina

The Law on Agency for Pre-school, Primary and Secondary Education in BiH established **the Agency for Pre-school, Primary and Secondary Education**, as an independent administrative organization, whose responsibility, among other things, is to establish the standards for evaluation of the results and develop common core curricula in pre-school, primary and secondary education.

#### > Chile

Article 6 of the **General Law on Education** requires the state to ensure that quality education is provided to all and to establish a system of quality control using a set of standards and indicators of school performance. The quality control system is administered by the Ministry of Education, the National Council on Education, and two entities currently being developed, **an Educational Quality Agency and the office of the Superintendent of Education**. The Educational Quality Agency will continually assess students' academic achievements and the performance of educational establishments on the basis of established standards.

### > Ghana

The **Education Act of 2008** mandates the **National Inspectorate Board** to provide independent external evaluation of the quality and standards in education institutions by focusing on:

- The quality of leadership and management of the educational institution;
- The quality of teaching and learning provided by the educational institution;
- The educational standards achieved by the educational institution;
- The levels of scholarship attained by the educational institution;
- The facilities available in the educational institution;
- The system of external examiners in place at the educational institution;
- The values emphasized and taught in the educational institution including community service by the students and staff, and
- The statistical data of the educational institution or tracer studies tracking the achievement of past students.

### > Nigeria

The **Universal Basic Education Commission (UBEC)** established by the **Universal Basic Education Act of 2004** is mandated not only to establish appropriate minimum standards and mechanisms but also to review the processes involved in getting qualitative products from the 9-year free and compulsory basic education for children from primary through junior to secondary school (6 to 15 years). In order to ensure qualitative delivery UBEC through its Quality Assurance Department carries out whole school evaluation and other quality assurance practices to ensure access, equity and quality in Basic Education for all.

### > Poland

Based on the **amendments of 18 March 2011 to the Act on Higher Education and amendments to secondary legislation**, higher education facilities are obligated to develop an **internal system for ensuring quality of education**. The Polish Accreditation Committee (PAC) performs programme evaluation oriented towards assessment of the activities of internal system for ensuring education quality in the scope of education effects analysis. The PAC also executes institutional evaluations of the elementary organization unit of higher education facility in which it assesses functioning and improvement of the systems ensuring education quality.

### > Zimbabwe

The overall board responsible for quality assurance in universities is the Zimbabwe Council for Higher Education (ZIMCHE). The council is empowered by **the Zimbabwe Council for Higher Education Act: 2006 [Chapter 25:27]** to:

- Recommend to the minister the institutional quality assurance standards that will govern performance operations and general conduct of all institutions of higher education.
- Evaluate the performance of institutions regularly in the light of standards set.
- Grant or refuse certificates of accreditation to institutions.

## 2. Educational reforms to enhance education quality

### > Cyprus

The Government of the Republic of Cyprus has initiated an ambitious **educational reform programme**, inviting dialogue among all stakeholders. The initiative was launched in January 2005 following a report by a committee of seven academics, which identified weaknesses in the Cyprus Educational System and areas in need of reform and made recommendations. The ongoing reform is a comprehensive overhaul of the system introducing changes and innovations at all levels. The main objective is to create a democratic educational system, which includes all pupils irrespective of social, racial or ethnic background, gender, or physical or mental ability and offers high quality education to all.

### > Dominican Republic

To ensure that all state establishments of the same grade offer the same level of quality teaching the **General Education Act** created the **National System for the Assessment of Educational Quality**. It seeks to provide objective information on individual and overall school performance and make periodic measurements by means of a national testing system at levels, which the National Education Council considers appropriate. Finally, it is also proposed to systematically evaluate all parameters determining quality.

Furthermore, the **Ten-Year Education Plan 2008–2018** serves as a working tool for the education system during this period and to ensure “**that all Dominicans have access to a relevant quality education**”. This document sets out **10 education policies** to:

1. Mobilize the public and private will in order to ensure that five-year-olds receive one year of initial education and eight years of basic quality education.
2. Consolidate, expand and diversify the secondary level of quality education, with the aim of forging citizens, and as a step to the labour market and/or higher education.
3. Review periodically, disseminate and implement the approved curriculum, promote a culture of compliance from the perspective of teaching values to promote comprehensive human development and the use of the curriculum as a standard and as a guide to major decisions within the system, consolidating all other dimensions of science in all education levels and the use and teaching of information and communication technology (ICT).
4. Establish clear quality standards and a system of evaluation to monitor the performance of the education system, to encourage the mobilization of school, family and community for a better education and ensure nationally that the certificates and degrees awarded reflect what is actually taught.
5. Create the necessary conditions and mobilize Dominican society and education communities to ensure strict compliance with a school schedule and calendar that enable students to be taught.
6. Prioritize the training of highly qualified human resources for the education sector and promote the retention and professional growth of existing staff.
7. Promote educational fairness with support to students from more vulnerable social sectors.
8. Encourage the involvement of family, community and non-governmental institutions in the implementation of education policies, programmes and projects.
9. Perform successive reorganizations as and when necessary to maintain at all times a responsive and flexible structure, which is participatory and school-centred, enabling the fulfilment of the plans, programmes and actions of education policy.
10. Mobilize the public and private sectors, both national and international, in pursuit of the resources needed to achieve the goals of coverage, quality and educational fairness necessary to meet the economic, political and social challenges of the twenty-first century

## > Romania

The Law of National Education 1/2011:

