

Chapter 2

The Right to Education

The right to education is, quite simply, the right to a future.

Today, about 1.4 billion people are living in extreme poverty. Some 774 million people, two-thirds of whom are women, are illiterate, unable to read a book or sign their own names.¹ Millions more in every country, rich and poor, are functionally illiterate. The right to education of over 57 million children is being denied: they are not in school, and most have never been inside a classroom. Each year millions of children leave school early, lacking the knowledge and skills they need to participate effectively in modern society. Millions of innocent adults and children who have not been empowered by education are today the victims of conflict and tyranny, exploitation and violence, malnutrition, preventable diseases, inadequate sanitation and polluted water supplies.

Empowering Adolescent Girls: Breaking the poverty cycle of women (UNESCO 2003) is an example of a project which seeks to ensure that the right to education is not denied to young women living in poverty. The project focusses on meeting the basic learning needs, on social empowerment, self-employment, hygiene, health and security of 1,000 adolescent girls in Bangladesh, helping to ensure the success of micro-enterprises funded by the Grameen Bank. Box 2.1 tells the story of one these girls, 18-year old Sweetie (Masheda Akhter). She is a good example of the power of education, and of why UNESCO insists that education must be seen, first and foremost, as a basic human right.

This chapter focusses on the normative role played by UNESCO in seeking to promote the right to education, monitoring the extent to which governments abide by their responsibilities, and in the resolution of conflicts relating to the right to education.

¹Throughout this book, the education statistics cited come from the UNESCO-UIS database, where no date is given they refer to the latest available statistics in 2013.

Box 2.1: Empowering Adolescent Girls – Sweety’s Story

Sweety dropped out of primary school in Bangladesh very early due to poverty, and was quickly married off to a petty trader. The marriage turned out to be hell for her, but she succeeded in getting a divorce. However, her life as a beggar was not easy: she struggled, pleading for a few taka to survive, doors were slammed in her face, eyes were averted, the message being that she was worthless. Eventually, she joined the Adolescent Girls’ Project where she attended literacy, skill development and vocational training classes, health and legal counselling. Her reading, writing and basic arithmetical skills improved dramatically, and then she completed sewing and tailoring training and bought a sewing machine with her first micro-credit from the Grameen Bank to set up her own small business. She is now earning an income and helping her family, not only financially but with the education of her younger brothers and sisters. Today, Sweety is the youngest member of the village council, a dynamic young woman, respected by all. The right to education is about the “inherent dignity” of every person. It is about the worth of the millions of young people whose basic human rights are being denied.

Source: *Breaking the poverty cycle of women: Empowering adolescent girls*. Paris: UNESCO 2003.

2.1 The Concept of Human Rights

The concept of human rights has a long history, its origins stemming from the historic struggle for freedom, equality and justice. All nations have a system of law which confers rights and responsibilities on the citizens to whom it applies. The ancient codes of the Greek city states and Imperial Rome conferred rights (including the right to education) on certain classes of citizens but not others, and certainly not on slaves. However, when we assert that something is a fundamental human right, we are making a special type of moral claim. It is a claim that is justified because it is the “right” thing to do, a claim that virtually all societies, religions and philosophies accept as valid; a right that all individuals possess wherever they live, and that no political order can deny. In the seventeenth century, the theologian Comenius (1592–1670) made such a claim. He argued that everyone has the right to education, calling for “universal instruction” on a basis of equality, irrespective of social or economic position, religion, race or nationality. Moreover, he insisted on the complete equality of the sexes.

Over time, powerful ideas spread, leading to action. The roots of what we now take for granted as our basic rights stem the struggles for freedom of the past, such as the American (1776) revolution and the Constitution of the United States:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that these are life, liberty, and the pursuit of happiness.

However, it was not until the French Revolution, that we find education beginning to be accepted as a basic human right for all. The provision of “free public education” accessible to all was included in the French Constitution of 1791.

