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A Human Rights Based Approach to Education and Skills Development

Purpose and framework

The purpose of this brief is to provide guidance to staff on how to apply a human rights based approach to support related to education and skills development. This will help in planning, assessing and monitoring education and training initiatives to ensure that they hold governments accountable to their commitments and empower students and care givers to know and claim the right to education and to skills for life and work.

Most donors have developed methods and guidelines for practical application of HRBA. In Sweden the interpretation of a HRBA has been elaborated in the [Policy for Global Development \(PGD\)](#) and the government's [Aid Policy Framework](#) (section 3.2.2.). Applying a human rights based approach entails

- Assessing how the initiative will further the realisation of human rights as laid down in the UN Human Rights Conventions and how it will ensure to do no harm.
- Planning and monitoring how the values and principles underpinning these UN Conventions (non-discrimination, participation, accountability and transparency) are applied in the programme design and processes.
- Developing capacities of those who have power and formal obligations to protect, respect and fulfil human rights obligations, and/or
- Empowering men, women, girls and boys (with hope, assertiveness, knowledge, skills, tools, communication channels, legal mechanisms etc.) to enable them to address their situation and claim their rights individually and collectively.

The United Nations has established a website called the 'Practitioners Portal on HRBA' — www.hrbaportal.org — which brings together a number of HRBA projects from different countries and sectors with the aim of mainstreaming information and understanding about HRBA. Although the information is aimed at United Nations practitioners, the website has a number of HRBA project examples and research studies from areas including disability rights, health, the environment, poverty and education.

The right to education and skills development

The internationally agreed Human Rights treaties form a common platform for enshrining equal rights to education for all. There are a number of Human Rights treaties relevant to education: the Universal Declaration of Human Rights (1948), the UNESCO Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination

against Women (1981), the Convention on the Rights of the Child (1989) and the Convention on the rights of persons with disabilities (2006).

The eight ILO Fundamental principles at work or core conventions are:

- Forced Labour Convention, 1930 (No. 29)
- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to organise and Collective Bargaining Convention, 1949 (No. 98)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Non-discrimination (employment and occupation) Convention, 1958 (No. 111)
- Equal Remuneration Convention, 1951 (No. 100)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

The most important convention is the CRC, because it is ratified by almost all countries in the world. These international treaties prescribe that

- Primary Education should be compulsory and free of charge for all
- Secondary Education should be made available and accessible to all
- Higher Education should be made accessible to all on the basis of capacity



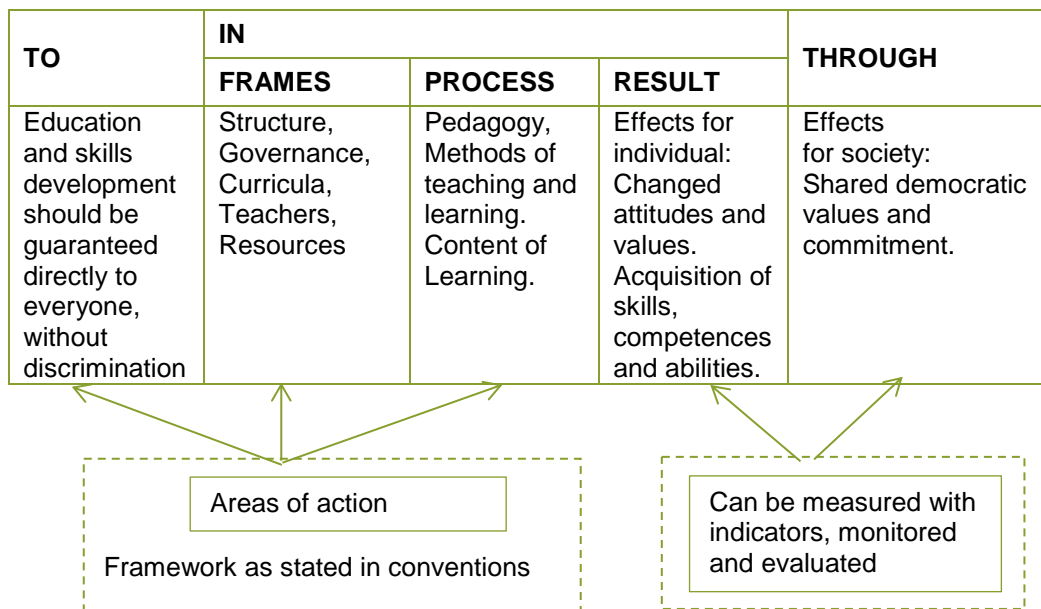
Sweden has a long history as one of the major donors supporting initiatives for education in Cambodia and is currently funding various programs for better access to good basic education for poor and marginalised children. Photo: Magnus Saemundsson, Sida

By signing international conventions, the state and its institutions have a legal and moral obligation to recognise, promote, provide and protect the rights of the people. International Conventions are monitored by treaty bodies. Country Reports from UN Treaty Bodies are useful sources of information for understanding progress and challenges in a particular country. But international treaties are not legally binding unless they are explicitly incorporated in national legislation. In the field of Education and Skills Development almost all countries have national legislation and policies committing them to provide Education for All.

