



newsletter

Des nouveaux modèles éducatifs: universalité, identité, tolérance

**Il est urgent de
redonner du sens
à l'éducation**

Il est urgent de redonner du sens à l'éducation. il faut expérimenter de nouveaux modèles éducatifs fondés sur les identités culturelles fondés sur trois filières:

- 1. éducation à l'identité culturelle**
- 2. éducation à la compréhension et au respect d'autrui (à la tolérance)**
- 3. éducation à l'universel (droits de l'homme)**

Pour rendre opérationnel ce nouveau modèle, il n'y a paradoxalement rien à inventer. Il suffit de déployer toutes les potentialités comprises dans les instruments internationaux et les interpréter d'une manière favorable au pluralisme comme l'a fait, par exemple, le Programme mondial sur l'éducation aux droits de l'homme dans sa première phase.

Sur cette base, l'éducation consciente de son caractère fondamental de droit culturel doit comprendre de manière explicite les trois aspects que nous avons mentionnés plus haut.

En premier lieu, il est indispensable de **me permettre de devenir ce que je veux/dois être, de choisir mes appartenances, de chercher mon sens, on pourrait ainsi dire que le droit à l'éducation est, en fin de compte, un droit au sens.**

Mais la recherche de **mon sens** doit se faire dans le cadre d'une société pluraliste. Il est nécessaire d'intégrer dans l'éducation un enseignement théorique et pratique au respect de la différence et de la diversité. C'est ce qu'on peut appeler une éducation à la tolérance.

Enfin, pour être capable de comprendre le différent, sans l'assimiler ni le rejeter, il faut également une éducation universelle explicite, **aux valeurs qui par-delà les différences sont communes à la condition humaine.** Ces valeurs représentées par les droits de l'homme doivent être enracinées dans les différentes cultures pour faire de l'éducation un tout cohérent.

Post 2015 education indicators: a human rights based approach

Joint position paper submitted by OIDEL and other organisations of NGO Platform on the Right to Education on the UNESCO POST-2015 education indicators.

General Comments

Concerning the indicators used for the Post-2015 Education Indicators, we think that a Human Rights based approach is essential, as development cannot be disconnected from human rights. In other terms, Education cannot just be seen as a tool for Sustainable Development, but as a right. The fact that education is a right has some consequences such as their protection by the rule of law, as the preamble of the Universal Declaration states, allowing citizens to claim it in case of unfulfillment. The importance of a Human Rights - based approach is widely recognized as the most pertinent way to monitor implementation of education as a fundamental component of development. We would have been glad to see reflected the work done so far by OHCHR on Indicators on Human Rights and the "The Right to Education: Law and Policy Review Guidelines" recently published by UNESCO.

We would like to make two concrete suggestions concerning this approach: Firstly, we propose the inclusion of **structural** indicators as in page 26 of the UNESCO document "The Right to Education: Law and Policy Review Guidelines" cited above. One example is the Constitutional Guarantees for Universal Primary Education.

Secondly, we propose the inclusion of three indicators taken from the OHCHR document, which particularly makes reference to civil society's role:

-Date of entry into force and coverage of domestic law on the freedom of the individuals and groups (including minorities) to establish and direct educational institutions

-Number of registered and/or active NGOs (per 100000 persons) involved in the promotion and protection of the right to education.

-Number of institutions of ethnic, linguistic minority and religious population groups recognized or given public support.

Early Childhood

We think that without any indicator of measurement it is impossible to assess implementation. If some indicators cannot be included we would then suggest removing this part in order to focus more intensely on primary and secondary education.

Primary and Secondary Education

We are concerned that the proposed indicators may minimize the essential content of quality education to only Mathematics and Reading. As stated by the Special Rapporteur on the Right to Education, Mr. Singh, a holistic approach of the right to education is broader than the narrow approach of performance evaluation of only mathematical, literacy and language skills and it broadens the assessment of the educational attainments of students to include all obligations relating to the right to education under international human rights law. We consider that the content of the article 29.1 of the Convention of the Rights of the Child and the content of article 13.1 of the International Covenant on Economic, Social and Cultural Rights should be included in Quality Education assessment.

The indicators 10, 11, 12 and 13 concern the results in different countries on reading and mathematics. However there is a reasonable doubt that these indicators are pertinent and comparable. In fact, it is not possible to use a comparison between the performance of countries with different languages tested.

We would like to highlight some issues concerning the comparability between countries:

-EGRA seems to compare easily the States tested in the same language, however there are some difficulties on doing this comparison due to the different uses of language (vocabulary and dialects that can differ).

-SACMEQ, TIMSS, PRILS, PISA and LLECE consider the international comparison as their main objective. However, there is a difference between the international and the regional surveys; while the first ones (TIMSS, PIRLS, PISA) show ranking

of countries from the first pages, the second ones (SACMEQ, LLECE) have a less direct optic and are more focused on other factors.

-Finally, TIMSS, PIRLS and PISA do not permit to compare among situations where the language of learning is not the same one as the one used in the current activities.

