OUTLINE OF STRUCTURE

Chapter One
Introduction .......................................................................................................................... 1
1. The topic of this book ............................................................................................... 1
2. The aims of this book ............................................................................................... 2
3. The structure of this book .......................................................................................... 7

PART A

A GENERAL ANALYSIS OF THE PROTECTION OF THE RIGHT TO EDUCATION BY INTERNATIONAL LAW

Chapter Two
History and Nature of the Right to Education ................................................................. 17
1. Introduction .................................................................................................................. 17
2. Definition of the term “education” ............................................................................ 18
3. Historical development of the right to education ....................................................... 21
4. Philosophical basis of the right to education ............................................................... 26
5. The right to education as an empowerment right ....................................................... 28
6. The right to education and compulsory school attendance ....................................... 30
7. The universality of the right to education ................................................................. 32
8. Classification of the right to education ...................................................................... 37
9. The right to education as part of customary law ....................................................... 44

Chapter Three
The Right to Education and the Disputed Category of Economic, Social and Cultural Rights ................................................................. 47
1. Introduction .................................................................................................................. 47
2. The historical development of economic, social and cultural rights ........................ 48
3. Arguments against economic, social and cultural rights ............................................. 54
   3.1. Cranston’s views on economic, social and cultural rights .................................... 55
   3.2. Bossuyt’s views on economic, social and cultural rights ..................................... 57
   3.3. Vierdag’s views on economic, social and cultural rights ..................................... 61
4. Arguments in support of economic, social and cultural rights ................................................................. 65
  4.1. The interdependence and indivisibility of all human rights ................................................................. 65
  4.2. State obligations to respect, protect and fulfil ................................................................. 71
5. The justiciability of economic, social and cultural rights ...... 75

Chapter Four
The Protection of the Right to Education by International Legal Instruments .................................................. 85
1. General .................................................................................................................................................. 85
2. Introduction ............................................................................................................................................ 86
3. The International Bill of Human Rights ......................................................................................... 89
  3.1. The Universal Declaration of Human Rights ................................................................................. 90
  3.2. The International Covenant on Economic, Social and Cultural Rights .................................. 94
  3.3. The International Covenant on Civil and Political Rights ......................................................... 102
4. Instruments providing protection against discrimination .......... 104
  4.1. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief .............................................................................................................. 105
  4.2. The Declaration, and the International Convention on the Elimination of All Forms of Racial Discrimination ...................................................................................................................... 107
  4.3. The Declaration on the Elimination of Discrimination against Women, and the Convention on the Elimination of All Forms of Discrimination against Women ......................................................................................... 110
5. Instruments on the rights of children ................................................................................................. 113
  5.1. The Declaration of the Rights of the Child ....................................................................................... 114
  5.2. The Convention on the Rights of the Child ....................................................................................... 115
6. Instruments addressing the rights of refugee and stateless persons, of internally displaced persons, and of persons caught up in armed conflict ................................................................. 123
  6.2. The Guiding Principles on Internal Displacement ........................................................................... 124
  6.3. The Geneva conventions on international humanitarian law ...................................................... 126