In addition to the Human Rights treaties, many states have made commitments to international educational development goals – the Education for All (EFA) goals, and the Millennium Development Goals (MDG) which covers the period up to 2015. These goals are often translated into national level goals, policies and plans to which governments could be held accountable. Some countries have joined the Global Partnership for Education (GPE) to realise these common goals. New international education commitments Post 2015 are proposed (Muscat Agreement) and Sustainable Development Goals (SDG) have been drafted to replace the MDGs. The 17 proposed SDGs have one specific goal on education and skills development (Goal 4) “*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*” (Goal 4), with seven specific targets. The new framework is expected to be adopted in 2015 and will cover the period up to 2030.

Sweden may use all of these legal and moral commitments to justify and underpin its position in dialogue with partner governments and other donors.

The educational rights have been translated into three core elements which should be addressed. These are Rights TO, IN and THROUGH education.



Right to education and skills development

- The right to education and skills development shall be ratified through legally binding documents, through the constitution or legally binding act. The act should have a particular focus on discrimination and guarantee that primary education is free of charge;
- Secondary education should be made generally available and accessible to all; higher education and Technical and Vocational Education and Training (TVET) should be made equally accessible to all on the basis of capacity.
- Assess indirect costs and to what extent they hinder all children and youth to participate in education and skills development
- Educational systems should be inclusive of girls, boys, women and men alike, irrespective of ethnicity, disability and location of residence. Educational strategies shall be based on solid analyses of the out-of-school population and strategies on how to include them.
- Disaggregated data shall be used as evidence to guide educational policies, plans, budgets and to an equitable resource distribution between different forms of education and skills development, out of school population and districts.

Rights *in* education and skills development

- The learner shall have the right to receive quality education and training in order to read, write, numeracy and basic skills for life and work.
- The learner should learn to respect human rights, fundamental freedoms, own culture and language, respect for natural resources, tolerance, equity of sexes, and living in peace.
- Education and skills development shall be in line with the dignity of human rights. Punishments, unfair treatment and discrimination due to gender, disability, HIV, sexual orientation or gender identity, pregnancy, etc. should be made illegal.
- Learning environment shall be safe and healthy.
- Teacher's training shall incorporate knowledge of human rights, participatory methods, child friendly pedagogies, including knowledge on how to meet the needs of learners with various limitations (in the classroom and/or with support from specialised services).
- Enable participation of learners and students to influence the quality and organisation of education and skills development.

Rights *through* education and skills development

- Education and skills development should promote values of peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin and respect for the natural environment
- Learners should be equipped with relevant skills and self-confidence to be able to participate meaningfully in democratic processes, exercise their political and civic rights, keep healthy and earn a living.

Applying a HRBA to education and skills development

A human rights based approach to education and learning uses the commitments made by the state towards its citizens as a point of departure. It analyses the reasons why girls, boys, women and men are not accessing education or reaching learning targets despite these commitments – and focus the support on addressing these barriers.

The barriers are often many and complex, such as lack of political priority, low expectations on the benefits of education, lack of accessible toilets and school buildings, discriminatory attitudes, inflexibility in organisation and curriculum, unsafe and long school roads, lack of competence and capacity of teachers and school authorities to meet the variation of learners needs etc. Girls, minority children, working children and children with disabilities are often the most excluded and disadvantaged in education.

The questions below may guide staff to further improve the preparation, assessment and monitoring of initiatives and ensure that human rights are enhanced, respected and protected both in programme design and processes. First there are questions related to human rights instruments (L) and to empowerment and capacity development (E), followed by specific questions related to the four human rights principles of non-discrimination (N), transparency (T), participation (P) and accountability (A).



