

Free and compulsory education for all children: the gap between promise and performance

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Right to education primers no. 2

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Preface

This is the second publication in the series devoted to elucidating key dimensions of the right to education. It follows Primer No. 1, entitled *Removing Obstacles on the Road to the Right to Education*, whose point of departure has been the need to dismantle prevalent misconceptions which impede effective recognition of the right to education. This one addresses its cardinal requirement - ensuring free and compulsory education for all. It is followed by Primer No. 3, which presents governmental human rights obligations in education structured in a simple 4-A scheme - making education available, accessible, acceptable and adaptable. Primer No. 4 is devoted to the orientation and contents of education from the human rights viewpoint and is entitled *Human Rights in Education as Prerequisite for Human Rights Education*. The importance of linking governmental human rights obligations with global development finance strategies - encompassing aid and debt relief - is addressed in Primer No. 5. It focuses on the World Bank, arguing that human rights obligations are both individual and collective hence the right to education should be - but is not - recognized in global economic, fiscal, or education strategies. The multitude of issues which have to be described and analysed is being addressed step-by-step hence ten publications are planned for 2001.

This series of publications complements my work within the United Nations as the Special Rapporteur on the right to education of the Commission on Human Rights. The Commission has recently started dealing with economic, social and cultural rights in earnest and this area is not, as yet, widely

known. This series of publications aims to facilitate outreach for the right to education by presenting the essential facets of the process whereby human rights are mainstreamed in education. This entails the full recognition of the right to education, safeguards for human rights and fundamental freedoms in education, and the adaptation of schooling to enhancing human rights through education.

Publications are part of the emerging public access resource centre on the right to education at the Raoul Wallenberg Institute of Lund University, which is being developed to broaden interest for the right to education and increase knowledge about it by making the essential material available in a systematic manner. Alongside publications, background information mapping out the international and domestic legal framework of the right to education is being gradually systematized. This includes excerpts from the relevant international treaties which guarantee the right to education, information on the ratifications and reservations which delineate international legal commitments for each country, constitutional guarantees of the right to education, information on international and domestic institutions which provide remedy for human rights violations, important court cases and decisions of national human rights commissions concerning the right to education and human rights in education. This information will be accessible at www.right-to-education.org, as of 15 March 2001, which will also include full texts of the publications. Publications will be sent to those who cannot access them on-line.

This resource centre is being developed to support of my work as the Special Rapporteur on the right to education of

the United Nations Commission on Human Rights. Special Rapporteurs are appointed by the Chairman of the Commission on Human Rights, subsequent to the Commission's decision to create a specific mandate. The particular person's expertise in a specific field, in my case a long track record of working on economic and social rights, the human rights of women and the rights of the child, seemed to have been decisive. My mandate on the right to education was created by the Commission on Human Rights in its resolution 1998/33 of 17 April 1998 and I was appointed in August 1998.

The Commission's decision to appoint a Special Rapporteur on the right to education originated in a widely shared assessment that economic, social and cultural rights had been neglected, if not marginalized. The text of the resolution whereby my mandate was created, typically for economic and social rights, was inexact on the contours of the mandate¹ as a consequence of the need to generate and sustain consensus within the Commission. Advancing human rights is a process and the initial definition of an agenda for the future is narrow and cautious, to be broadened and deepened as work

¹ The Commission on Human Rights in its resolution 1998/33 of 17 April 1998 mandated me to (i) Report on the status, throughout the world, of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right; (ii) Promote assistance to Governments for urgent plans of action to secure the progressive implementation of the principle of compulsory primary education free of charge for all; (iii) Focus on gender, in particular the situation and needs of the girl child, and to promote the elimination of all forms of discrimination in education; (v) Develop regular dialogue with actors such as UNESCO or UNICEF, and with financial institutions, such as the World Bank.

progresses. Much work is needed to redress the previous neglect of the right to education. Much too little can be done within the United Nations, where the right to education is one out of very many issues on the agenda, thus the necessity of providing external academic and professional input in the deliberations and evolving policies of the Commission on Human Rights.

My work on the right to education therefore extends far beyond my role as the Special Rapporteur and encompasses research, teaching and training at the Raoul Wallenberg Institute at Lund University. The two are closely linked. Special Rapporteurship is an honorary function, entailing much unpaid work and a great deal of battling to assert and defend the right to education, particularly for all the children who do not know that such a right exists, least of all that they should be enjoying it. The logic of human rights work is that rights are denied and violated hence the essential task is to expose and oppose denials and violations. By no stretch of imagination could one imagine deniers and violators sitting back and applauding. Special Rapporteurs thus continue in their existing jobs so as to remain financially and organizationally independent. Where their professional and academic work can be moulded to support their UN work, as my case has fortunately been, much can be done.

Working as a Special Rapporteur encompasses three tracks: annual reports provide a summarized overview of relevant developments worldwide, country missions are carried out to examine the pattern of problems *in situ*, while obstacles or alleged violations are tackled through correspondence with the respective governments. My three annual and two mission

reports (Uganda and England) are available on the homepage of the High Commissioner for Human Rights (www.unhchr.ch) in English, French and Spanish, as are resolutions of the Commission on Human Rights and other pertinent documents. My UN reports are also available at www.right-to-education.org.