2.2 The Universal Declaration of Human Rights

Conceived while the bombs were still falling during World War II, the United Nations system was founded “to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person.” The hope was that:

the creation of the United Nations would mark new era in the story of humanity, one in which recourse to force and violence to resolve disputes would give way to peaceful and concerted action of States. The challenge of UNESCO’s founders – and to their successors until this very day – was that of converting a noble idea into practical and worthy action.... the most immediate challenge facing the organisation was the existence of immense numbers of people who lack the most elementary means of participating in the life of the modern world. (Power 1997)

In 1948, the General Assembly of the United Nations adopted The Universal Declaration of Human Rights. The basic rights laid down in the Declaration have given birth to well over 100 international treaties, conventions and declarations. Institutions (such as the International Criminal Court, UN High Commissioner for Human Rights) have been set up to monitor the implementation of these instruments and to rule on submissions relating to abuses of human rights.

For many years, UNESCO has facilitated the process of research, reflection and dialogue among the religions, philosophies, cultures and educators of the world in the search for a set of internationally shared values, what the Report of the World Commission on Culture and Development (UNESCO 1995) defines as “a global ethics.” This work, along with the research undertaken by non-government organisations like the World Education Fellowship (Campbell et al. 2006), confirms the centrality and validity of the concept of human rights as articulated in the Universal Declaration. While there are differences in how one might interpret what the right to education means in a given context, there is a unity in the diversity of nations and cultures that make up our world. It does make sense to speak of a global community, of shared values and “a global ethic” that includes education as a basic human right (see Box 2.2).

Box 2.2: Universal Declaration of Human Rights

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...

(continued)

Box 2.2 (continued)

Now, therefore, the General Assembly proclaims This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms....

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages, Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally available on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial and religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Extracts from *Universal Declaration of Human Rights*, 10th December, 1948.

One volume of the *World Education Report* (UNESCO 2000) gives a detailed overview of the successive commitments to the right to education that have been adopted by the international community since 1948. The Report also provides a broad analysis of the progress made during the 1990s, as well as giving an account of how the Article on the right to education came to be written and the intentions of those who originally prepared and adopted the Declaration. Analyses of the role played by UNESCO in promoting international co-operation and solidarity in support of the right to education (Power 2006) indicate that amid all of the turmoil and change that has taken place since World War II, the organisation has remained true to its guiding principles and commitments. Foremost among these are UNESCO's Constitution and Article 26 of the 1948 Universal Declaration of Human Rights.

2.3 Human Rights Law and International Conventions

The principles underlying the Universal Declaration of Human Rights are as valid today as there were in 1948, but a declaration does not have the force of law. To do so, the principles need to be translated into treaty provisions that establish the legal

obligations of each ratifying State. These are set out in the International Covenant on Economic, Social and Cultural Rights which spells out the obligations of governments relating to education rights (Articles 13 and 14). Various aspects of human rights have been emphasised by the international community over the years, leading to a range of UN Conventions and normative instruments.² In education, the rapid expansion of education worldwide led to pressures from social groups to give more emphasis to the issue of equality, leading to the more detailed statement of what is meant by discrimination and the legal obligations of governments relating to discrimination in education. These are set out in the International Convention Against Discrimination in Education, adopted by UNESCO in 1960 (see Box 2.3).

Box 2.3: Convention Against Discrimination in Education

For the purpose 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 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) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

Article 1: *Convention Against Discrimination in Education*, UNESCO, 14 December, 1960

UNESCO has a particular responsibility for monitoring the implementation of the Convention against Discrimination in Education. Whereas Member States are asked to submit reports on the provisions they have made to implement normative instruments, many fail to do so. The Secretariat of UNESCO has great difficulty in inducing recalcitrant States to submit their reports and to assure the adequacy and validity of those received. What limited evidence available on discrimination stems from analysis of the statistical data and reports received from Member States, independent research and the reports from non-government organisations such as Save the Children, Oxfam, Amnesty International and Education International. Monitoring

²Examples include the Convention on Rights of the Child, the International Covenant on Civil and Political Rights, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities, and the Convention the Elimination of All Forms of Racial Discrimination.

and reporting on progress made realising the right to education for all plays a crucial role in holding nations and the international agencies accountable for what they have, and what they have not, done to assure that right.

Today most nations have included the key elements from these normative instruments in their Constitutions and/or national laws. For example, the right to basic education is part of the Indian Constitution. In principle and in law then, everyone has the right to education, without discrimination. However, ratifying a Covenant or Convention and promising to honour commitments is one thing, taking concrete measures to implement them is another thing altogether. The reality is that governments and education authorities tend to overstate their achievements and hide their shortcomings. At times, they discriminate against minorities and oppress students, teachers and academics who speak out against human rights abuses.