- is based on the principle of quality, the activities from education being reported to standards of reference and to national and international good practices (Article 3(b)); on the principle of efficiency by which it aims to obtain maximum educational results by managing existing resources (Article 3(d)); on the principle of focusing education on its beneficiaries (Article 3 (p)); and on the principle of equal distributions of funds for a quality pre-university education (Article 9 (1)(b));
- encourages and supports school and university performances by awarding study scholarships, prizes and other incentives to pupils and students (Article 12 (3 – 5));
- envisages founding school consortiums in order to ensure quality of education and optimize resource management (Article 62);
- ensures drafting of individual learning plans for pupils following their results obtained at national assessments (Article 74 (2 - 4));
- ensures, through the duties of the school inspectorates, implementation of legislation, monitoring teaching-learning activities, respecting national standards/performance indicators and the quality assessment of management for educational units and institutions (Article 95 (1)(b and c));
- foresees the annual presentation by the principal of the school unit of a report on the quality of education (Article 97 (2)(h));
- manages and ensures quality of the teaching action through the provisions on the duties of the teachers' council (Article 98 (2)(a));
- foresees university grading and ranking of study programmes on academic areas according to the assumed mission (of education or research) with assessment information and primary data declared by universities made public.

## 3. Other measures

### > Bosnia and Herzegovina

The **Agency for Development of Higher Education and Quality Assurance**<sup>103</sup> was established as an independent administrative organization to provide assistance to the competent education authorities in the process of implementation of accreditation

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103 Decision on the beginning of work and determination of the seat of the Agency for Development of Higher Education and Quality Assurance, "Official Bulletin of BiH", No. 10/08

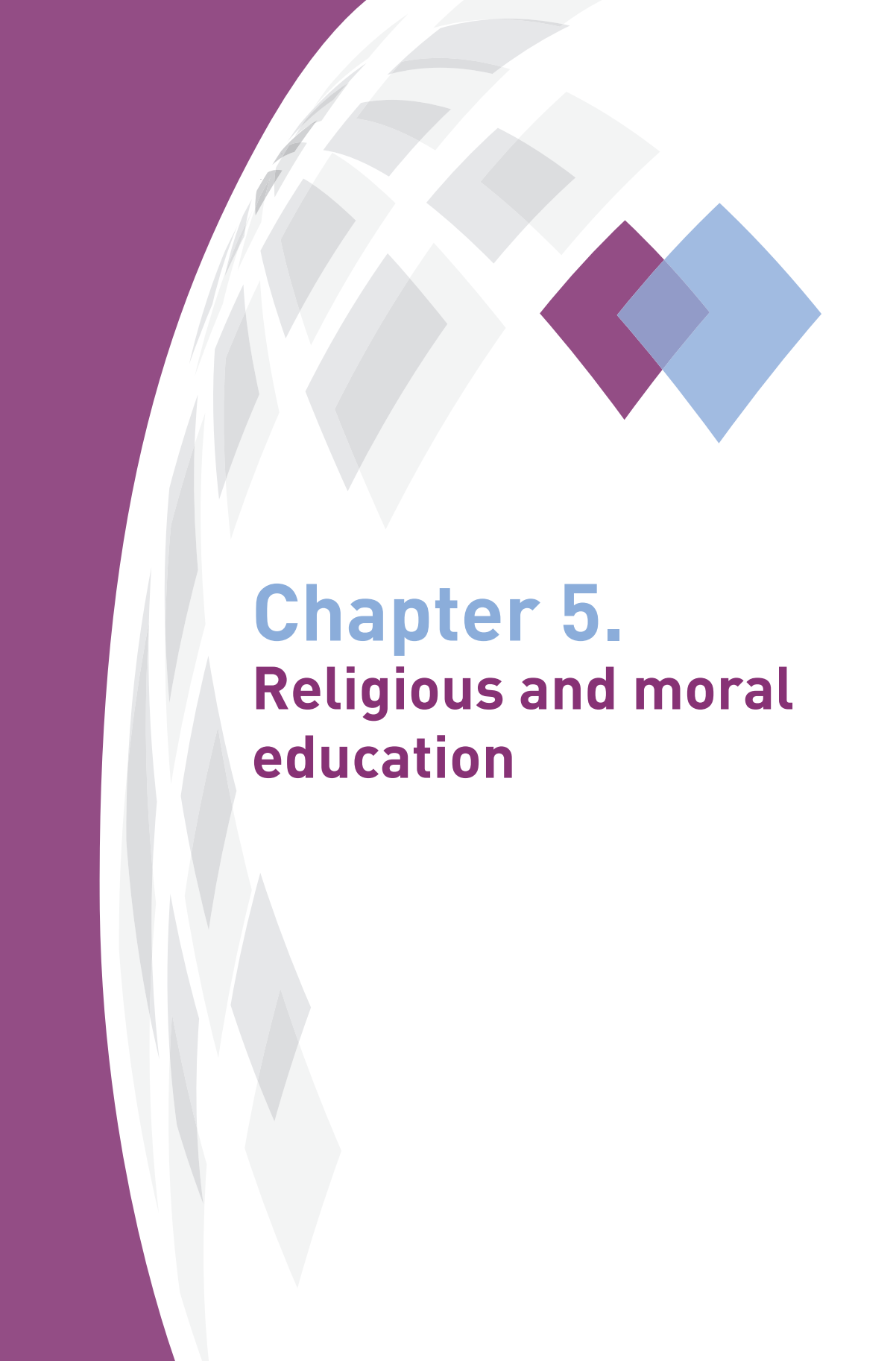
and licensing of higher education institutions. Its responsibilities also include the establishment of criteria and standards for quality assurance, providing advice and recommendation to remedy quality issues relating to studies and higher education institutions, and more.

