Measuring the implementation of the right to education: educational versus human rights indicators

KATRIEN BEECKMAN
Consultant, Education & Human Rights, Geneva

International human rights law lays an immediate obligation upon States to monitor national realisation of human rights. Monitoring is designed to give a detailed overview of the existing situation, i.e. of the extent to which human rights are, or are not, being enjoyed by all individuals within a State’s territory or under its jurisdiction. The principal value of such an overview is to provide the basis for the elaboration of clearly stated and carefully targeted policies which establish priorities reflecting human rights provisions.

Indicators and benchmarks can be of specific utility for monitoring progress in the implementation of economic, social and cultural rights to which the right to education partially belongs. Whereas numerous indicators measuring educational performance have been developed in the educational field, indicators reflecting the implementation of the child’s right to education are still to be searched for. The latter should reveal the human rights weaknesses of national education systems so as to allow for a correction of public policy and practice that meets human rights obligations. Notwithstanding, monitoring the implementation of the right to education can only be done to a certain extent by relying on indicators. Some qualitative educational components, human rights principles and values may simply not (or not adequately) be expressible in purely numerical terms. Hence, other sources of information will be indispensable for effective monitoring (e.g. legislative provisions, judicial decisions of national tribunals, national educational plans, strategies and budget, surveys and case studies, causal explanations for educational problems and results of an indicator).

Although the usefulness of educational indicators should not be automatically discarded in a human rights context, their limits must be acknowledged and addressed. Measuring the human right to education calls for the development of rights-based indicators, capable of reflecting the norms, principles and values underpinning human rights in general, and the right to education particularly. The present article starts by looking at why educational indicators fall short of measuring educational performance from a human rights perspective.
It then goes on to analyse the prerequisites which indicators should meet in order to serve the purpose of adequately monitoring the implementation of the right to education. Without going as far as developing a clear set of monitoring indicators, the article proposes a new tool for visualising the implementation of the child’s right to education. The tool highlights the extent of exclusion or non-enjoyment by a country’s education-eligible children. As such, it can constitute a new starting point for redressing discrimination or for “increasing equity”, as the UNDP 2003 Human Development Report has phrased its cross-cutting challenge in reaching the 8 Millennium Development Goals.

**Why educational indicators are insufficient to monitor the implementation of the right to education**

First of all, educational indicators generally prioritise the quantitative aspects of education, such as access and participation, to the detriment of qualitative dimensions. The right to education, in contrast, stresses both dimensions equally (Beeckman, 2003). Take the availability of the educational infrastructure as an example. Only purely quantitative indicators, such as the teacher/pupil or book/pupil ratios, are commonly used for its measurement. As such, they can not adequately reflect whether the available infrastructure is equally *functional*, i.e. its qualitative aspect, as is demanded by international human rights law. What if available books are outdated or almost falling apart? What if a classroom’s windows are too small to let through sufficient light so as to enable pupils to read their materials and maintain good morale?

Also, even when educational indicators address qualitative educational dimensions, they have not succeeded in doing so satisfactorily. Learning achievement, often resorted to as an indicator for evaluating educational quality, is a case in point. As performance in languages and mathematics is generally used as a reference, the cognitive – easily quantifiable – aspect of learning is still heavily emphasised. Other as important but less quantifiable learning dimensions do not enter into the assessment picture. Human rights law, in contrast, spells out clear qualitative State obligations related to the right to education – the execution of which is also to be monitored. The obligation to make education *acceptable* is a good example (Tomasevski, 1999). It compels States, among others, to comply with the fundamental educational goals set out in international human rights treaties such as transmitting values of understanding, peace, tolerance, equality of sexes and friendship (Art. 29.1 (d) CRC). Measuring the realisation of this particular obligation could be done, for instance, by looking at whether a country’s teaching and learning *process* is open, inter-active and participatory. Nevertheless, this still ignores whether the actual *result* of instruction is different from the learners’ attitude and behaviour.