In order to create an international system for the protection and promotion of the right of all to education, it is necessary to define precisely what is meant by the right to education. It is also necessary to agree on the goals and targets to be achieved; to develop programmes to be implemented; to establish mechanisms for monitoring the progress being made and the procedures to be used for dealing with violations of the right to education.

2.4 The Right of All to Education Without Discrimination

The intention in Article 26.1 of the Universal Declaration (see Box 2.2) was to ensure that all children could attend and complete an elementary (or primary) education. Primary education was to be compulsory and available free to all, and each nation would provide ample opportunities for all, without discrimination, to have access to secondary, technical and higher education.

Embarrassing as it may be for a country to be shown to be falling behind in meeting its targets in providing education for all of its peoples, what is even more cutting is to be accused of violating a legal obligation set out in international human rights law. The Committee on Conventions and Recommendations of the Executive Board of UNESCO examines documents drawn up by the Secretariat on the reports provided by Member States. It also utilizes a confidential procedure for the examination of complaints received by UNESCO concerning alleged violations of human rights by governments in its fields of competence, and in particular, in education. The Committee comprises 30 members of the Executive Board and meets twice a year to consider the claims made by victims and groups (generally NGOs) with “reliable knowledge” relating to alleged violations. After examining the evidence, the decisions of the Committee are transmitted to the governments against which claims regarding violations have been made, and to the claimants. Between 1978 and 2001, 488 cases were recognised as admissible, of which 300 cases were settled.

As Assistant Director-General for Education (ADG/ED), I was involved in processing and checking the validity and admissibility of complaints relating to

education. On several occasions, I was called to give evidence to the Committee and to meet with representatives of the government and victims to facilitate settlement of the dispute. The details are confidential, but the cases are real. Some examples follow.

In 1994, a small group of academics and students from Kosovo visited my office, bringing with them boxes of documents and a petition signed by more than 30,000 Albanian Kosovites relating to alleged breaches of the right to education by the Serb government. In 1993, the Serb government under President Milosevic had intensified its repression of the Albanian population in Kosovo, taking over the Albanian language media and destroying its education system. A new Serb curriculum was imposed on the Kosovo education system, with Serb replacing Albanian as the language of instruction. The University of Pristina was a centre of resistance to the regime: 800 lecturers were sacked, and 22,500 of its 23,000 students were expelled. The evidence was overwhelming: it was a clear case of the abuse of human rights and discrimination in education against the Albanian Kosovites.

The Serb Government was informed of the allegations against it, and a response was requested. None was received. Subsequently, the case was submitted to the Committee on Conventions and Recommendations at the next meeting of UNESCO's Executive Board. The Committee requested the Serb government to restore the right of Albanians to use their language as the medium of instruction, to reopen the university, and to allow the staff and students who had been evicted to return. For the Serb government at the time, this was merely a petty annoyance, one easily ignored. Sadly, UNESCO could do no more than exert moral pressure.

The UN system simply lacks the power to force authoritarian regimes to respect the rights of their citizens. It is an intergovernmental system. It is able to do only what the governments of its Member States will allow, and no more than that.³ Governments may criticise other nations for failing to respect human rights, but they do not welcome what they see to be any interference in their internal affairs, especially when it comes to human rights violations. Criticisms of the UN system for its failings are in reality, criticisms of the governments that set the rules, and most governments refuse to allow the UN system to adopt measures to protect human rights that have any teeth (Robertson 2006).

Conflict inevitably brings with it the abuse of human rights, including the right to education. Ever since the partition of Palestine and the formation of the State of Israel in 1948, Israel has been in conflict with its Arab neighbours and Palestinians. Following the 1967 war, Israel occupied the West Bank, Gaza and the Golan Heights. As might be expected, the Palestinians resisted the occupying force. The first large-scale uprising (the "intifada") began in 1987. Israel took measures to contain the resistance movement, closing schools and imprisoning teachers, students and activists. Pursuant to UNESCO's obligations to protect the right to education of Palestinians, the General Conference decided that the agency should monitor and report on the situation in the Occupied Territories. In order to do so, UNESCO commissioned independent experts like Father Bone, a Belgium Professor of Education,

³ See Chap. 14 for details of the limitations of the UN and UNESCO.

to visit the Gaza and the West Bank in order to check possible breaches of the right to education such as the closure of schools and universities, arbitrary imprisonment of teachers without trial. Each year, a report on the situation in the occupied territories was submitted to the Executive Board and General Conference of UNESCO.