> **Qatar**

**The Outstanding Foreign Schools Programme** founded on the initiative of Her Highness Sheikha Moza bint Nasser, Vice-President of the Supreme Education Council (SEC), aims to attract and choose schools of excellence from different parts of the world to open branches in Qatar, as well as to serve the educational needs of Qatari students and residents alike. Moreover, the education and training strategy for 2011-2016 aims for business sectors to participate in developing the infrastructure for vocational training and education, by developing a framework for national competencies and national standards for vocational education and standards.

> **Serbia**

The Ministry of Education and Science is linked with the Institute for Improvement of Education and the Institute for Evaluation of Quality in Education. Cooperation is maintained for the purpose of improvement of the educational system. All publications, laws, secondary legislation and basic information for teachers, parents and other professionals are presented on websites of these institutions or published in printed materials. Training courses are also organised for teachers and researchers on different topics relevant for practice in schools and pupils' and teachers' rights.

A decorative graphic on the left side of the page features a large, light gray arc that resembles a globe or a stylized 'C' shape. Overlaid on this arc are several overlapping squares in various shades of gray. To the right of the arc, there are two overlapping squares: a dark purple one on the left and a light blue one on the right.

# **Chapter 5.**

## **Religious and moral education**

# Chapter 5.

## Religious and moral education

**T**his section addresses the freedom of parents to ensure that the religious and moral education of their children conforms to their own convictions and to choose institutions other than those maintained by public authorities. Moreover, this liberty ensures that no person or group is compelled to receive religious instruction inconsistent with their own convictions. This includes private institutions on the condition that they conform to the minimum educational standards laid down by the relevant authorities<sup>104</sup>. States present a number of notable examples on record in implementing these provisions to ensure the respect and protection of the parents' or guardians' right to choose religious and moral education for their children. Examples of regulations regarding the privatization of institutions are also included.

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104 Article 5 (b) of the Convention against Discrimination in Education states that "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 conviction;". Also Article 13 (3) of the International Covenant on Economic, Social and Cultural Rights states that "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions."



# A. Parental choice and freedom in education

## 1. Constitutional guarantees

### > Croatia

According to the provisions of Article 64 of **the Constitution of Croatia**, parents are obliged to raise, support and educate their children and **have the right and freedom to decide independently on the upbringing of their children**.

### > Georgia

Article 35 of **the Constitution of Georgia** states: “Everyone shall have the right to receive education and the **right to free choice of a form of education**”.

### > Germany

According to **Basic Law**, “The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty” (Art. 6 (2)) and “Parents and guardians shall have the **right to decide whether children shall receive religious instruction**” (Art. 7 (2)).

According to **the Law on the Religious Education of Children**,<sup>105</sup> once a child has reached the age of 12, any decision made by the parents must have the child’s consent. From the age of 14, each child is free to decide whether to attend religious instruction, unless Land’s legislation makes other provision.

### > Ethiopia

Article 27.4 of **the Constitution** provides that parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.

### > Poland

Pursuant to the provision of Article 53 sections 3 and 4 of **the Constitution of Poland**, parents have **the right to ensure that their children have a moral and religious**

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105 Gesetz über die religiöse Kindererziehung

**upbringing and teaching in accordance with their convictions.** However, while the religion of a church or other legally recognized religious organization may be taught in schools, other peoples' freedom of religion and conscience shall not be infringed.

## 2. Other measures and policy

### > Poland

**Religious education** at the request of the child's parents is also guaranteed under art. 12 of the **Act on Education System** and provided under the Regulation of the Minister of National Education of 14 April 1992 on conditions and methods of organization of religion lessons in public kindergartens and schools.

### > Romania

Romania adopted the **Law no. 489/2006 on religious freedom and the general regime of cults**, which guarantees, inter alia, **the parents'/tutors' exclusive right to choose the religious education of minor children**, according to their own beliefs (Article 3 (1)) and the cultural right to found and manage education units for training Religion teachers, as well as to establish the level, the number and the school plan for their own education institutions (Article 33 (1, 2)).

## B. Right to establish private educational institutions

### 1. Constitutional guarantees

#### > Bahrain

Article 7 (c) of the **Constitution of the Kingdom of Bahrain** states: "Individuals and bodies may establish private schools and universities **under the supervision of the State and in accordance with the law.**"

> **Czech Republic**

Article 33 (3) of the **Constitution of the Czech Republic** provides that: “Private schools may be established and instruction provided there **only under conditions set by law**; education may be provided at such schools in exchange for tuition.”

> **Germany**

Article 7, Paragraph 4 of **Basic Law of Germany** states: “The right to establish privately-maintained schools [is guaranteed].”

> **Ghana**

Article 25(2) of the Constitution of Ghana specifies that “every person shall have the right, at his **own expense**, to establish and maintain a private school or schools at all levels and of such categories and **in accordance with such conditions as may be provided by law.**”

> **Philippines**

Article XIV, Section 4, (1) of the **Constitution of the Philippines** states: “The State recognizes the complementary roles of public and private institutions in the educational system and **shall exercise reasonable supervision and regulation** of all educational institutions.”

