



International Commitments On Right to Education

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ABSTRACT

In the context of globalisation, education assumes greater meaning. Greatness of a nation should not be measured by its ranking in global economic order, but by its ability to provide quality education. Education is perhaps the most vital requirement for inclusive growth, empowering individual and society, opening up opportunities and promoting true public participation in the development process.

KEYWORDS

Declaration, Right to education, Covenant, Convention.

INTRODUCTION

Everyone has the right to education. Through education, a person attains perfection in life. "It is the very foundation of good citizenship. It is the principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."¹ It needs hardly any emphasis that lack of education / illiteracy has many adverse effects. No development and no improvement in the quality of life of can take place without education and therefore, no state should ignore its importance, particularly of primary education. It should start with the children because the child is the man in making. Realizing the growing importance of primary education, today, both in national and international level great concern has been raised. In this context this article here intends to highlight the international concern on right to education.

INTERNATIONAL COMMITMENTS

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

Universal Declaration of Human Rights was adopted by the United Nations General Assembly on 10th December, 1948. Though this Declaration mainly aims to promote human rights of the individual, at the same time it also shows concern for child care and their right to education. Article 26 of the Declaration in this regard speaks that :

"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 accessible to all on the basis of merit.

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.

Parents have a prior right to choose the kind of education that shall be given to their children."

From the wordings of the above Article, it may be inferred that, this Document calls upon the State to provide free elementary education which shall be compulsory as it is the duty of the State to promote and protect human rights of all individuals, including children.

DECLARATION OF THE RIGHTS OF THE CHILD, 1959

In the year 1959 'the rights of the child' was declared by the United Nations. The Preamble of this Declaration says that, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth, and that the mankind owes to the child the best it has to give. Accordingly, Principle 7 of this Document declares that :

"The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities, shall endeavour to promote the enjoyment of this right."

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966

Child's right to education has also been recognised by this International Covenant which provides that free and compulsory education should start from primary level and higher education shall be made equally accessible to all. It has also been mentioned that education should confirm to the minimum standards fixed by the State. The relevant Articles in this regard are Article 13 and Article 14.

Article 13 of this Covenant deals with the right to education and provides that :

(1) The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable 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.

(2) The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) 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;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

(3) 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.

(4) No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Further, "each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all."²

CONVENTION ON THE RIGHTS OF THE CHILD, 1989

Like others, the 1989 Convention also makes the provision for free and compulsory primary education and intends that the State shall take all necessary and appropriate steps for the promotion of education so as to develop the child's personality, talents as well as mental and physical abilities to their full potential. The two important Articles dealing with child's right to education are Article 28 and Article 29. Article 28 speaks about the right to education and Article 29 provides the goals of education. The provisions of both the Articles are laid down below.

Article 28 : Right to Education

(1) States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guid-

ance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

(2) States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

(3) States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 : Goals of education

(1) States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

(2) No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

CONCLUSION

Education plays a crucial role in shaping and molding the future of a child and builds a decent life for himself. Unless and until a child is equipped with knowledge it is impossible to think about the growth of a nation. Without basic elementary education life is meaningless. Therefore, both in national and international level various steps have been taken to provide right to education the children. However, not only the State, but the parents also have a great responsibility to make this aim fruitful

REFERENCES

1. Brown v. Board of Education, (1954) 347 US 483.
2. See Article 14 of the Covenant.