The indicators concerning Primary and secondary education analyze the real application of the Education for All Steering Committee Target 2; which is “ *By 2030, all girls and boys complete free and compulsory quality basic education of at least 9 years*”. An indicator on the subject could be built from Article 14 of the International Covenant on Economic, Social and Cultural Rights. This article – signed by virtually all States- warns that each State “*at the time of becoming a Party that 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*”. The adoption of this plan of action in order to establish a compulsory primary education system free of charge is a good way to analyze the commitment of the States regarding the right to education under the terms of the EFA SC Target 2. Thus, we would like to see in the Post-2015 Education Indicators some concerning the implementation and existence of such plans in the different States Parties. We would like to remark that beyond the inputs and outputs, it seems important to also have success indicators on the seven points of quality education as defined by the Learning Metrics Task Force.

Skills

Concerning skills on the Post-2015 Indicators we do not think that they are limited to Technical and Vocational Education and Higher Education but are also relevant to early childhood, primary and secondary education. Actually, the Special Rapporteur on the Right to Education, Mr Singh, in his report entitled “*Assessment of the educational attainment of students and the implementation of the right to education*” (A/HRC/26/27) emphasizes

this idea. Mr. Singh underlines the importance of skills development as an integral part of basic education and as a cornerstone particularly for developing countries to raise the aspirations of youth. Some Indicators on skills should then be included for primary and secondary education.

Furthermore indicators of Technical and Vocational Education and Higher Education should not only be focused on skills for employment, decent work and entrepreneurship. They also should take into consideration the humanistic vision of education. As stated by the Special Rapporteur in the report A/67/310: “*technical and vocational education and training is an integral part of the right to basic education*”. In fact, TVET cannot be constrained to only higher education. Thereby, we would like to see indicators of Technical and Vocational Education and Higher Education in the Post-2015 Education Indicators concerning issues such as access, quality and the attainment rate.

Global Citizenship and Sustainability

Regarding the content of Human Rights Education, or so called in this document *Global citizenship and sustainability*, indicators should be included to better reflect the commitments of the States. HRE 2020 for example developed an Indicators Framework to analyse whether and how HRE is implemented in different domains such as: Legislation and policy, Curriculum, Teaching and learning materials, Learner assessment and evaluation program and Teachers training.

We feel that Global Citizenship is a fundamental element of Human Rights Education and we would encourage implementation of both the UN Declaration of Human Rights Education and Training as well as the World Programme for Human Rights Education.

School Environment

The need to secure the routes to school and the schools themselves, improve infrastructure and recruit well-qualified female teachers is also of importance in that while governments are facilitating adapted infrastructure development and national educational planning, girls benefit. Because of that we would like to see some indicators concerning these issues.

Educación: Derechos, obligaciones y participación.

Reproducimos aquí un artículo publicado el 10 de diciembre de 2014 en El País, con motivo del día internacional de los Derechos Humanos. El título original del artículo era: “Educación: derechos de la persona, obligaciones de los Estados y participación de todos”

En este Día de los Derechos Humanos vamos a referirnos al que se considera como “derecho de derechos”. Nos referimos a la educación. *“Toda persona tiene derecho a una educación y una formación de calidad que respete plenamente su identidad cultural”* afirma rotundamente el artículo 5 de la Declaración universal sobre la diversidad cultural de la UNESCO adoptada en 2001.

Esta formulación es emblemática del nuevo contexto internacional en el que tiende a considerarse la educación un derecho de la persona humana y los sistemas educativos a concebirse en función de este óptica. Es lo que se denomina actualmente enfoque de las políticas basado en los derechos humanos.

¿Qué dicen las normas internacionales de derechos humanos sobre la educación?

La Declaración Universal de Derechos Humanos (1948) en su artículo 26 proclama el derecho a la educación en estos términos:

“Toda persona tiene derecho a la educación. [...] La educación tendrá por objeto el pleno desarrollo de la personalidad humana y el fortalecimiento del respeto a los derechos humanos y a las libertades fundamentales. [...] Los padres tendrán derecho preferente a escoger el tipo de educación que habrá de darse a sus hijos”.

El Pacto Internacional de Derechos Económicos, Sociales y Culturales de las Naciones Unidas (1966) reafirma los mismos elementos. Pero atención: si consideramos el derecho a la educación solamente en el marco de los derechos económicos, sociales y culturales corremos el riesgo de olvidar que la educación es también un derecho de tipo civil y político. Como tal figura en el Pacto de Derechos Civiles y Políticos. En este contexto, la educación aparece íntimamente ligada a la libertad de pensamiento y de conciencia, lo que ciertamente le confiere una dimensión nueva y

más fundamental por cuanto estas libertades hacen referencia a la identidad de la persona.

Insistimos en este aspecto porque, en su dimensión libertad, la educación es aún objeto de controversia en algunos países democráticos entre ellos España. Esta libertad - la libertad de enseñanza - ha sido objeto de pronunciamientos de los tribunales constitucionales de Estados como Alemania, Francia y España precisamente, que la han situado como uno de los principios fundamentales del ordenamiento jurídico por su relación precisamente con las libertades de conciencia y pensamiento. Los tribunales han legitimado igualmente la financiación de los centros no gubernamentales/privados sobre la base de la indivisibilidad de los derechos humanos y de la necesidad de hacer efectivo el ejercicio del derecho de los padres a elegir. En la práctica todos los Estados europeos financian la enseñanza no gubernamental/privada aunque a diferentes niveles.

