

## **The Right to Education**

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While some dictionaries define the word right as “a privilege,” when used in the context of “human rights,” we are talking about something more basic. Every person is entitled to certain fundamental rights, simply by the fact of being human. These are called “human rights,” rather than a privilege, which can be taken away at someone’s whim. Every person is entitled to certain rights—simply by the fact that they are a human being.

We all know that human rights are a very important topic in our society. Many of us do not know the technical aspects of human rights. That is why there are so many people who experience oppression and discrimination as part of their daily lives. Human right is a notion that should protect each and every individual on this planet. It caters mainly on the rights of existence and well-being of a person.

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.

The right to education has been universally recognised since the Universal Declaration of Human Rights in 1948 (though referred to by the ILO as early as the 1920s) and has since been enshrined in various international conventions, national constitutions and development plans. However, while the vast majority of countries have signed up to, and ratified, international conventions (such as the UN Convention on the Rights of the Child) far fewer have integrated these rights into their national constitutions or provided the legislative and administrative frameworks to ensure that these rights are realised in practice. In some cases the right exists along with the assumption that the user should pay for this right, undermining the very concept of a right. In others, the right exists in theory but there is no capacity to implement this right in practice. Inevitably, a lack of government support for the right to education hits the poorest hardest. Today, the right to education is still denied to millions around the world.

As well as being a right in itself, the right to education is also an enabling right. Education ‘creates the “voice” through which rights can be claimed and protected’, and without education people lack the capacity to ‘achieve valuable functioning’s as part of the living’. If people have access to education they can develop the skills, capacity and confidence to secure other rights. Education gives people the ability to access information detailing the range of rights

that they hold, and government's obligations. It supports people to develop the communication skills to demand these rights, the confidence to speak in a variety of forums, and the ability to negotiate with a wide range of government officials and power holders. There is - of course, one might say - no absolute agreement as to how to define human rights, but among ESC rights, the substance of the right to education is relatively well defined: universal access to free and compulsory primary education, universal availability/accessibility of secondary education, in particular by the progressive introduction of free education; equal access to higher education on the basis of capacity, in particular by the progressive introduction of free education. These standards are much more clear than, for example, the standards regarding the right to health, the right to housing, the right to participate in cultural life, or the right to an adequate standard of living. This doesn't mean, of course, that these standards exhaust the definition of the right - the issue of quality issue remains a big definitional problem.

Some of the aims and objectives of education, as defined in the international covenants and treaties, may include the following:

The development human personality and individual talent, a sense of dignity and self-worth, and mental and physical ability. To instil respect for human rights and fundamental freedoms, as well as for cultural identity, language and values. To enable people to participate effectively in a free society. The promotion of understanding, tolerance, friendship among all groups, and to maintain peace. To promote gender equality and respect for the environment.

However, it should be noted that these criteria are undoubtedly also among the most malleable and least enforceable with regards to the right to education: it is much easier to check whether or not primary education is free and available to all, than to check whether or not education is has as its objective the development of a sense of dignity, individual talent or to enable people to participate effectively in a free society. These issues are not impossible to define, but they give States a broader leeway than accessibility or availability.