



## THE RIGHT TO EDUCATION

### 1 Introduction

*Second sun for people is education, Plato.*

The access to education for the developed world is an unrestricted right for all young generations. The provision on educating a person is usually undertaken from institutions, public or private. The school, as an official body of education, provides a young person with the formal qualifications, not only for his/her personal development and education but also for his/her social integration into the society. In addition to knowledge, skills and competences, the educational process provides young people with values, such as freedom and social justice, which ensure the well-being of a person.

In the history of humanity, the right to education was not always a protected asset and it is not even provided equally to all countries of the world. According to the UNICEF Worldwide Organization, in the 21st century, 264 million children and adolescents do not have the opportunity to enter or finish school or have some form of education. The protection of the right to education was introduced globally in 1948 by the United Nations. This organization was created in order to protect international peace and the institutionalization of appropriate behavior and justice for all people. Through agreements, declarations, accords and organizations, the world community is trying to preserve the right for all people to have access to education.

The concepts of education, human rights and the UN will be analyzed in the next sub-section. Then, in the second section, we will witness a brief historical review of human rights as a whole. The second section is divided into two parts: the first refers to human rights in the history of humanity, and the second covers the latest history and analyzes the recognition of human rights worldwide. In the third section, we will focus on the right to education within the United Nations, while in the sub-section, there will be a parallel comparison between the 'right to education' and the 'education of the right'. In the last section we will summarize the mechanisms for preserving the right to education.



## 1.1 Conceptual references

One of the undisputed human rights is that of education. The concept of education is broad, conceptually related to learning and '*paidia*', but it is interdependent in terms of content. Education, as an institution-based learning, is defined as a systemic process of passing on knowledge and experience, as well as, the cultivation and development of a person's skills and abilities in schools, in order to become competent in professional and other subsequent obligations. The concept of education, however, also includes the socialization of young people and the formation of values. It is defined in the "Dictionary of Sociology of Education": *Education is a form of specialized socialization usually practiced by non-family actors and has as its content the transmission of knowledge, skills and forms of energy or behavior.* Additionally, D.J. O'Connor emphasizes that one of the purposes of education should be: *ethical elevation of the person, development of moral conscience and morality.*

Education is one of the human rights. *Human rights are ethical principles that set specific standards of human behavior and are usually protected as legitimate rights under national and international laws. We also perceive them as: commonly perceived inalienable fundamental rights that every individual is entitled from the time of his/her birth, simply because he/she is a human being.* Human rights are fundamental, inviolable and absolute, and therefore no man can be deprived of them. They are universal, so they are possessed by all people, and are indivisibly and interrelated, meaning that all rights are connected and equal to each other. Since 1945, immediately after the end of the Second World War, it has been formally and internationally established that all people have the same and equal rights. International human rights protection has been established by the Charter of the United Nations, based on the fact that human rights are one of the main aims of the new, post-war, international society.

The United Nations is the international organization for cooperation in International Law, Security, Economic Development and Political Equality. Founded in 1945 and since 2011, it has 193 members; almost all countries of the world are official members. The ideals of the organization were formulated in the preamble of his proposed charter: "*We, the peoples of the United Nations, are determined to save future generations from the scourge of war, which twice in the course of our lives has brought untold sorrow to the human race*". The Universal Declaration of Human Rights drafted and entered into force in 1948, is the international and pledged agreement of all countries on human rights and additionally it is included in the constitutional laws of the democratic countries.



## 2. Historical review of human rights

Human rights were recognized as an issue of international interest after the Second World War, but they are a crucial asset in everyday life for all people worldwide. The Universal Declaration of Human Rights also called the International Magna Card, states in its preamble that: *recognition of the dignity that is inherent in all members of the human family and their equal and inalienable rights is the foundation of freedom, justice and peace in the world.* This declaration was the epitome of two world wars and an appeal to people around the world for freedom and justice.

Multiple and specialized international treaties and covenants were drafted and signed after 1945 to cover and interpret human rights. The principles of these declarations have been incorporated into most of the constitutions of the countries that are members of the UN. More contracts are under study and drafting, as the purpose of international organizations is to ensure that every person is protected, in every region of the world. Besides, all societies, either in their written or oral tradition, promoted human rights, organizing systems of justice and establishing rules on appropriate behavior.

### 2.1 Foreword on Human Rights

There are traces of laws on human rights, from the beginning of mankind, in written texts or oral deliverables. Although many societies were governed by rules of conduct and justice, groups of people were usually excluded because of their origin, gender, economic or political classification. According to several modern researchers the concept of right is very recent; McIntyre argues that: *there is no word that attributes the notion of "right" to any language before 1400.* Nevertheless, concepts such as justice, political legitimacy and human well-being are covered by the definition that modern scholars give to human rights.