Existe hoy a nivel internacional un marco conceptual para el derecho a la educación que permite determinar el contenido, finalidades y obligaciones de los poderes públicos con respecto a la educación. Vamos a referirnos a continuación a dos elementos esenciales de este marco conceptual.

En primer lugar conviene mencionar las características que debe tener el sistema educativo para responder a las exigencias de la dignidad humana. Cuatro son las características que debe reunir el sistema educativo a todos los niveles de la educación infantil a la Universidad: dotación, es decir puesta a disposición de centros suficientes, accesibilidad: física, económica y cultural (no discriminación), aceptabilidad por parte de padres y alumnos y adaptabilidad: a los cambios sociales.[^]

La buena gobernanza implica la interacción entre los tres sectores del sistema social.

Por último la buena gobernanza del sistema educativo. La buena gobernanza implica la interacción entre los tres sectores del sistema social: Estado, sector privado y sociedad civil, que deben ser los tres - y no sólo el Estado- “actores” de la gobernanza. Los tres actores deben ser concebidos de manera a contribuir al desarrollo humano sostenible creando condiciones políticas, jurídicas,

económicas y sociales propicias a la creación de empleo y a la protección del medio ambiente.

Esta responsabilidad conjunta de los asuntos públicos conlleva un cambio fundamental del papel del Estado.

Su misión esencial es « la puesta en marcha y el mantenimiento de marcos jurídicos y reglamentarios equitativos, eficaces y estables que rijan las actividades públicas y privadas » (PNUD).

En la buena gobernanza, la sociedad civil tiene un papel nuevo y fundamental de contrapeso al poder y de vigilancia, de responsabilidad y de participación.

Al término de estas reflexiones se puede afirmar que los sistemas educativos están muy lejos de satisfacer a las exigencias del derecho internacional. Es verdad y conviene reconocerlo con lucidez. Como ha dicho un experto, Dalla Fratte “se puede legítimamente pensar que la ineficacia de los esfuerzos producidos hasta ahora y la radical insuficiencia de los resultados obtenidos en orden a la educación deben atribuirse a una concepción errónea de la sociedad, o mejor del eje persona-sociedad-Estado”.

Alfred Fernandez

AGENDA

El 17 de marzo, durante la sesión principal del Consejo de Derechos Humanos, tendrá lugar un evento paralelo sobre la segunda fase del Programa Mundial de Derechos Humanos.

La Asamblea General 2015 de OIDEL se llevará a cabo en Ginebra el próximo 9 de abril junto la reunión del Comité Ejecutivo.

El 8 de abril organizaremos a tercera reunión del Grupo de Expertos SOCRATES, sobre la libertad de enseñanza que trabaja actualmente sobre buenas prácticas de colaboración entre los poderes públicos y la sociedad civil.

Conference on School Choice and Reform – Fort Lauderdale (01/2015)

These last days I've been in 4th International Conference on School Choice and Reform in Fort Lauderdale (Miami). This event was sponsored by the Journal of School Choice, it was hosted by the National Institute for Educational Options at Nova Southeastern University and in cooperation with the European Association for Education Law and Policy. Among all the sponsors of the conference, we can underline the Friedman Foundation for Educational Choice, the Alliance for School Choice, HSLDA or the Heritage Foundation.



This conference was a big and unique opportunity to know about the last investigations and research concerning School Choice. Many subjects related to School Choice were considered from different approaches (legal, sociological, economical, political...)

Thanks to this conference we learned a lot on the most important legal aspects of the US educational system, especially that education is almost exclusively a State competency – not a Washington one. We also learned a lot on the similarities with other education systems, and particularly that many disputes concerned the separation of State and Church.

This Conference was also a good opportunity for OIDEL to learn on the last research concerning school choice, allowing us to know more about the strengths and advantages of school choice as well as about the inefficiencies and failures of these systems and how to improve them. For instance, there is evidence that many low-income families are not benefiting from school choice systems due to the different motivations and needs of middle-



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class and high-income families. However, if the educational policies consider these different needs when developing School Choice systems, they involve all parents in the elaboration of these policies and they train them on how to choose school education. Thus School Choice becomes the best practice to empower low-income families.

It was really interesting for us to learn about different and new ways of developing School Choice policies and that there is no unique way of developing School Choice. We can consider now new original ways to develop freedom of education policies such as companies which can deduct donations (to churches, schools, foundations...) from the taxes they have to pay.

Many NGOs and associations of civil society have organized themselves in order to persuade these companies to make donations for the creation of Charter schools and subsidize enrollment fees of poor kids in order to assure them to be able to attend these schools. This successful policy has allowed almost 50% of children to attend Charter Schools in the state of Florida.

One of the best inputs of the Conference was the unique platform it was for networking between people working in the domain of the right to education and freedom of education, to share experience, projects and research. Coordination among all actors working in this field is in fact essential.

Ignasi Grau