## 2. Legislative provisions and regulatory frameworks for establishing private educational institutions

> **Argentina**

In accordance with Article 62 of **Argentina’s National Education Act No. 26.606 (2006)**, privately managed educational services in Argentina must be authorized, recognized and supervised by the relevant educational authority.<sup>106</sup>

> **Bosnia and Herzegovina**

**The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003)**, Article 30 states that: “Private schools may be established by domestic and

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106 Unofficial translation from: “De conformidad con el art. 62 de la Ley N° 26.206 en nuestro país los servicios educativos de gestión privada están sujetos a la autorización, reconocimiento y supervisión de las autoridades educativas jurisdiccionales correspondientes.”

foreign natural and legal entities, in line with the principles and standards established in this Law, and other requirements and criteria determined in the regulations in the area of education.”

> **Burkina Faso**

**Article 8 of Burkina Faso’s Education Act (2007)** provides for the establishment of private education institutions: “Private education is recognized. Natural or legal persons may establish and manage private schools. This right is exercised within the framework of the current legislation and in accordance with the educational standards recommended by the State”.<sup>107</sup>

> **Norway**

In Norway, 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**.

> **Slovakia**

The establishment of non-state schools in Slovakia is regulated by **Act no. 596/2003 Z.z. Under section 19(3)** a private school or private school facility may be established and operated by a natural person or legal entity that is duly registered in the Slovak Republic in accordance with applicable national legislation.

> **Uzbekistan**

**The Law on Education** of the Republic of Uzbekistan specifies at **Article 29**: “The State education bodies control private educational institutions compliance to the education laws. Private educational institutions violating the education laws may have their activities suspended by their accreditation bodies. Admission to private educational institutions is at the same time and by the same time methods as state educational institutions”.

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<sup>107</sup> Unofficial translation from: « L’enseignement privé est reconnu. Les personnes physiques ou morales peuvent créer et diriger des établissements d’enseignement privés. Ce droit s’exerce dans le cadre des textes en vigueur et conformément aux normes prescrites par l’État en matière d’enseignement. »

### 3. Financial assistance granted to private institutions

#### > Philippines

Republic Act No. 8545 on Expanded Government Assistance to Students and Teachers in Private Education Act provides in Section 4 dedicated to the Forms of Assistance that:

**“Assistance to private education shall consist of assistance to students and assistance to teachers. The following are forms of assistance to students in private education:**

- (1) Tuition fee supplements for students in private high schools, including students in vocational and technical courses;
- (2) High School Textbook Assistance Fund: Provided that the textbook assistance per student in private high schools shall be determined by the council and shall not exceed what students in public high schools are provided on a per student basis under a comprehensive textbook programme of the Secondary Education Development Programme (SEDP): Provided, further, that the textbook assistance shall be granted only to beneficiaries of tuition fee supplements and educational service contracting scheme provided in this Act;
- (3) Expansion of the existing Education Service Contracting (ESC) Scheme;
- (4) The voucher system of the Private Education Student Financial Assistance Programme (PESFA);
- (5) Scholarship grants to students graduating as valedictorians and salutatorians from secondary schools;
- (6) Tuition fee supplements to students in private colleges and universities; and
- (7) Education Loan Fund.

**The following are forms of assistance to teachers and faculty in private education:**

- (1) In-service training fund for teachers in private high schools; and
- (2) College Faculty Development Fund.”

## C. Organization of religious and moral instruction

### > Philippines

The **Constitution** of the Republic of the Philippines (1987) provides in **Article XIV**, Section 3 (3), that “At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, **without additional cost to the Government**”.