UN reports are limited to 28 pages and so a great deal of economizing is needed to cover all pertinent issues; the coverage is necessarily superficial. There is only one annual report while funding available for missions effectively permits only one every second year. The style in which these reports are written does not facilitate easy reading. This series of publications addresses each important dimension of the right to education in turn. The publications are kept short, the multitude of legal information is provided separately so as to facilitate easy reading, and real-life examples are used as much

as possible to exemplify the relevance of the human rights approach to education.

This publication focuses on the debt we owe to the millions of children whose right to education we should - but often do not - recognize and defend. It depicts the gap between promise and performance in securing free and compulsory education for all children, which has grown much bigger at the beginning of the new millennium than it was in the 1960s. Much as others in this series, it represents work-in-progress. All three working languages of the emerging resource centre - English, French and Spanish - are used to preserve the authenticity of statements or assessments by governments themselves. All comments and suggestions are welcome, particularly additions and corrections concerning the quantitative and qualitative data reproduced in the tables and country-by-country overviews.

K. Tomaševski
Lund, 13 January 2001

Introduction

The 1990s have been a time of crisis-driven changes in education which have continued into the new millennium. Many governments - not only in developing countries - have been struggling with debt pressures, budget deficits and falling revenue. Consequently, a great deal of effort has been expended to seek other-than-governmental funding for education. The implications of this shift for governmental human rights obligations in education have created a great deal of concern. Blueprints for educational reform have become a frequent agenda item at all levels of governance, from global to local. The turn of the millennium made obsolete many strategies which had 'by the year 2000' in their titles. These had promised both primary education and primary health care for all but neither materialized. The twenty-first century thus began against the failure to translate promise into performance, to secure at least primary education free of charge for all children.

Promises generated by world conferences are seldom translated into performance by governments acting collectively, as is noted in *Primer No. 1*. Individual governments also tend to forget promises made in their electoral platforms once they are elected. Promises then fall into oblivion, highlighting the importance of human rights law which defines individual rights and the corresponding governmental obligations. Human rights law requires rights to be precisely defined so that they can be effectively claimed, their violations exposed, remedied, and prevented, so that people would have effective means for holding their governments accountable.

Human rights law defines rights as claims addressed to governments; these specify what governments should and should not be doing. Law is symmetrical and rights cannot exist without corresponding governmental obligations. During the past five decades, these have been defined by the governments themselves, acting collectively within the United Nations and three regional organizations. These are, in chronological sequence, the Council of Europe, the Organization of American States, and the Organization of African Unity. Within each of them, human rights treaties have been negotiated, adopted and ratified by the governments themselves, who also established human rights commissions, committees or courts that provide remedy to those individuals whose rights have been violated, when domestic remedies have not been available or have not adequately remedied violations.

A widespread view holds economic, social and cultural rights not to be defined precisely enough to enable their subjects to claim them and denounce violations. Nevertheless, the International Labour Organization was established in 1919 and had started defining and defending economic and social rights long before human rights were proclaimed by the United Nations three decades later. Another, closely related, view deems that governmental human rights obligations are not defined well enough to constitute a yardstick for determining when these have been breached. Such assessments are not discussed here. Rather, this publication examines the translation of international human rights law into the practice of states in order to identify those components of the right to education which have been

affirmed and reinforced through the practice of states. The next one, *Primer No. 3*, summarizes experiences with the legal enforcement of the right education. As the point of departure, it takes governmental human rights obligations structured into the 4-A scheme - making education available, accessible, acceptable and adaptable - and highlights precedent-setting court cases from different regions and countries. These exhibit the nature and scope of the right to education as a legally enforceable right. Prerequisites of legal enforcement are access to information (knowledge about education being a right) and access to justice (existence and accessibility of an institution empowered to determine violations and specify remedies). These are in inverse proportion to the need for them - the least available where most needed.

Inattention to the right to education of children who have no access to any schooling is therefore addressed in this publication. It aims to elucidate the necessity of merging normative and empirical worlds. All children *should* - but *do not have* - the right to education. The first part thus addresses the 'should' and summarizes the requirements of international human rights law. The second part focuses on 'do not have' and lists legal commitments for individual countries followed by a survey of those where the minimal legal commitments have not yet been translated into reality. The principal method of human rights work has always been exposing the abyss between normative and empirical worlds. Inattention to the right to education is evident from the absence of worldwide overviews showing the scope and depth of this abyss. Results of an initial survey are presented in

Overview 3.2. Its purpose is to present baseline data, to be continuously supplemented and updated.

The first part of this publication summarizes cardinal international human rights obligations, followed by a brief overview of the constitutional provisions designed to guarantee free and compulsory primary education for all. The second part examines each of the three essential components - primary education ought to be free of charge, it has to be compulsory, and no child should be precluded from it.

Economic and social rights necessitate addressing governmental human rights obligations on two levels - on the domestic level, as is customary in human rights work, and also on the global level because decisions on development finance or debt relief considerably affect the leeway of individual governments to comply with their human rights obligations. Moreover, universality of human rights requires universality of human rights obligations, thus encompassing governments acting collectively, as donors or creditors. A separate publication, Primer No. 5, is forthcoming and is entitled *Is the World Bank Moving towards the Right to Education?*

The two tabulated country-by-country overviews form the second part of this publication. The first one, 3.1, summarizes the commitments of individual governments to international human rights treaties which guarantee free and compulsory education for all children, adds the corresponding constitutional provisions, and information on access to international procedures for those individuals whose rights may have been violated. Details are available at www.right-to-education.org. The second tabulated overview, 3.2, lists those countries in which free, compulsory and all-encompassing

education has not yet been secured. Their number is large - 58 - and shows that the essential guarantees of the right to education have not yet been secured in one-third of the countries in the world.

