

The Right to Education

**International standards and
their application**

ECONOMIC, SOCIAL AND CULTURAL RIGHTS –
MAKING STATES ACCOUNTABLE

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**The right to education:
importance and contingency**

- An 'empowerment' right
- Used to promote human rights
- Equality, universality and the 'redistributive effect' of social and economic rights
- The conditionality of education rights eg resource-dependency
- Procedural and substantive rights

Principal international instruments

- **UN Declaration on Human Rights** (1948), Article 26.
- **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR) (1950), Article 2 of Protocol 1 – also Arts 8, 9, 10 and 14
- **UNESCO Convention against Discrimination in Education** (1960)
- **European Social Charter** (1961, revised 1996), Arts 15, 17 and 30
- **International Covenant on Economic, Social and Cultural Rights** (ICECSR) (1966), Articles 13 and 14
- **UN Convention on the Rights of the Child** (UNCRC) (1989), Articles 28 and 29
- **Charter of Fundamental Rights of the European Union** (CFREU) (2000), Article 14(1)

Key aspects of the right to education

- Right of the individual - child or other person
- Universality – for all
- Equality – free (plus no discrimination)
- Access to different stages – primary/elementary, secondary, further/higher
- Parental choice
- Right to establish school
- Content and aims (see next slide)

Content: international law norms

- Education to promote respect for human rights
- Education to promote tolerance and understanding between people of different backgrounds
- Education to respect cultural identity
- Education to prepare individual for life as responsible citizen of free society
- Education to help individual realise potential
- Some choice to be given over kind of education provided to child
- Acceptability and adaptability of education: General Comment Art 13

BUT

- Content largely a matter for national state
- Limited right to mother tongue teaching outside national language(s)

Enforcing the right to education

- Additional Protocol to the European Social Charter (1995)
- ECHR
- ICESCR

EUROPEAN CONVENTION ON HUMAN RIGHTS (1950), Article 2 of Protocol 1

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Relevance of Arts 8, 9 and 14.