It was my responsibility to present these reports. Each time, the reports provoked heated arguments: Israel strongly refuted the evidence presented and mounted counter attacks on Palestinian Liberation Organisation, while the Arab States called for the sternest possible condemnation and action against Israel. Each time a sub-committee was set up to draft a resolution that would be acceptable to most Members States. Israel opposed resolutions that were critical of its actions, while the Member States heavily involved in the peace process would only support resolutions consistent with the objective of restoring peace. Generally the resolutions took the form of a diplomatic rebuke of Israel for violations of the right to education and calls for both parties in the conflict to desist from violence. Rarely did the resolutions have much impact. Ultimately, in 1994 as part of the Oslo Peace process, the Palestinian Authority was established and assumed responsibility for education in the Occupied Territories. UNESCO played an important role in the establishment of the Palestinian education system, while continuing in its efforts to build peace in the minds of both Israelis and Palestinians through the promotion of education for peace, human rights and democracy (see Chaps. 8 and 13).

In some conflict situations, there is no recognizable government as such, and almost certainly one can expect that there will be serious violations of the right to education. Afghanistan, prior to the intervention by the USA, is a case in point. The Soviet withdrawal from Afghanistan in 1989 left a land in disarray, a land with 1.5 million dead and a conglomerate of warring tribes. The Taliban, a fundamentalist Sunni sect, sought to enforce Sharia law and to defend the Islamic character of Afghanistan. Taliban edicts and decrees took an especially misogynist view of women. Schools for girls were closed. Women, including teachers, were forbidden to work. Law breakers were beaten, flogged, shot or beheaded. Neither the UN nor UNESCO recognized the Taliban as the legitimate government of Afghanistan, but by 1994, the Taliban controlled over 90 % of the country. A Taliban delegation came to my office in 1995 claiming to be representatives of the government of Afghanistan, and demanded UNESCO's help in support of its education system (predominantly Madrassas, religious schools).

Education for all means education for all. Given that the only schooling accessible to many of the children living in Islamic countries is via the Madrassas, the challenge for UNESCO working in these countries has been to re-engineer Islamic schools so that they do meet the basic learning needs of all boys and girls, that they provide a general education and not just religious instruction. I informed the delegation that UNESCO was ready to help Afghanistan to work towards the goals of education for all, adding: "As a representative of the United Nations, I am duty bound to insist that you respect international law relating to the rights of girls and women, that is, you must reopen the schools for girls and allow your women to teach." "We can't do that" they replied, "It is against our religion." "Well, in that case, to help you would be against mine!" I retorted.

UNESCO is conscious of its responsibility to recognise and protect the world's rich diversity of cultures. It takes seriously its duty to protect that diversity, and to

promote a deeper understanding of, and respect for, the religions and belief systems of others. But there is a line in the sand: respect for human rights, a value shared by all but the most extreme fundamentalist groups, be they Christian, Hindu or Muslim.

UNESCO does seek ways to protect the right of all to education, even when authoritarian regimes close the doors. To help the girls and women of Afghanistan, UNESCO worked with the BBC, UNIFEM and UNICEF to develop and broadcast radio educational programmes via a soap opera *New Home, New Life*. Originally designed to help the five million refugees from neighbouring countries returning to Afghanistan, the programme was widely used by the Afghan women who had set up “schools” in their homes when the Taliban closed schools for girls and refused to allow women to teach (see Box 2.4). Eventually, the Taliban allowed UNESCO to bring to Afghanistan teaching materials acceptable to them. The guides and manuals support the radio programmes focussed on teaching basic life skills, health and nutrition.

Forbidden Lessons in a Kabul Guesthouse (Sadeed 2011) is the inspiring story of one woman who is bringing hope, education and humanitarian aid to Afghan girls and women. To begin to understand the suffering of those whose basic rights are being denied by authoritarian regimes and the courage and determination of women like Suraya Sadeed, the world community needs to listen to their voice. UNESCO also must be their voice and that of those who have paid the supreme price. In war-torn Somalia, UNESCO and UNICEF developed and provided thousands of “schools in a box” to support basic education programmes in refugee camps. Sadly, two education specialists working for UNESCO were slaughtered by militants. They, like many teachers in Somalia and throughout the world, sacrificed their lives defending the right of all to education. It was for them, a moral duty.