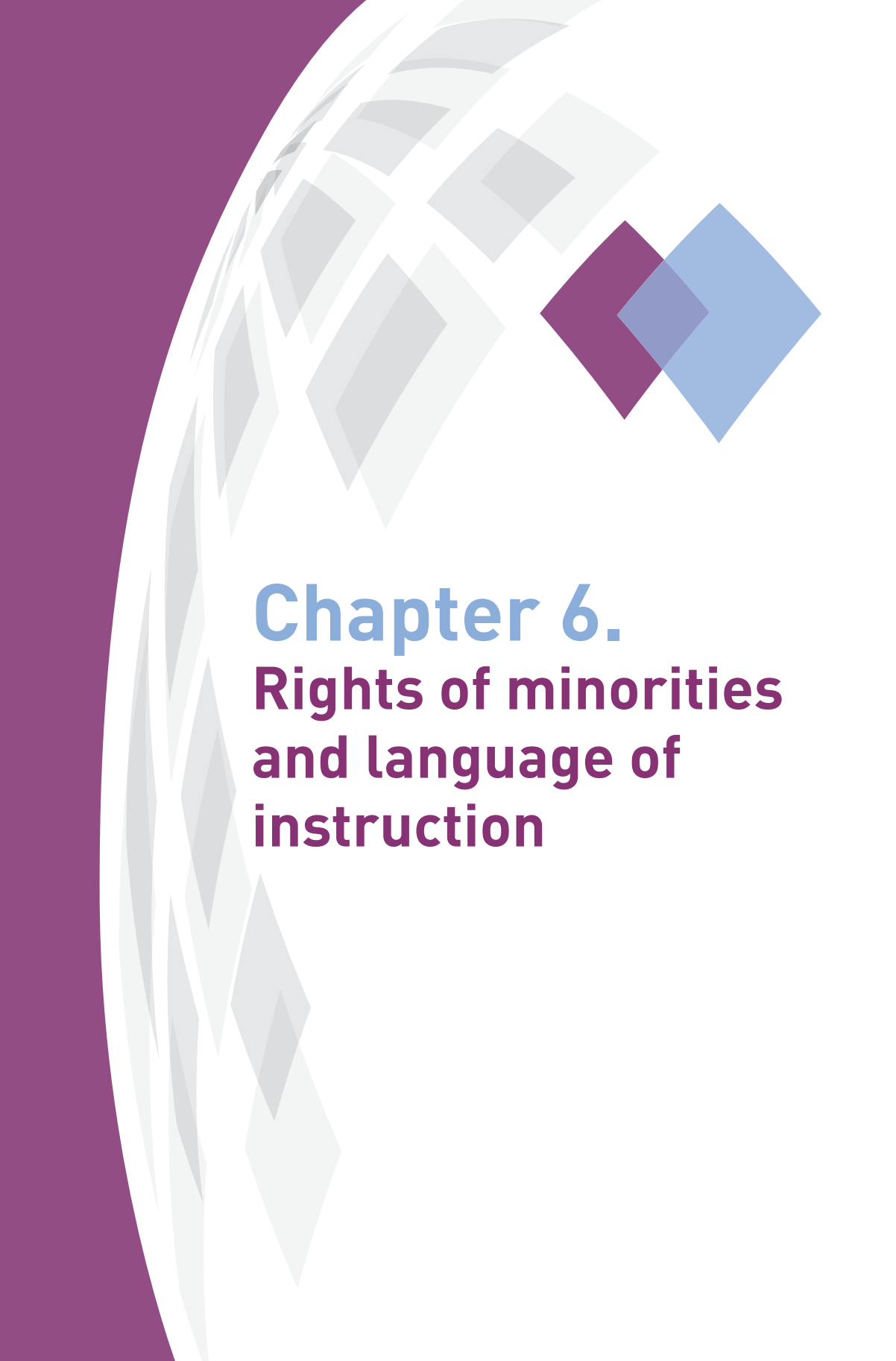
### > Poland

In public kindergartens, public primary schools and lower secondary schools, **religious education is organized at the request of parents** (legal guardians) in the framework of the course plans.

As regards public upper secondary schools, religious and ethical education is organized, in the framework of the school course plan, at the request of either parents (legal guardians) or students themselves (once students become adult, they decide themselves about receiving religious and ethical education). Participation or non-participation in pre-school or school religion or ethics classes cannot be a reason for discrimination by any other person in any form.

### > Zimbabwe

Section 19 (2) of the **Constitution of Zimbabwe** states that: “Except with his own consent or, if he is a minor, the consent of his parent or guardian, no person attending any place of education shall be required to receive religious instruction or to take part in or to attend any religious ceremony, or observance of that instruction, ceremony, or observance that relates to a religious order other than his own.”

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# **Chapter 6.**

## **Rights of minorities and language of instruction**

# Chapter 6.

## Rights of minorities and language of instruction

**T**he 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 [...]”,<sup>108</sup> 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. Eastern European States provide interesting examples of such provisions.

##### > Croatia

The **Constitutional Law on Minority Rights and Freedoms** guarantees the rights of ethnic and national communities or minorities in the most important areas of life, including non-discrimination and equality, and **freedom of choice in education**.

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



> **Poland**

Article 35 of the **Constitution of the Republic of Poland** provides that:

“1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.

2. National and ethnic minorities shall have the **right to establish educational and cultural institutions**, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.”

> **Slovakia**

Under Article 34 of the **Constitution**, the children of citizens belonging to national minorities and ethnic groups have, **in addition to the right to learn the state language, the right to upbringing and education in their language**. In the upbringing and education of children belonging to national minorities, the education authorities uphold and apply the **democratic right of parents to choose a school’s language of teaching**.

## 2. At the legislative and administrative level

Most States guarantee the rights of minorities in education through legislative and administrative measures. Where those States also provide constitutional measures, the legislation is often more detailed.

> **Bosnia and Herzegovina**

The **Framework Law on Pre-school Care and Education in Bosnia and Herzegovina of 2007, Article 10** (Right to Language), stresses that “The language and culture of all constituent peoples and every national minority living in Bosnia and Herzegovina shall be respected and integrated into the pre-school institution”. **Article 8** of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (2003) provides that “Language and culture of any significant minority in Bosnia and Herzegovina shall be respected and studied at the school to the fullest extent practicable, in accordance with the Framework Convention for the Protection of National Minorities”

> **Croatia**

In accordance with Article 7 of the **Act on Education in Elementary and Secondary Schools** and according to the **Law on Education in the Language and Script of National Minorities of Croatia** and based on other regulations, **classes for minorities are implemented in primary schools in the language and script of national minorities**.

> **Hungary**

**The CXXXIX. Act of 2005 on Higher Education** has the following regulations with regards to the educational activities of national minorities:

**Section 146** (1) Where a higher education institution may provide national or ethnic minority teacher training as stated in its founding charter, such training shall be organized for applicants who meet the entry requirements.

(2) Applicants belonging to the minority concerned shall be accorded priority in respect of admission to national or ethnic minority teacher training. Affiliation to any minority shall be deemed confirmed if the secondary school-leaving examination has been taken in the minority language.

(3) The language of the minority concerned shall be taught throughout the whole length of the programme in national or ethnic minority teacher training.

(4) National and ethnic minority teacher training shall be considered as a programme with a small headcount in terms of funding.

(5) Where the Hungarian Accreditation Committee delivers an expert opinion on national or ethnic minority teacher training, it shall seek the cooperation of the expert delegated by the national minority government concerned.

> **Montenegro**

According to **the Law on Minority Rights and Freedoms**, minority nations and other minority national communities and their members have the **right to education in their own language** and to appropriate representation of their language in general and vocational education, depending on the number of students and financial abilities of the state. Furthermore, minorities and other minority communities and their members have the **right to establish educational institutions, but funding of such institutions is the responsibility of the founder**.