Human rights were often defined in religious books, of all religions. Concepts and codes of conduct for human duties were given at Hindus, at the Buddha teachings, from Tao Te Ching, at the Confessions of the Confucius, as well as, at the later sacred texts such as the Bible and the Quran. However, codes of conduct are also met even in earlier public texts. Our most ancient written and legal codes were discovered in Mesopotamia, with the earliest of the Uruk-Nammos Modern Code (about 2050 BC), and the Hammurabis Code (about 1780 BC) which regulates a range of issues such as the rights of women, children and slaves. Also noteworthy is the finding of the Cyrus cylinder (539 BC) in which religious freedom and racial equality was established in ancient Babylonia.



The most recent texts, conditions and declarations specialize clearly in human rights. Some of the most remarkable ones, on which many of the modern texts were based, are: The Magna Card (1215) and the Law of Reference (1628) in England, the Declaration of Human and Citizen Rights (1789) in France and the Declaration of Human Rights (1791) in the United States. Although in these texts human rights issues were enforced, minority groups such as women, groups of different color, religion, political and economic identity, were excluded. At the end of the 19th and the 20th century, we observe the first attempts to achieve equal and common rule-making.

## 2.2 Recognizing human rights at a global level

The two world wars in the 20th century left a mark to humanity and led to the creation of international human rights agreements. The League of Nations, founded in 1919, was the initial attempt to reunite the international community after the First World War. Immediately after the end of the Second World War, the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948 proclaimed, *that all human beings have been born free and equal in dignity and rights*, which is the fundamental basis for the safeguarding of human rights.

The Universal Declaration of Human Rights was part of the Charter of the United Nations, which came into force on 24 October 1945. The United Nations Charter is considered to be the focal point in the development of the enforcement mechanisms for the protection of human rights. The rights enshrined in the Charter of the United Nations and were finalized in the International Declaration of Human Rights, which consists of the Universal Declaration of Human Rights (ICDPR) in 1947, the International Covenant on Civil and Political Rights (ICCPR) in 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since then, various contracts have been signed and are known as human rights declarations. One of these is the Convention on the Rights of the Child (CRC), which is also the first ever, internationally and legally binding regulation on child rights.



## 3. The right to education

The first reference for the right to education was made by the Universal Declaration of Human Rights in 1948 in Article 26. In subsequent conventions, education and protection have a key role to play. In the International Convention on Economic, Social and Political Rights (1966), we find Article 13; the Convention on the Rights of the Child (1989), Article 29; the Convention on the Elimination of All Forms of Discrimination (1965), Article 7 and finally the Declaration of the Vienna Convention on Human Rights Education. In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO) *aim to promote a culture of peace and human and sustainable development and focus its attention on the provision of education to all.*

### 3.1 Definition and description of the right to education

#### ARTICLE 26

- *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.*
- *Parents have a prior right to choose the kind of education that shall be given to their children.*

One of the fundamental principles of human rights is that of education. Article 26 of the Universal Declaration of Human Rights consists of three paragraphs describing and analyzing this right to education. Additionally, it gives instructions for exercising and preserving its values. The first paragraph states that the right to education in service, and in access, is an inalienable right of all people. The second section, analyzes the aims of education and, above all, the respect on human rights, equality for all people and preservation of world peace. The last paragraph refers to the right of parents to choose the appropriate education for their children. It has been established that education is fundamental, decisive and catalytic, for the course of humanity, as it promotes thinking and searching, develops solidarity and cooperation. These factors lead each society to progress, growth, prosperity and peace.



## 3.2 Right to education and education of the human rights

The first carrier of human rights is children. Therefore, their education is considered an inalienable right, but also necessary for the understanding, solidarity and dissemination of all rights deriving from international conventions. The rights to education and the education to the human rights are two different concepts, which are interdependent. The direct relationship of the two concepts, according to the UN, is clarified, apart from the Universal Declaration of Human Rights, to all the conformity-related conventions on education. Article 13 of the International Covenant on Economic, Social and Cultural Rights, emphasizes on the need for education: *The States Parties recognize the right to education of all persons and, on the other hand, agree that education must ... enhance respect for human rights.* The right to education enables all people to acquire it, but through education they acquire the conscience to preserve their right to it, as well as, to respect human rights as a whole.

## 4. Mechanisms to safeguard the right to education

Most UN conventions also provide methods for oversight mechanisms. The main bodies today, which safeguard the right to education, are the Human Rights Council and the Human Rights Committee. In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has undertaken to protect the world peace through education, natural and social sciences and culture. Human rights observers are also International Non-Governmental Organizations (NGOs) on human rights such as Amnesty International, the Human Rights Watch, the International Human Rights Office and the International Federation of Human Rights. These organizations monitor issues and problematic situations around the world and promote their opinion.

However, the main representative of the preservation of the right to education is United Nations International Emergency Fund for Children, UNICEF, created by the United Nations General Assembly in 1946. The purpose of the organization is to protect children's rights by acting directly in problematic areas and by organizing development programs. The centerpiece of this organization is education. According to its goals, *UNICEF is working around the world to support quality learning for every girl and boy, especially for those most at risk of falling behind.*



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