

Human Right to Education

“A well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.”

- UN Committee on Economic, Social and Cultural Rights, General Comment 13

What is the Human Right to Education?

The human right to education guarantees every child access to quality schools and services without discrimination, including quality teachers and curricula, and safe and welcoming school environments that respect human dignity. Education must be aimed at developing each child's personality and abilities to his or her fullest potential and preparing each child to participate in society and do work that is rewarding.

Where is the Right to Education Protected?

The right to education is guaranteed in human rights declarations and treaties, including the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the American Declaration on the Rights and Duties of Man.

Does the United States Guarantee the Human Right to Education for All Children?

In the United States there is a strong tradition of support for public schools and forty-nine out of fifty state constitutions recognize the right to education. Yet millions of young people are not protected from violations of their human right to a quality education.

- ◆ *Schools Do Not Have Adequate Resources*
Too many schools have overcrowded classrooms without enough textbooks and lack qualified teachers. In California, for example, in schools with high poverty rates only 35% of core classes were taught by highly qualified teachers.¹
- ◆ *Disparities in Education and Opportunity Exist*
Students of color, immigrant and low-income students are more likely to attend under-resourced schools, contributing to nationwide disparities in education and opportunity. In 2003, 60% of Black and 56% of Latino fourth graders nationally scored below the basic reading level for their grade, compared to only 25% of White students.²

These inequities reflect systemic violations of the right to a quality education and are further amplified by the discriminatory and inappropriate use of academic tracking and special education, dehumanizing disciplinary measures, high stakes testing and unsafe schools. Equity, respect and safety must be ensured to guarantee the right to education and schools must adapt to the needs and background of every student.

Key Components of the Right to Education³

<p>Education must be available. There must be an adequate number of school buildings, trained teachers receiving competitive salaries, and teaching materials to meet the needs of all students. In well-resourced countries like the U.S., there should also be libraries, computers and information technology available for all.</p>	<p>Education must be acceptable (of good quality). “Education, including curricula and teaching methods, must be acceptable (relevant, culturally appropriate and of good quality).” Schools must meet standards for health and safety and discipline must not violate the dignity of the child.</p>
<p>Education must be accessible. There must be equal access for all to education, especially for the most vulnerable groups in society, including the poor, immigrants, the disabled, and racially marginalized groups. This includes physical access to school buildings, as well as economic access — transportation, materials and any other basic costs must be affordable.</p>	<p>Education must be adaptable. Education must adapt to the needs of students “within their diverse social and cultural settings,” such as students from different class, racial and cultural backgrounds, students who do not speak the primary language of the school system, homeless students, students in foster care, and students with disabilities.</p>

Government Obligations to Ensure the Right to Education

Under a human rights framework, governments have the obligation to:⁴

- *Ensure that education meets the basic learning needs* of all students so that they can develop their full capacities, live and work in dignity, and participate fully in society.
- *Guarantee equity and non-discrimination* in education so that there are no communities that have inferior opportunities or outcomes based on class, race, gender, sexual orientation, language, immigration status, disability or other factors.
- *Use the maximum resources that are available* to ensure the right to education based on the resources of society as a whole, not only the resources within the current budget.
- *Guarantee human rights in relation to both conduct and results*, so that governments are responsible for their action and inaction, as well as for educational results and outcomes.
- *Monitor* the right to education, *make information transparent* and available to the public, and *provide remedies* when the rights of students or parents are violated.
- *Guarantee the effective participation* of parents, students and broader civil society in decision-making processes related to the educational system.

¹ Sunderman, Gail L. and Jimmy Kim. *Teacher Quality: Equalizing Educational Opportunities and Outcomes*. (Civil Rights Project, Harvard University, 2005).

² Nat'l Center for Education Statistics. *The Nation's Report Card Reading Highlights 2003*. National Assessment of Educational Progress 2004.

³ These four components of the right to education are described in General Comment 13 (UN Doc E/C.12/1999/10) by the UN Committee on Economic, Social and Cultural Rights (all quotes in the chart are from General Comment 13) and in reports of the UN Special Rapporteur on the Right to Education.

⁴ Maastricht Guidelines on Violations of Economic, Social and Cultural Rights. Maastricht, January 22-26, 1997.