> **Poland**

Kindergartens, schools and public facilities enable students belonging to national and ethnic minorities as well as communities using regional language to maintain and develop their sense of national, ethnic and linguistic identity. **The Regulation of the Minister of National Education of 18 May, 2010** amending the Regulation on conditions and methods for kindergartens, schools and public establishments to carry out tasks to enable fostering a sense of national, ethnic and linguistic identity among children coming from national and ethnic minorities or communities using regional language entered into force as of 7 July 2010. The amendment to the Regulation includes new principles, according to which curriculums are approved for use at schools by headmasters, while handbooks are approved for use at schools by the minister competent for education.

In the school year 2010/2011, 1,118 schools teaching minority language or in minority language (including kindergartens, pre-school units at primary schools as well as schools of all types) functioned in the Polish education system at all educational levels. More than 54 thousand pupils were taught minority language at the aforesaid schools.

### 3. At the policy level

Regarding policies put in place in order to guarantee the educational rights of minorities, various examples can be seen from the practices of states.

#### > Bulgaria

As of 2010 the **National Strategy on the Educational Integration of children and pupils from ethno-cultural groups** has been updated and adopted in a reformed version. In the implementation of this strategy, every school from across the country has the responsibility to draw up an annual plan and to report to the Regional Inspectorate for Education on what has been carried out. Similar obligations have been also imposed on the experts attached to the Regional Inspectorates of Education, who are assigned with responsibilities relating to the educational integration of the children and pupils from ethno-cultural groups.

#### > Latvia

In Latvia, **814 general education day schools** are implementing general education programmes throughout the 2011-2012 academic year. Of these, 105 educational institutions implement only **educational programmes for minority ethnic groups** (of these 99 schools implement educational programmes in Russian, four in Polish, one in Ukrainian, one in Belarusian) and 66 educational institutions implement both Latvian and ethnic minority educational programmes. Furthermore, two private educational institutions implement general education programmes in English (one school) and French (one school). There are also 25 evening, extramural and distance learning educational institutions; of these 14 implement both Latvian and ethnic minority educational programmes. A total of 59,614 students attend ethnic minority education programmes, which represents 27.2 per cent of the overall number of pupils.

#### > Mauritius

Provision is made in both primary and secondary public and private grant-aided schools for the **teaching of Asian languages** (Hindi, Urdu, Tamil, Marathi, Telugu, Modern Chinese) and Arabic as optional and examinable subjects. Moreover, in line

with a Government policy dating from 1976 to propagate and foster ancestral languages and uphold the cultural heritage of Mauritians, the Ministry of Education and Human Resources contributes to the payment of an allowance to those who teach these languages after school hours and during week-ends in what are commonly known as “Evening Schools” run by sociocultural organizations and to the Visiting Officers who monitor these schools and provide pedagogical advice to the teachers.

➤ **Sweden**

In Sweden, organizers of secondary schools are allowed to offer education in **Jewish studies** since the autumn of 2011. This subject is aimed to increase the opportunities for Jewish pupils to deepen their knowledge about their own culture, history, traditions and religion. As a language choice the pupils are allowed to choose Hebrew and Yiddish. In 2010, two new Folk High Schools (folkhögskolor) were approved by the Council of Adult Education as state grants entitled: Kista Folk High School with a Muslim focus and Agnesbergs Folk High School with Roma focus.

## **B. Specific measures taken regarding particular minority communities**

### **1. Roma and Sámi populations**

➤ **Bosnia and Herzegovina**

In Bosnia and Herzegovina, **The Action Plan on the Educational Needs of Roma and Members of Other National Minorities** was adopted in February 2004, and its revised version in 2010 defines the 23 overall goals with the purpose of improving the access of Roma to mainstream education system in BiH through addressing many obstacles they currently face, i.e. practical, systematic and wider issues, while enhancing the participation of the Roma communities and advocating for full inclusion of their children in regular education. Four main objectives of the revised Action Plan include the following:

- ensuring that children of the members of the Roma national minority are involved in the system of compulsory primary education;
- encouraging the Roma population to continue secondary and higher education, as well as the training for first occupation;
- preservation and promotion of the Romani language, culture and history;
- building system solutions that will lead to meeting the educational needs of Roma.

#### > **Croatia**

In Croatia, the **National programme for the Roma and the Action Plan for the Decade of Roma Inclusion 2005-2015** provides measures that contribute to the elimination of long-standing marginalization and discrimination of the Roma minority, and contribute to their integration into the regular educational system.

#### > **Finland**

The Ministry of Education and Culture decree (1777/2009) determines the grounds for subsidising supplementary instruction provided for children with foreign, Sámi or Roma backgrounds in basic education and upper secondary education. If an educational institution does not arrange mother tongue instruction for foreign, Sámi or Roma language pupils, as laid down in the Basic Education Act, a separate subsidy may be granted in accordance with the said decree to arrange instruction in the pupil's own mother tongue. **Subsidies for supplementary instruction to foreign, Sámi and Roma pupils** reached a total of 12 million euro in 2011.

#### > **Latvia**

In Latvia, data collection showed that some Roma children were not attending compulsory education. In order to improve the educational situation for the Latvian Roma, a project was implemented in 2007 entitled **Roma Teacher Assistants**, as part of which 20 teacher assistants of Roma ethnicity were trained, as well as 30 teachers for work at educational institutions where Roma children learn alongside children of other ethnicities. One of the benefits of the project has been the collaboration between Roma teacher assistants and parents who have been encouraged to send their children to school and have had the importance of education explained to them. Furthermore, specialists and educators of the educational institutions have an opportunity to understand better the set of problems relating to the education and social integration of Roma children.