Makhfi Girls High School in Faizabad, Badakshan is one of many schools that receive support from Sweden through the Education Quality Improvement Program (EQUIP) of the Afghanistan Reconstruction Trust Fund (ARTF). Now also girls can access quality education, lab equipment and libraries. Parents have started to prioritise education for all. Photo: Sida

Linking to human rights commitments and core elements

Key issues to monitor and analyse in assessing support for education and skills development initiatives are:

- Have the HR obligations and core elements of rights TO, IN and THROUGH education been used as a point of departure for dialogue, programming and funding decisions?
- Is the right to education recognised in the constitution, bill of rights or national legislation? If so, how can Sweden use these commitments to strengthen dialogue and programming?
- Is the program based on an analysis of the causes of the non-fulfilment of the rights to education and skills development?
- Is there a national education strategy based on these analyses and on internationally recognised standards for education, which can guide donor contributions?

Empowerment and capacity development (E)

While the UN treaties and General Comments provide guidance on WHAT has to be achieved, a human rights based approach relates to the process – HOW development programs are implemented. A human rights based approach specifically entails holding the duty bearers (the state) accountable to their commitments as agreed in international Human Right treaties and in their own legislation. It also means empowering the rights holders (individuals and care givers) to know their rights and enabling them to challenge the state and complain to a mandated body when rights are violated. Key issues to monitor and analyse in assessing support for health interventions are:

- Does the initiative enhance the capacity of the education system to address the core elements of rights TO, IN and THROUG education?
- Does the initiative enhance the capacity of adults and children (especially the most vulnerable) to understand their educational rights and to claim them?

Non-discrimination (N)

- Is non-discriminatory legislation, policies and resource allocation in place?
- Is disaggregated data on school and out-of-school population available?
- Are physical, structural and attitudinal barriers addressed?

Transparency (T)

- Is information regarding priorities and budgets communicated to the public via accessible formats and channels?
- Is there adequate monitoring of how resources are distributed throughout the education system, from central to local level (anti-corruption)
- Are learners and their guardians informed about their educational rights and rights related to working life? Are they able to engage with the education system and to make use of complaints mechanisms?

Participation (P)

- Do all stakeholders have a possibility to take part in planning, monitoring and influence policy and processes in education and skills development?
- Do teachers and school leaders have ability to initiate participatory processes?
- Are participatory methods developed for teaching and learning with respect to class-room size?

Accountability (A)

- Are there performance indicators in place that allow monitoring of progress in ensuring access to quality education and skills development?
- Are there complaint mechanisms?
- Do politicians, educational authorities at national and district levels, school leaders and teachers, and guardians have awareness, knowledge, capacity and resources to respond to educational rights?

Useful links and references

The United Nations 'Practitioners Portal on HRBA': www.hrbaportal.org

Sustainable Development Goals (SDGs) <https://sustainabledevelopment.un.org/focussdgs.html>

The Muscat Agreement (post 2015) on education
<https://efareport.wordpress.com/2014/06/04/the-muscat-agreement-new-proposed-post-2015-global-education-goal-and-targets-announced-today/>

Millennium development goals (MDGs):
http://www.undp.org/content/undp/en/home/mdgoverview/mdg_goals/mdg2/

Education for All (EFA) Goals:
<http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/education-for-all/efa-goals/>

UN human rights committees about the rights to education in specific countries:
<http://uhri.ohchr.org/en>

The Global Partnership for Education (GPE): <http://www.globalpartnership.org/>

The global human rights education and training centre (HREA) is an international non-governmental and non-profit organisation that supports human rights education;
http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=4678&category_id=43&category_type=3&group=

Action Aid: Education Rights – A Guide for Practitioners and Activists
<http://www.actionaid.org/publications/education-rights-guide-practioners-and-activists>

Katarina Tomasevski, Former UN Special Rapporteur on the Right to Education, Manual on Rights-Based Education: <http://unesdoc.unesco.org/images/0013/001351/135168e.pdf>

UNICEF: <http://www.unicef.org/education/index.php>

UNESCO: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/>

The Right to Education Project (RTE) promotes mobilisation and accountability on the right to education and builds bridges between the disciplines of human rights, education and development: <http://www.right-to-education.org/>

Eldis is an online information service providing free access to relevant, up-to-date and diverse research on international development issues: <http://www.eldis.org/go/topics/resource-guides/education>

Making Schools Inclusive -How change can happen. Save the Children's experience, 2008:
<http://www.eenet.org.uk/resources/docs/Making%20schools%20inclusive%20SCUK.pdf>

Stonewall is a British lobbying group designed to prevent attacks on lesbians, gay men and bisexual people also working on Education for All: http://www.stonewall.org.uk/at_school/

Minority Rights Group International campaigns worldwide to ensure that disadvantaged minorities and indigenous peoples can make their voices heard: <http://www.minorityrights.org/index.html>