Part I

Human rights obligations

Problems in guaranteeing free and compulsory education to all children revolve around funding. The worlds of human rights and fiscal allocations are separated by an abyss at the global or domestic level. Funding for education tends to be treated as discretionary, contrary to what international human rights law demands. Few countries in the world have effective constitutional guarantees which oblige the government to allocate to education a determined proportion of its budget. A rare example is the 1947 Constitution of Taiwan which has specified: "Expenditures of educational programmes shall not be, in respect of the central government, less than fifteen percent of the total national budget, in respect of each province no less than twenty-five percent of the total provincial budget, and in respect of each municipality, no less than thirty-five percent of the total municipal budget." The purpose of human rights law is to transform allocations for education from discretionary into obligatory. This process entails acceptance of human rights correctives in decision-making, which is a political process at all levels, from local to global. Securing a match between governmental human rights obligation in education and fiscal allocations requires another step -

according priority to primary education. As illustrated in *Primer No. 1*, political processes whereby financial allocations are made are slanted in the opposite direction and the highest level in education pyramid obtains the largest share of available funding.

The objective of international human rights law is to alter political choices by bestowing legal rights upon those actors who have the least access to decision-making, such as children. Primary-school aged children who should be - but are not - in school are easily marginalized hence their legal claim upon governments. This claim is detailed in a number of international and domestic legal instruments. These are, as the term 'instrument' indicates, tools whose value increases with their utilization. The inverse is also true, such tools have no value unless they are known and used. A quick overview of the toolbox is then indicated.

1.1. International treaties

Promoting human rights requires knowledge about the existing international obligations of states and this knowledge can be imparted through a summarized overview of key international treaties, accompanied by country-specific tables. Different from *Primer No. 1*, this text does not mention any declarations, resolutions, or programmes of actions regarding the right to education which have been generated by international organizations or conferences. The reason is its focus on law and *Primer No. 3* follows suit. Extra-legal creation of rules for the conduct of actors working in education will be revisited in *Primer No. 4* with regard to human rights education

and in *Primer No. 5* which discusses the changing World Bank's approaches to education lending.

Box 1 reproduces the core provisions of international human rights treaties regarding primary education. Since full texts of these treaties are easily available,² only those segments of the text which refer to the requirement that primary education be free, compulsory and all-encompassing are reproduced. As Box 1 shows, these treaties are uniform, with one exception, which reflects universal agreement on the core components of the right to education.

The relevant treaties include the oldest regional treaty, the European Convention concluded within the Council of Europe in 1950, which was two years later supplemented by the guarantee of civil and political dimensions of the right to education. The European Social Charter, whose revision in 1996 has included a far-reaching guarantee of the right to education, has added the previously missing economic and social dimensions, and the Council of Europe is no longer the single exception mentioned above. The 1962 UNESCO Convention against Discrimination in Education is the oldest global treaty guaranteeing free and compulsory education. It was followed by the International Covenant on Economic,

Social and Cultural Rights, adopted in 1966 and abbreviated as *ICESCR*. Within the Organization of American States (OAS), similarly to the Council of Europe, the American Convention on Human Rights had included only civil and political rights to be in 1988 supplemented by the Protocol of San Salvador on economic, social and cultural rights. The Organization of African Unity created its own human rights treaties and organs, starting in 1981 with the African Charter on Human and Peoples' Rights, which merged collective and individual as well as civil/political and economic/social/cultural rights. The Charter on the Rights and Welfare of the African Child was adopted in 1990 to come into force ten years later, with the committee that should be established on the basis of this Charter expected in the year 2001. The Convention on the Rights of the Child (*CRC*) was ten years old in 1999 and has thus far been ratified by the largest number of states (191). These treaties map out the international legal framework of the fundamental requirement of right to education, to secure free and compulsory education for all children.

From the Universal Declaration of Human Rights in 1948 to the (Revised) European Social Charter of 1966, the requirement for education to be free and compulsory never wavered. However, changes have been in the specific designations of various stages of education. The Universal Declaration has used the term 'elementary' which later became 'primary' and in the African Charter 'basic.' Although the wording of international treaties demands only primary education to be free, compulsory education has been prolonged in practice (as is shown below in Table 6), thus lengthening free-of-charge education.

² Information on the conventions concluded within the United Nations is available at <<http://untreaty.un.org>> as well as the website of the Office of the High Commissioner on Human Rights <<http://www.unhchr.ch>>. For the Council of Europe, information is available at <<http://www.conventions.coe.int>> and for the Inter-American human rights system at <<http://www.oas.org>>. The Organization of African Unity does not as yet have a website and information on the two human rights treaties which are particularly relevant for the right to education is available at <<http://www1.umn.edu/humanrts/africa.htm>>.

Box 1

Key treaty provisions on free and compulsory education

Universal Declaration of Human Rights (1948):

Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

European Convention on Human Rights, Protocol 1 (1952):

No person shall be denied the right to education.

UNESCO Convention against Discrimination in Education (1960):

The States Parties to this Convention undertake to formulate, develop and apply a national policy which, ... will tend to promote equality of opportunity and of treatment ... and in particular: (a) To make primary education free and compulsory.

International Covenant on Economic, Social and Cultural Rights (1966):

Primary education shall be compulsory and available free for all.