> **Poland**

The **Programme for the Roma population in Poland** adopted by the resolution of the Council of Ministers of 19 August 2003, initially covering the period 2004-2013, includes tasks related to education, improvement of the living and social situation, health, prevention of unemployment, safety, culture and dissemination of knowledge about the Roma population and civil education of the Roma. One of the components of the programme consists in assisting teachers for Roma education. Roma education assistants employed as part of the programme help Roma children and young people with school and non-school activities. Support teachers are especially focused on Roma children treating them at an early stage of education as foreign-language and bicultural children. Their task is to supervise their progress, provide remedial classes, help with homework and remain in touch with their families on a permanent basis.

> **Serbia**

**Affirmative action** in enrolling Roma pupils in secondary schools was initiated within the Roma Decade and was preceded by thorough preparations in which the Ministry of Education and Science and the Ministry for Human and Minority Rights took part together with the National Council of Roma National Minority, schools and non-governmental organizations. This action was designed to enable enrolment into preferred secondary schools to a certain number of Roma pupils who had achieved success in their previous education with the Ministry of Human and Minority Rights acting as guarantor, by adding a certain number of score points according to the previously set key. In this way, about 1,500 Roma pupils have been enrolled in secondary schools since 2004.

## 2. Nomadic populations

> **Afghanistan**

In order to provide equal education opportunities, the Afghanistan Ministry of Education has established education opportunities for nomads in remote and extremely remote areas of the country.

> **Iran, Islamic Republic of**

In Iran, lower/upper secondary, pre-university and nomadic education centres play a pivotal role in preventing the drop-out of graduates in fifth grade at the primary level and third grade at lower secondary level, as well as other students having no access to daily conventional schools in deprived, under-populated and tribal regions of Iran. In these schools, students are supplied with three meals, dormitories and other

educational and training facilities free. These schools have increased in number from 2,111 to 3,239 with a growth rate of 53.43 per cent. Furthermore, the number of students enrolled in these schools grew from 350,201 in 2000 to 456,591 in 2006 with a 30.38 per cent growth rate.

#### > **Nigeria**

Nigeria has introduced Nomadic Education in order to increase the level of literacy amongst the nomadic cattle-rearing or fishing communities.

### 3. Indigenous peoples

#### > **Australia**

Australia recognizes the **constitutional right of indigenous peoples to receive an education that helps to preserve and reinforce their cultural norms, language, world view and ethnic identity**, to play an active role in a multicultural world and to improve their quality of life; intercultural bilingual education thus fosters a mutually enriching exchange of knowledge and values among indigenous peoples and ethnically, linguistically and culturally different populations, and encourages recognition of and respect for such differences (Article 75 paragraph 17 of the Constitution).

#### > **Chile**

The **General Law on Education** requires that, in educational establishments having a high percentage of indigenous students, it will be considered as a general education goal that students should follow courses to maintain their mastery of the **indigenous language** and their **knowledge of the history and culture of their people**.

Furthermore, Chile has carried out various initiatives regarding indigenous peoples in education. In October and November 2010, the Ministry of Education conducted a national consultation with about 500 representatives of indigenous people in order to improve and validate indigenous language study programmes for the second year of primary school. In addition, a segment on the learning of indigenous languages was incorporated into the national curriculum. Specifically, study programmes have been adopted for the first year of primary school for the teaching of the Aymara, Mapuzugun, Quechua and Rapa Nui languages.

### > Panama

Article 108 of the **Constitution of Panama (1972)** states: “The State shall develop programmes for the education and advocacy of indigenous groups as they have their own cultural patterns, so as to ensure their active participation as citizens”.

Furthermore, Article 11 of **Organic Law 47 on Education** states: “education for indigenous communities is based on their right to preserve, develop and respect their identity and cultural heritage”. Article 12 adds: “the education of indigenous communities is part of the general principles and objectives of the national education system and takes place in accordance with the characteristics, objectives and methodology of **intercultural bilingual education**”.

### > Philippines

**The National Indigenous People’s Education Policy Framework** was issued<sup>109</sup> in 2011. It is intended to be an instrument for promoting shared accountability, continuous dialogue, engagement and partnership among government, indigenous people communities, civil societies and other education stakeholders. Recognizing education as a necessary means to realize other human rights and fundamental freedoms, the Department of Education [DepED] urges the strengthening of its IP policies in education and the development and implementation of an IP Education Programme. As such, the following shall be DepED’s policy statements on IP Education:

- Ensure the provision of universal and equitable access of all IPs to quality education and relevant basic education services towards functional literacy for all;
- Adopt appropriate basic education pedagogy, content and assessment through the integration of the Indigenous Knowledge Systems and Practices in all learning areas and processes;
- Provide adequate and culturally-appropriate learning resources and environment to IP learners;
- Strengthen the hiring, deployment and continuous development of teachers and learning facilitators in the implementation of its IP Education Programme; and
- Establish and strengthen appropriate multi-level units within DepED responsible for planning, implementing and monitoring IP education interventions.

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109 DepED Order 62, series 2011



## 4. Immigrants

### > Cyprus

In Cyprus, the Attorney General has advised that **the Constitution of Cyprus** clearly states that the **right to education is not confined by citizenship**; therefore even the children of illegal immigrants are allowed to enrol in Cyprus schools, although this does not mean that their parents gain any rights through this.

