

Education as a Human Right



**Presentation by
Liz Sullivan, Education Program Director
National Economic and Social Rights Initiative (NESRI)**

Why Education as a Human Right in the US?

- I. Expose the human rights crisis in our schools
- II. Reframe and promote school-level, local and federal policies consistent with human rights
- III. Access international mechanisms to bring pressure domestically

I. Human Rights Crisis in US Schools

- Every year more than 1 million young people dropout of school
- Nationally, less than 50% of African American and Latino students graduate from high school in 4 years
- Young people who dropout of school are three times more likely to be incarcerated in their lifetime

By naming this as a human rights crisis we:

- Focus on the government responsibility in contributing to the crisis and the government obligation to remedy the inequities and injustice in our educational system
- Document human rights violations occurring with data and with testimonies and surveys of those most impacted
- Mobilize communities to take action

II. Reframe Policy through Human Rights

- Reframe and strengthen policy demands with the weight of international law
- Human rights treaties and other documents have detailed standards that can be used to measure the impact of government policies and to create recommendations
- Human rights treaties often offer a higher standard of rights protections than our domestic laws

Education in Human Rights Treaties

Universal Declaration of Human Rights, Article 26

Treaties signed, but not ratified, by the US:

- Convention on the Rights of the Child, Articles, 28 & 29
- International Covenant on Economic, Social and Cultural Rights, Article 13

Treaties ratified by the US:

- International Convention on the Elimination of All Forms of Racial Discrimination, Article 5
- International Covenant on Civil and Political Rights, Articles 2 & 24

U.S. Accountability to Treaties

- Even though governments make these legal and moral commitments, they often ignore their human rights obligations
- ***The best way to hold the U.S. government accountable for human rights standards, is to organize communities in the U.S. to demand that their rights are protected and to change local, state and federal policies***
- There are committees at the UN that can be used to monitor whether the U.S. is meeting its human rights obligations. While these committees have no real enforcement power, they can still be used as a mechanism to pressure the U.S. government to action

HR Standards for Education Applied to US

1. Quality education
2. Full potential
3. Dignity
4. Freedom from discrimination & equity
5. Participation

1. Quality Education

- All children have a right to quality curricula, teaching methods and services that adapt to meet their particular needs
 - Education is not about how well a school scores on standardized tests, but about whether each student is receiving a quality education
 - Content and pedagogy should be relevant to children's lives
 - Students with special needs should receive special services
 - Schools must work to keep all students in school

2. Full Potential

- Education must help children reach their full potential, participate in society, have decent work, and continue learning
 - Education should nurture a variety of skills, content areas and talents to develop the whole child
 - All students should have courses that give them the opportunity to go to college or get a decent job
 - Teach children to resolve conflicts in a non-violent way and develop good social relationships and responsibility

3. Dignity

- Schools must create an environment of respect and tolerance and “ensure that school discipline is...consistent with the child's human dignity.” (Article 28, CRC)
 - Discipline should not be punitive, criminalizing or humiliating
 - Children should not be told or made to feel that they are stupid
 - Schools should create an environment of mutual respect and fairness and promote self-expression

4. Freedom from Discrimination & Equity

- Human rights prohibit policies that intentionally cause discrimination or have a discriminatory impact, and require equitable distribution of resources
 - Current framework emphasizes equal access and opportunity = students and families are responsible for failure
 - Human rights prohibits discrimination in educational outcomes = places responsibility on the government for failing our children
 - Equity requires government to allocate resources based on need to achieve equal outcomes in education

5. Right to Participation

- Students and parents have a right to participate in decision-making that impacts their schools
 - Currently, schools “involve” parents and students if they choose
 - Human rights standards state that schools have an *obligation* to ensure that parents and students meaningfully participate in decision-making
 - Schools should also enable students to participate in shaping the learning process

Case Study of Policy Change

- ***Community Asset Development Re-defining Education (CADRE)*** is a grassroots group of low-income parents of color in South Los Angeles.
- In 2006, CADRE launched a human rights campaign to reduce suspensions and stop the school pushout crisis
- Parents went door to door documenting human rights violations and held a People's Hearing where parents testified and shared their experiences



Human Rights Demands

Right to Dignity – Every school in Los Angeles must have:

- A positive behavior support plan that addresses student needs to prevent having to use discipline that punishes
- Guiding principles for behavior which promote respect, non-discrimination, safety and responsibility that apply to students & adults.

Right to Education

- Reduce out-of-school and out-of-class suspensions that result in removal from the learning environment.

Right to Participation

- Parents should be involved in creating and putting into place a positive behavior support plan for the school, and to be included in the decision to suspend the child.

A Local Victory

- In 2007, CADRE fought to pass a new district-wide Positive Behavior Support policy.
 - Overall suspensions dropped by 15% in 2009
 - CADRE is organizing parents to observe classrooms, monitor implementation and demand an end to ongoing racial disparities in suspension rates



III. International Mechanisms

- Human rights enable communities in the U.S. to bring their campaigns to international legal institutions
- Treaty Bodies - Each major human rights treaty has a committee of experts appointed by governments to monitor whether governments that have ratified the treaty are living up to their obligations.
- Universal Periodic Review (UPR) - A new human rights mechanism of the UN Human Rights Council which every four years assesses how States adhere to human rights standards under the UDHR, UN Charter, human rights treaties, voluntary commitments, and applicable international law
- UN Special Rapporteur – Expert appointed to monitor a particular human rights issue or situation around the world

CERD Committee Review

- The CERD Committee reviewed the U.S. government in March 2008
 - US government submitted its report
 - US groups submitted Shadow Reports
 - US groups traveled to Geneva to testify
- The Committee issued Concluding Observations on a wide range of human rights issues, including education and school discipline

Concluding Observations

- The Committee recommends that the State Party adopt all appropriate measures...to reduce the persistent “achievement gap” between students belonging to racial, ethnic or national minorities and white students in the field of education, inter alia by improving the quality of education provided to these students.
- The Committee also calls on the State Party to encourage school districts to review their “zero tolerance” school discipline policies, with a view to limiting the imposition of suspension or expulsion to the most serious cases of school misconduct, and to provide training opportunities for police officers deployed to patrol school hallways.
- The Committee also notes with concern that alleged racial disparities in suspension, expulsion and arrest rates in schools contribute to exacerbate the high drop out rate and the referral to the justice system of students belonging to racial, ethnic or national minorities.

- CERD Committee, Concluding Observations, March 2008

UPR Conclusions

Members of Human Rights Council made recommendations to the US

- Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the right to nondiscrimination established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice (Bolivia)
- Take legislative and administrative measures to address a wide range of racial discrimination and inequalities in housing, employment and education (Korea)
- Promote equal socio-economic as well as educational opportunities for all both in law and in fact, regardless of their ethnicity, race, religion, national origin, gender or disability (Thailand)

Resources

- www.nesri.org – human rights reports, training materials, fact sheets
- www.cadre-la.org – Los Angeles policy and monitoring project
- www.dignityinschools.org – resources on pushout and how to take action
- www.ushrnetwork.org – CERD and UPR reports