Protocol of San Salvador to the American Convention on Human Rights (1988)

The States Parties to this Protocol recognize that in order to achieve the full exercise of the right to education:
a. Primary education should be compulsory and accessible to all without cost.

Convention on the Rights of the Child: (1989):

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free for all.

Charter on the Rights and Welfare of the African Child (1990):

States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of [the right to education] and shall in particular: a) provide free and compulsory basic education;

(Revised) European Social Charter (1996):

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organizations, to take all appropriate and necessary measures designed: 2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Because law is symmetrical, the right to education entails corresponding obligations. Making education compulsory requires parents and governments to perform their obligations towards children. This logic was aptly summarized in 1956:

Just as school legislation imposes upon the parent the duty of sending his children to school, States should accept the obligation of providing enough schools to educate all children.³

Nobody can be required to do the impossible and thus parents cannot be obliged to ensure that their children attend school if they cannot afford the cost of schooling. Making education compulsory was thus contingent on making it free. In the drafting of the foundation for all human rights treaties, the Universal Declaration of Human Rights, there was never a question about education being made compulsory without being free. Records of early discussions within the Commission on Human Rights or later in the Third Committee of the General Assembly testify to this linkage from the very beginning of the drafting process to its very end.⁴ Its rationale was followed in all subsequent human rights treaties.

³ *Report on the Regional Conference on Free and Compulsory Education in Latin America*, UNESCO, Paris, 1956, p. 8.

⁴ General Assembly - Official Records of the Third Session, Part I: Social, Humanitarian and Cultural Questions, Third Committee, Summary Records of Meetings, 21 September - 8 December 1948, Lake Success, 1949, p. 583.

Thus far, the (Revised) European Social Charter has provided the most generous definition of the right of children and young people to free and compulsory education, requiring that both primary and secondary education be free and compulsory. This has remedied the previous exceptionalism of the Council of Europe, whose Convention on Human Rights dealt only with selected civil and political rights, providing safeguards only against denied access to education. The mosaic of diverse pre-state schools existing in Western Europe at the time when the provision on the right to education was drafted (1950-1952) influenced the approach to the role of the government under the European Convention on Human Rights. The Secretary-General of the Council of Europe at that time had this to say about the substitution of the originally proposed 'every person has the right to education' by a negative formulation in the final text of the Protocol to the European Convention on Human Rights:

The right to education has been asserted in the negative formulation: "No person shall be denied the right to education" because the positive formulation proposed by the [Consultative Assembly in August 1950] might be interpreted to impose on the State the positive duty to provide education. While education is provided by the State for children, as a matter of course, in all member States, it is not possible for them to give an unlimited guarantee to provide education, as that might be construed to apply to illiterate adults for whom no facilities exist,

or to types or standards of education which the State cannot furnish for one reason or another.’⁵

This reasoning has influenced reservations to that negative formulation, which have affirmed the reluctance of governments to finance diverse schools which are due to emerge through the exercise of parental freedom of choice.⁶ The need to balance parental freedom of choice with governmental obligation to ensure that education is available and accessible to all children is explored in *Primer No. 3*, which includes interpretations of best ways to attain this balance by the European Court of Human Rights. The adoption of the (Revised) European Social Charter in 1996 and its entry into force in 1999 - almost four decades after the initial guarantee of the right to education - signified a changed attitude within the Council of Europe. With this change, the uniformity of requirements that primary education be free, compulsory and all-encompassing has been fully accomplished, underpinning the universality of the right to education.

The process of concluding international treaties includes two stages. Treaties are first negotiated amongst governmental

delegations and the text is formally adopted to be signed by representatives of those states who have decided to formally record their political commitment to the adopted treaties. The second stage takes place within each state, whose parliament (the body empowered to create domestic law or accept international treaties) has to decide whether a treaty should become legally binding for that country and, if so decided, a formal ratification signifies the end of the second stage. With sufficient number of states ratifying a specific treaty, it enters into force for them. Law-making is based upon sovereign equality of states hence each one specifically and explicitly accepts to be bound by any international treaty.

During the second stage, when international treaties are discussed within individual countries with a view to making them legally binding for the country concerned, some of their provisions may not be deemed acceptable because the government does not wish to or cannot comply with their requirements. Ratifications are then accompanied with reservations, and quite a few relate to the right to education. The reservations to those treaty provisions which require primary education to be free and compulsory indicate the general acceptance of this postulate by signalling, most often, that compliance cannot be assured immediately but gradually. The International Covenant on Economic, Social and Cultural Rights has prompted more than a dozen states parties to submit reservations to its provision on the right to education. These range from acknowledgments that financial constraints to access to primary education were beyond the capacity of the state, to assertions that education should be treated as the monopoly of the state, or that parents should

⁵ Council of Europe - *Collected Edition of the Travaux Préparatoires of the European Convention on Human Rights*, Martinus Nijhoff Publishers, Dordrecht, 1985, vol. VIII, p. 11-12 .

⁶ Reservations to Article 2 of the First Protocol, which deals with the civil and political components of the right to education, have been submitted by Bulgaria, Germany, Greece, Moldova, Romania, and the United Kingdom; they limit financial commitments of the state to fund schools that are established through the exercise of parental freedom to educate their children in accordance with their beliefs.

be allowed to educate their children themselves, in their own home. The Convention on the Rights of the Child lays down the full scope of the right to education. The principle of non-discrimination is followed by general provisions on the access to education, its purposes and objectives, which is accompanied by specific requirements upon education to protect children from abuse and neglect or illicit use of narcotic drugs, and followed by safeguards against work that interferes with children's primary education. An illustration of the demanding nature and scope of states' obligations concerning education is the number and variety of reservations. Detailed information on the scope of international legal obligations by country is available on www.right-to-education.org, and is thus not included here. The consequence of the number and variety of reservations is that a mere ratification of a treaty does not mean that it is binding in its entirety for a particular country. Information on ratifications then has to be supplemented with indications of their limited scope through reservations, as is done in Overview 3.1.