### > Dominican Republic

Many children lack **birth certificates** and, even when the Ministry of Education orders school enrolment, the absence of this document makes it difficult to manage their academic record and grant certification upon completion of studies.

In that context, the Ministries of Education and Immigration recently announced the creation of an education portfolio fund to help pay for the documentation of 24,000 students who are illegal aliens, a process estimated to cost RD \$1,200 for each student. According to official data, there are 54,808 foreign students in Dominican schools, of whom 33,000 are Haitian and 24,000 of them lack documents.

### > Luxembourg

According to the **Grand Duchy regulation of 16 June 2009 on the functioning of reception courses and classes for children newly arriving in the country**,<sup>110</sup> at the basic education level, municipalities offer reception courses for newcomer pupils. The first and following languages to be taught are chosen on the basis of the children's age on arrival, their previous achievements, the languages with which their parents are familiar and the similarity of the mother tongue to the first language to be learned.

Furthermore, in Luxembourg, parents, teachers and school authorities can request **free assistance from an intercultural mediator** speaking Albanian, Arabic, Chinese, Creole (Cabo Verde), Italian, Portuguese, Serbo-Croat or Russian, in addition to the prevailing languages in Luxembourg (other languages on request). Intercultural mediators are familiar with the Luxembourg school system. They abide by the principle of confidentiality and assist the parents, pupils and teachers during the process of admission to the school or the class.

They can provide the following services:

- translation during personal interviews between teachers, pupils and parents;
- providing information on previous schooling in the country of origin;

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110 Règlement grand-ducal du 16 juin 2009 déterminant le fonctionnement des cours d'accueil et des classes d'accueil pour enfants nouvellement installés au pays

- oral or written translation of documents such as letters from teachers or school reports;
- assisting pupils who require psychological care in relation to the school.

#### > **Serbia**

In Serbia, Article 14 of the **Law on Preschool Education** establishes that children that are foreign citizens, as well as children from vulnerable groups without proof of residence and other personal documents, refugee or displaced persons are enabled to enrol in a preschool and/or school delivering the preparatory preschool programme under the same conditions and in the manner regulated for the citizens of the Republic of Serbia.

#### > **Sweden**

In Sweden, **Swedish tuition for immigrants** forms part of the public adult education system in Sweden. The purpose of the scheme is to provide learners with basic Swedish language skills. It also aims to give adult immigrants who cannot read or write the chance to acquire these skills. Immigrants must be given the opportunity to develop their ability to communicate in Swedish - orally and in writing - in everyday situations, social settings and working life. Swedish for immigrants must also prepare learners for further studies. Municipalities are required to offer Swedish language instruction to all adult immigrants who lack basic Swedish language skills. This should normally begin within three months of registration of residence in the municipality.

## **C. Legal provisions regarding mother tongue and multilingual education**

States also provide notable examples regarding multilingual teaching and education.

#### > **Czech Republic**

Section 13(2) of the **Education Act** (2004) governs the education of members of national minorities: Members of national minorities shall have the **right to be educated in the language of the relevant national minority** under conditions stipulated in Section 14.

Section 14 adds:

## Education of Members of National Minorities

- (1) 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, namely in the municipalities where, in compliance with a special legal regulation, a Committee for National Minorities has been established and if conditions stipulated herein are satisfied.
- (2) Should at least eight (8) children claim to be members of a national minority, a class of the relevant grade of nursery school may be set up; should at least ten (10) pupils claim to be members of a national minority, a class of the relevant grade of basic school may be set up. A nursery school or basic school with the language of the national minority may be established provided that all classes have on average at least twelve (12) children or pupils who claim to be members of the national minority in one class.
- (3) Should at least twelve (12) pupils claim to be members of a national minority, a class of the relevant grade of secondary school may be set up; a secondary school with the language of the national minority as a language of instruction may be established provided that all classes have on average at least fifteen (15) pupils who claim to be members of the national minority.
- (4) In organising education in the language of a national minority, municipalities, regions or the Ministry shall take into account the accessibility of this education. Education in the language of a national minority may be also organised by a union of municipalities or municipalities, or a municipality and a region may mutually agree on the manner of organization, including funding.
- (5) If conditions stipulated in sub-sections 2 and 3 are not satisfied, a head teacher with the consent of the founder may specify in the School Educational Programme subjects or their parts which may be taught bilingually, both in the Czech language and the language of the relevant national minority.
- (6) At schools with instruction in the language of the relevant national minority, school reports, apprenticeship certificates, and diplomas on completion of education shall be issued bilingually, both in the Czech language and in the language of the relevant national minority.

### > Romania

**Law of National Education 1/2011** financially supports the education institutions teaching in minorities language and ensures the right of the national minorities to study in their mother tongue, both on all levels, types and forms of pre-university education (Article 45, Article 46), and on higher education level (Article 135, Article 161).

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# **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 UNESCO Convention and Recommendation against Discrimination in Education. These examples are taken from national reports submitted to UNESCO for the Eighth Consultation of Member States on the implementation of these two international standard-setting instruments.

The Convention and the Recommendation celebrated their fifty-fifth anniversary in 2015. Both express the fundamental principles of non-discrimination and equality of educational opportunities enshrined in UNESCO's Constitution.

Since these fundamental principles were essential in the process of Education for All, the instruments have naturally become the cornerstone of this important domain. The Education 2030 development agenda will provide further opportunity to mobilise the Convention and the Recommendation in guiding Member States in the effective realization of the right to education.

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



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