Box 2.4: New Home, New Life: A Soap Opera

New Home New Life is a radio soap opera which conveys educational messages through entertainment by means of a family drama. The aim was to reach girls and women deprived of access to education in Afghanistan. Broadcasts are produced in two main languages – Dari and Pashto, by a team of 120 Afghans and supported by several UN agencies, the BBC and Red Cross. A magazine which recounts the stories of the episodes was printed monthly with coloured cartoons and in a language suitable for new literates. Among the educational messages conveyed are those related to mass immunisation programmes for young children, landmine awareness, income earning possibilities, nutrition, the advantages of education for girls and literacy for women, and the need for tolerance and understanding within society. The programmes are also part of a strategy for providing education for all. *New Home, New Life* has had considerable success – one estimate suggests that it is heard by 90 % of the population,

Source: *The Education of Girls and Women*. ED-95/WS.34. Paris: UNESCO 1995

The right to “equality of treatment” in education is being compromised by many countries, rich and poor: the amount and quality of education available is very much dependent on one’s ability to pay. The gaps in access to education, within and between countries, are widening. The treatment afforded to, and the education provided for the children of refugees (“asylum seekers”) in internment facilities is often of an inferior standard. It does not conform to the letter, let alone the spirit, of international human rights law (Singer and Gregg 2004). As the *World Education Report* (UNESCO 2000) concludes, it has been “through apparently small exceptions to particular rights – as the result of a long string of small incidents – that the hopes embodied in the Declaration (of Human Rights) as a whole are being undermined.”

The struggle for global justice and holding nations accountable for abuses of human rights turns out to be a battle against sovereignty, that is, against “the doctrine of non-intervention in the internal affairs of Nation States asserted by all governments which have refused to subject the treatment they mete out to their citizens to any independent scrutiny” (Robertson 2006). Sadly, the United Nations system is not structurally geared to exert the pressure needed to enforce international human rights legislation, and that obeisance to the sovereignty of Member States, and particularly to very powerful ones (such as the permanent members of the Security Council), is the UN’s systemic defect.

2.5 The Purpose of Education (Article 26.2)

While Article 26.1 of the Universal Declaration of Human Rights deals with the right to education, Article 26.2 focusses on the purpose of that education, that is, education “directed towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.” Education for all becomes counterproductive if “every organ of society” and individual does not “strive by teaching and education to promote respect for these rights.” Rights carry with them the responsibility to respect the rights of others as the foundation of freedom, justice and peace in the world.

The early drafts of Article 26.2 spoke of the “full physical, intellectual, spiritual and moral development of the human personality,” and indeed this is what is meant by “full development.” In addition, the International Covenant on Economic, Social and Cultural Rights requires UN Member States to ensure that education enables “all persons to participate effectively in a free society, promote understanding tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace” (Articles 13 and 14). To the degree that education is directed to the purposes set out in these two normative instruments, it is empowering. To the degree that education is directed to other purposes, it can be disempowering.

From the very beginning, the promotion of education for international understanding, peace and respect for the rights and dignity of others has been one of UNESCO’s fundamental aims. The years 1995–2004 were designated by the UN

General Assembly as the Decade for Human Rights Education. Member States were called on to promote and implement human rights education in all sectors of society. Whereas most Member States of the UN have ratified and proclaimed their support for human rights education, few have developed and implemented relevant national programmes (Mertus 2009). The major obstacles are financial (suggesting a lack of political will) and institutional (education systems and institutions often operate in ways that are not always consistent with their rhetoric). On the other hand, NGOs (e.g. Amnesty International and Human Rights Watch) are playing an important role in disseminating information about human rights and are working with the UN and UNESCO to promote education for human rights (see Chap. 8).