All treaties excerpted in Box 1, except the two African ones, enable individual states to submit reservations to those provisions with which they are unable or unwilling to comply. For those countries in which the treaties excerpted in Box 1 apply, the left-hand column clarifies whether ratifications have included reservations. They diminish human rights obligations of the respective governments and human rights guarantees for the affected population. Moreover, some reservations, especially those relating to the human rights of children and women, are so wide-reaching that their

compatibility with the spirit and wording of the treaties has frequently been challenged and their withdrawal urged.

Overview 3.1 presents, in a tabulated form, international obligations, constitutional guarantees, and access to international procedures for remedying violations. Its left-hand column summarizes the scope of legal obligations for each country. It shows that more than thirty countries have apparently undertaken to comply with all the existing human rights obligations related to the right to education since they have ratified all pertinent treaties without any reservations. Such an optimistic image does not reflect reality as the listing of these countries indicates. A brief explanation is then necessary to point out common gaps between appearance and reality.

Countries where warfare is impeding human rights protection, such as Afghanistan, Angola, Congo/Zaire, or Sierra Leone, have not been included in Overview 3.1 because human rights law is suspended in wartime. Moreover, human rights protection necessitates an effective government which is both able and willing to secure it. Both the ability and the willingness of individual governments is often questioned, and these two dimensions tend to be inter-related. Overview 3.2 lists those countries in which the requirement of free and compulsory education has not yet been translated into reality. Many belong to the poorest and/or most heavily indebted countries, with school-aged children constituting a large proportion of the population and too little public funding available for their schooling. Nevertheless, as Tables 4 and 5 illustrate for raising and allocating revenue, the degree of commitment of individual government to making

primary education all-encompassing, free and compulsory varies a great deal.

A mere ratification of a human rights treaty may be of little value to the domestic population because the rights guaranteed therein cannot be accessed and enjoyed. The right-hand column in Overview 3.1 therefore provides essential information on access to international procedures for human rights violations which are particularly relevant for the right to education and human rights in education. The remark 'UN Special Rapporteur' in the right-hand column denotes countries for which the United Nations Commission on Human Rights has established a country-specific mechanism, which reflects the Commission's concern about the over-all human rights situation in that country.

Within the United Nations, there are two treaty-based procedures: the Human Rights Committee (HRC) deals with communications related to the International Covenant on Civil and Political Rights, while the Committee for the Elimination of Racial Discrimination examines communications alleging breach of the Convention on the Elimination of All Forms of Racial Discrimination (CERD). The third one is starting under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), whose Protocol establishing such a procedure has recently come into force for the first dozen states parties. Within regional organizations, two distinct procedures exist within the Inter-American human rights system, one before the Commission and another before the Court. The Council of Europe has recently altered this pattern and there is only the European Court of Human Rights for violations of civil and political rights guaranteed by

the European Convention. The European Committee of Social Rights has recently started processing collective complaints of violations of social rights. For African countries (which include all the geographical region, thus also Africa north of Sahara), access to the African Commission on Human and Peoples' Rights follows from the ratification of the Charter, which also does not allow reservations; access to international remedies is thereby automatically broadened. The coming into force of the Charter on the Rights and Welfare of the African Child entails setting up a committee which will also receive complaints. A detailed description of these and other international procedures will be included in the forthcoming analysis of interpretations of the right to education generated by these bodies, which will be available at www.right-to-education.org. As the text above shows, a great deal of momentum in this area has recently brought about no less than three new international procedures, indicating that the time for international enforcement of economic, social and cultural rights has come.

Table 2 provides the background against which prospects for increased access to international procedures can be assessed. Individual countries are divided in three categories. Only 15 states have accepted individual access to all international procedures thereby permitting individuals full access to international remedies. As the right-hand column shows, 52 states deny access to any of the existing international procedures. Most countries pertain to the middle category, allowing access to some but not all existing procedures.

Experiences at the regional level, in Europe and the Americas, and more recently in Africa, have undoubtedly

Table 2:
Access to international procedures for human rights violations: full, partial, none

Access to all international procedures

Algeria, Australia, Chile, Costa Rica, Cyprus, Ecuador, Finland, France, Italy, Norway, Portugal, Senegal, South Korea, Sweden, Uruguay

Access to some international procedures

Albania, Andorra, Argentina, Armenia, Austria, Barbados, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Ireland, Jamaica, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Philippines, Poland, Romania, Russia, St Vincent and Grenadines, San Marino, Sao Tome and Principe, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Switzerland, Tajikistan, Tanzania, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom, Uzbekistan, Venezuela, Zambia, Zimbabwe

No access

Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Bhutan, Brunei, China, Comoros, Cook Islands, Cuba, Fiji, India, Indonesia, Japan, Jordan, Kazakhstan, Kiribati, Korea (North), Laos, Lebanon, Malaysia, Maldives, Marshall Islands, Micronesia, Monaco, Mongolia, Morocco, Nauru, Niue, Oman, Pakistan, Palau, Papua New Guinea, Qatar, St Kitts and Nevis, St Lucia, Samoa, Saudi Arabia, Singapore, Solomon Islands, Syria, Thailand, Tonga, Trinidad and Tobago, Tuvalu, United Arab Emirates, USA, Vanuatu, Vietnam, Yemen,

contributed to the internationalization of human rights enforcement. The lack of a regional organization with powers to define and enforce human rights in Asia is reflected in the large number of Asian countries listed in the right-hand column.

1.2 Constitutional guarantees

The interplay between international and domestic human rights guarantees represents a fascinating area for research because assumed correspondence between the two tends to be

Table 3

Constitutional guarantees of free and compulsory education for all children

Free and compulsory education for all constitutionally guaranteed:

Albania, Algeria, Argentina, Australia, Austria, Azerbaijan, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Congo/Brazzaville, Costa Rica, Croatia, Cuba, Denmark, Ecuador, Egypt, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Korea (North), Latvia, Liechtenstein, Lithuania, Macedonia, Madagascar, Malta, Mauritius, Mexico, Moldova, Netherlands, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russia, Rwanda, Saudi Arabia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Yugoslavia,

Progressive realization or partial guarantees:

Bangladesh, Belarus, Benin, Bhutan, Burma, Cameroon, Comoros, Guinea, Guinea-Bissau, India, Iran, Iraq, Israel, Maldives, Micronesia, Monaco, Mongolia, Namibia, Nepal, Nigeria, Pakistan, St Kitts and Nevis, Sierra Leone, Sudan, Tanzania, Togo, Uganda, Uzbekistan, Zimbabwe

Guarantees restricted to citizens or residents:

Armenia, Bahrain, Cambodia, Chad, Cyprus, Czech Rep., Dominican Rep., El Salvador, Equatorial Guinea, Greece, Grenada, Guatemala, Guyana, Hungary, Jordan, Kazakhstan, Korea (South), Kuwait, Kyrgyzstan, Libya, Luxembourg, Malawi, Mali, Morocco, New Zealand, Nicaragua, Philippines, Qatar, Sao Tome, Seychelles, Slovakia, Slovenia, Syria, Turkey, Turkmenistan, Vietnam, Yemen,

No constitutional guarantee:

Angola, Antigua and Barbuda, Bahamas, Botswana, Brunei, Burkina Faso, Burundi, Central African Rep., Côte d'Ivoire, Djibouti, Dominica, Eritrea, Ethiopia, Fiji, Gabon, Indonesia, Jamaica, Kenya, Kiribati, Laos, Lebanon, Lesotho, Liberia, Malaysia, Marshall Islands, Mauritania, Mozambique, Nauru, Niger, Oman, Papua New Guinea, St Lucia, St Vincent, Samoa, San Marino, Senegal, Singapore, Solomon Islands, Swaziland, Tonga, Tuvalu, USA, Vanuatu, Zambia

an exception rather than a rule. It would be easy to assume that human rights safeguards from ratified international treaties are reflected in domestic constitutions but this assumption is belied by facts. Those states that have ratified all international treaties which guarantee free and compulsory primary education to all children, without any reservations, do not necessarily repeat this commitment in their constitutions. This inconsistency may exemplify two different situations:

- In countries where international human rights treaties are directly applicable, the absence of explicit domestic human rights guarantees is legally irrelevant. Quite a few countries have constitutions which are more than hundred years old, do not even mention the word 'human rights', and direct application of international human rights treaties supplements lacking constitutional guarantees. Making international human rights law directly applicable is the model best suited to ensuring the universality of human rights.
- Where international treaties are not directly applicable nor is there a provision whereby they override domestic law, there is incongruity between international and domestic human rights guarantees, with the latter often falling far behind the former.

As Table 3 illustrates, there are 44 countries where there is no explicit constitutional guarantee of the right to education, while there is such a guarantee in 142 countries. There is a range of countries in which the right to education is being progressively realized, as Table 3 shows, and international co-

operation is facilitating progress in quite a few of them. The practice of states thus overwhelmingly reflects the thrust of international human rights law.

The postulate of the Convention on the Rights of Child whereby all children should have guaranteed access to education regardless of their legal status, or that of their parents, is gradually being translated into the practice of states. In 37 countries, however, the right to education is formally restricted to citizens. Access to education for those children who are likely to be facing legal obstacles, such as asylum-seekers and refugees, as well as children who are stateless and children of migrant workers, thus may not be assured as a matter of right.

2. Principal requirements

Putting into practice free and compulsory education for all children requires ensuring that primary schools are available for all children, which necessitates a considerable investment. While the state is not the only investor, international human rights law obliges it to be the investor of last resort. In Africa, children of primary-school age may constitute close to half of the population and the majority is living in rural areas. Making primary schools available to dispersed rural communities, some of whom may be nomadic, illustrates the scope of the challenge.

If the intake capacity of primary schools is below the number of primary-school aged children, legal provisions on compulsory education will not be translated into practice and access to education will remain a need or a wish rather than

being a right. Investment in educational infrastructure requires considerable initial capital but yields benefits after a long time. The recurrent costs and maintenance of schools as well as teachers' salaries add to the cost. The requirement that primary education be free of charge is thus costly. Economists often apply the criterion of *affordability* to free-of-charge education, and questions have been raised in the past two decades about compatibility between fiscal and educational policy, that is, between fiscal targets defined in terms of reducing public expenditure and funding necessary to ensure universal primary education free of charge for all children. These have often been directed at the World Bank, and are addressed in *Primer No. 5*

2.1 Primary education ought to be free-of-charge

While international law requires primary education to be free of charge, education cannot be free-of-cost in theory or in practice. For governments, it is one of the major items in their budgets. Parents finance their children's education through general taxation, and routinely pay the cost of books, transportation and school meals, uniforms, pens and pencils, or sports equipment. The requirement upon governments to make primary education free implies that governments should eliminate financial obstacles in order to enable all children - no matter how poor - to complete primary schooling.