2.6 Education, Parents and the State (Article 26.3)

Historically, most schools were established within the framework of the religious organisations that were the backbone of community life, and parents chose the kind of education to be given to their children. During the nineteenth century, industrial and political revolutions precipitated the rise of the Nation State. By the end of the century, the State had assumed responsibility for mass schooling in most countries. It was the abuse of this responsibility by totalitarian regimes in the lead up to, and during, World War II that led to the inclusion of Article 26.3 in the Universal Declaration of Human Rights. The representative of Lebanon on the drafting committee stressed “the need to exclude the possibility of situations in which dictators had the power to prevent parents from educating their children as they wished. Control of education should not be left entirely to the discretion of the State. Parents should be allowed the freedom to determine the spirit in which they wish their children to be brought up” (UNESCO 2000).

The International Covenant on Economic, Social and Cultural Rights obliges States to “provide free and compulsory education.” All children must attend a school, but not necessarily the school provided by the State. States are obliged to provide schools for all children without discrimination, but the choice of the school is to be left to the parents, the primary responsibility for the education of the child resting with the family.

Conflicts relating to the right to education can erupt even in countries that pride themselves as being the custodians of human rights. For example, in 1989 parents in Northern Ireland could send their children either to a Catholic or a Protestant school. However, as a small group of parents saw it, the separatist education policy of the government of Northern Ireland is part of the problem. The type of education they wanted for their children should be inclusive, not divisive. They wanted their children to have the opportunity to interact with, to understand and come to respect children of a different faith. The parents’ group submitted a complaint against the UK government to UNESCO alleging that it had violated their rights as parents. A very upset UK Ambassador to France stormed into my office, indignant that the legislation, policies and practices employed in that troubled province of the UK

were being questioned by a UN organisation to which, at that time, it no longer belonged. The act of calling on the UK to respect a right that it had championed in 1948 did lead, eventually, to action. By the turn of the century, education policy in Northern Ireland had been amended.

If education itself is to demonstrate respect for human rights and fundamental freedoms, the question of who controls education, who owns the school, is a crucial issue. Surely those most directly affected by educational policies and programmes (students, teachers and parents) should have a say when decisions affecting the type of education being provided are being made. Yet most indigenous peoples live in situations where education is controlled by a dominant cultural group. Historically, the education systems set up by colonial powers destroyed the key elements of many indigenous cultures, and with that, the identity and dignity of their indigenous peoples.

To this day, indigenous communities and minority groups struggle to assert their basic cultural and education rights. For the most part, parents want their children to learn about and to be proud of their cultural heritage. They want their children to attend schools that value and respect that heritage, as well as helping them to acquire the knowledge and skills they need to be successful in the wider world. Admittedly, there are difficulties in seeking to do both, but as the case study of Cherbourg School presented in Chap. 1 confirms, it is possible to do so. Slowly, very slowly, progress is being made in affirming the right of the parents of children of indigenous peoples to choose the type of education they want for their children.

In 2007, the General Assembly adopted the Declaration on the Rights of Indigenous Peoples. The Declaration recognizes the “right of indigenous peoples, families and communities to retain their shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.” The Declaration confirms that indigenous peoples have the right to “establish and control their own education system and institutions, providing in their own language, in a manner appropriate to their culture, methods of teaching and learning.” It also insists that indigenous peoples, particularly children, have the right to education at all levels and forms of education of the State, without discrimination.

Concluding Comments

International normative instruments relating to human rights set standards and even may be enshrined in international and national laws, but they are often ignored by States. Progress is being made towards the objective of providing some form of schooling to all children, but much remains to be done to realize the vision of those who founded UNESCO and helped set the standards by which the right to education, its quality and its broader purposes are to be judged.

(continued)

UNESCO has contributed to broadening the concept of education as a human right. Its position is that all have an equal right to be supported in their efforts to learn throughout life regardless of age, gender, ethnicity or financial circumstances, and without discrimination. However, the context in which the concept of education as a basic human right is being applied has shifted from one driven by a humanistic agenda to an economic one, and with that, the principle that education is a basic human right is being challenged by competing ideas, notably those deriving from a market-driven human capital approach to education (Elfert 2014). The latter may seem at the moment to be dominant, but the value of education cannot be defined solely in monetary terms. As the defects in market-driven education and economic policies become ever more evident, the context in which education policy and practice are forged is changing. The idea and the ideal of human rights cannot be suppressed for long. More and more people are demanding that their basic human rights and freedoms be respected. The pressure to eliminate exploitation, inequality, marginalisation and injustice is growing as the unseen revolution that empowers and ennobles minds spreads, as the dream of creating a literate world becomes a reality.

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