A great deal of controversy has been generated regarding the human rights obligation to finance primary education. The requirement that primary schooling be free of financial cost for the child has generated a great deal of consensus, but that it also be free of financial cost for parents triggers dissent. One reason is

parental primary responsibility, financial as well as any other, for their children, affirmed in the Convention on the Rights of the Child. Another reason is parental freedom to choose non-state schools for their children, or establish their own or else educate their children at home, routinely at their own expense.

Primary education should be free for children because they cannot possibly pay for themselves. This does not imply that education is free for parents, community, society or the state because schools and teachers' salaries have to be financed. Rather, this means that primary education should be prioritized in resource allocation. Direct charges in primary education, under whatever name, impose upon parents the obligation to fully finance the education of their children. School fees are named differently, as user charges, registration fees, school maintenance or development levies, but whatever name they bear, their effect is to openly question the explicit requirement of international human rights law that at least primary education be free.

The duty to financially contribute to the cost of primary education is spread among the whole population where education is financed by the state out of general taxation, which is the model envisaged in international human rights law. Unless the state can generate revenue, it cannot comply with its obligation to secure that primary education is available for all children and free of charge. Table 4 provides a glimpse into the varying capacity and willingness of the state to comply with this obligation. It lists those countries for which the World Bank has publicised data the level of tax revenue, dividing them into categories from the highest to the lowest. For those whose tax revenue constitutes less than 10%, it is

often impossible to meet their human rights obligations corresponding to the right to education, or any other right for that matter. How much of this impossibility results from the lack of political will is a question that is increasingly posed but has, as yet, elicited little research.

International human rights law assumes that states are both willing and able to generate resources needed for education

through general taxation. There are few which are unable to impose and enforce taxation upon their wealthy population, many more are unwilling to do so. This is precisely why human rights have been defined as governmental obligations. The assertion of the Universal Declaration of Human Rights that all individuals have duties towards their community has, regrettably, fallen into oblivion. And yet, states cannot finance

Table 4:
Tax revenue

Above 40%

Belgium (43.3), Croatia (43.3), Netherlands (42.7)

30 – 40%

Algeria (30.7), Austria (34.8), Czech Republic (31.6), France (39.2), Hungary (31.4), Ireland (31.6), Israel (35.8), Italy (38.6), Lesotho (34.9), New Zealand (32.1), Norway (34.1), Poland (32.8), Portugal (32.1), Sweden (35.8), United Kingdom (36.3)

20 – 30%

Australia (22.9), Belarus (28.7), Bulgaria (27.0), Costa Rica (23.1), Côte d'Ivoire (21.0), Estonia (29.9), Finland (28.1), Germany (26.6), Greece (20.6), Kenya (23.5),

Latvia (28.0), Lithuania (25.4), Romania (24.4), South Africa (24.5), Spain (28.1), Switzerland (22.0), Tunisia (24.8), USA (20.4), Uruguay (30.0), Zimbabwe (26.4)

15 – 20%

Azerbaijan (18.2), Bolivia (15.1), Chile (18.4), Dominican Republic (15.5), Egypt (16.6), Indonesia (15.6), Jordan (19.8), South Korea (17.3), Malaysia (18.9), Panama (18.4), Philippines (17.0), Singapore (16.2), Syria (16.4), Turkey (19.1), Vietnam (15.8)

10 – 15%

Albania (14.8), Argentina (12.4), Botswana (14.7), Burundi (12.7), Colombia (10.1), Guinea (10.0), Iran (11.2), Lebanon (12.7),

Mexico (13.0), Mongolia (13.5), Pakistan (12.6), Peru (13.7), Sri Lanka (14.5), Thailand (14.4), Venezuela (12.8), Yemen (13.7)

Below 10%

Burma (4.5), China (5.7), Congo (6.6), Congo/Zaire (4.3), Georgia (4.6), India (8.6), Kuwait (1.5), Madagascar (8.5), Nepal (8.8), Sierra Leone (9.9)

Note: The figures refer to tax revenue of the central government, which is in many countries not the main source of funding for education.

Source: The World Bank – World Development Report 2000/2001, Table 14.

education unless they generate resources, they cannot generate resources unless companies and individuals pay tax. Today's dominant ideology seeks the withdrawal of the state from generating and allocating resources, thus jeopardizing access to education, particularly in the poorest and youngest countries.

The financing of education is in many countries within the remit of local or regional authorities, whose tax base and tax revenue may be profoundly different from those of the central government. Nevertheless, no internationally comparable data have been generated in this area. From the human rights viewpoint, the state is responsible for human rights hence its obligations encompass the whole territory and all the people. Because local communities may not be able to raise revenue sufficient to guarantee to all children free and compulsory primary education, the state ought to redress their lack of capacity. The same rationale extends to the world at large because human rights are universal. International co-operation has been envisaged as the method for redressing inability of individual states to comply with their human rights obligations. Distinguishing between inability and unwillingness thus obtains a great deal of importance.

Those who do not earn enough to be liable to taxation are not taxed, thus taxation applies the logic of distributive justice. Where fees are charged in primary school, those who are too poor to afford the cost nevertheless have to pay the charges. If they cannot afford them, their children will be penalized by denied access to primary school. Where exemptions are nominally provided, they may be too cumbersome to comply with or too expensive to administer. The Convention on the Rights of the Child has specified for health that children

should not be denied access to health services because of the inability of their parents to pay its cost, and there is no indication that the Convention envisaged a lower standard for primary education, on the contrary. The Committee on the Rights of the Child requires governments to report on "the measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector."⁷ The cost of primary schooling is considerable. Mark Bray has estimated that at least 20% and often as much as 90% of the financial cost of primary education is borne by the parents and/or families.⁸

Parental financial contributions towards primary education of their children depend on their ability to contribute, not only their willingness to do so. Their inability to afford sending their children to school deprives their children of access to primary education and highlights the essence of governmental human rights obligation to be the provider of last resort. Parental choice may be exercised to the detriment of girls and requires governments to act so as to alter parental choices. Efforts to increase primary school enrolment for girls

⁷ Committee on the Rights of the Child - General guidelines regarding the forms and contents of periodic reports to be submitted by States parties under Article 44, paragraph 1 (b), of the Convention, U.N. Doc. CRC/C/58 of 20 November 1996, paras. 20 and 106.

⁸ Bray, M. - *Counting the Full Cost: Parental and Community Financing of Education in East Asia*, A collaborative report by the World Bank and UNICEF, Directions in Development, The World Bank, 1996.

have included subsidizing direct, indirect, and opportunity costs (namely, the loss of the value of the girls' work) for their parents and/or families.

The distribution of the cost of primary education between the government and parents depends on budgetary allocations. The budget exemplified the translation of political choices into financial commitments. Education is often the single largest item in governments budgets although in heavily indebted countries it tends to be dwarfed by debt repayments. A group of senators in the Philippines challenged in 1991 the constitutionality of the budgetary allocation of P86 billion for debt servicing, while P27 billion was allocated for education. The Constitution of the Philippines obligates the government to assign the highest budgetary priority to education. The issue to be decided was whether debt servicing, exceeding three times the budgetary allocation for education, was unconstitutional. The Court found that education had been the highest budgetary priority, while debt servicing was necessary to safeguard the creditworthiness of the country and thus the survival of its economy.⁹ This rare case of attempted legal challenge of priorities in financial allocations has affirmed the need to design international solutions for international problems. The process of negotiating debt relief has hastened at the beginning of the new millennium, providing an opening for insertion of human rights. This will be explored in *Primer No. 5*

⁹ Supreme Court of the Philippines - *Guingona, Jr. v. Carague*, G.R. No. 94571, 22 April 1991.

Table 5 reproduces the available data on public expenditure on education, as economists tend to call it although there is a trend to substitute the term 'expenditure' by 'investment.' Countries are classified by the proportion of investment in education to the GNP. The purpose is to illustrate convergence and divergence in the current pattern of expenditure worldwide. The figures are, of course, an indication of magnitude rather than precise measurements because of the immense complexity of compiling all necessary data and making such data comparable.

Suggestions for an optimal level of public expenditure for education tend to converge at about 5-7% and reflect the practice of a large, but regrettably decreasing number of countries. There is, however, increasing agreement on three points:

- firstly, that public funding for primary education is necessary;
- secondly, that primary education should be prioritised within education, and,
- thirdly, that public funding is particularly important in those countries that have low net enrolments.

The correspondence between low enrolments in primary school level and low budgetary allocation is typical for the poorest and most indebted countries which also have large proportions of children in their population, as Table 5 illustrates.

The inevitable consequence of insufficient public funding for primary education is slanting financial obligation

Table 5:
Public expenditure on education in relation to GNP

More than 7%

Barbados, Botswana, Canada, Denmark, Estonia, Finland, Israel, Jamaica, Kenya, Kiribati, Lesotho, Moldova, Namibia, New Zealand, Norway, Poland, Seychelles, South Africa, St Lucia, Ukraine, Uzbekistan, Sweden

6 to 7%

Congo/Brazzaville, France, Italy, Maldives, Mongolia, Yemen

5 to 6%

Australia, Austria, Belarus, Belgium, Belize, Costa Rica, Croatia, Czech Republic, FYROM, Georgia, Iceland, Kyrgyzstan,

Lithuania, Malawi, Malaysia, Malta, Mauritania, Morocco, Netherlands, Panama, Portugal, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, United Kingdom, USA, Venezuela

4 to 5%

Bolivia, Burundi, Colombia, Comoros, Cyprus, Egypt, Ethiopia, Gambia, Germany, Guyana, Hungary, Iran, Kazakhstan, Kuwait, Mauritius, Mexico, Oman, Thailand, Togo, Trinidad and Tobago, Vanuatu

3 to 4%

Albania, Argentina, Azerbaijan, Benin, Bulgaria, Chile, Ecuador, Greece, Honduras,

India, Japan, Korea, Nepal, Philippines, Qatar, Romania, Russia, Senegal, Singapore, Sri Lanka, St Kitts and Nevis, Uruguay

2 to 3%

Bangladesh, China, Dominican Republic, El Salvador, Laos, Lebanon, Paraguay, Peru, Tajikistan, Turkey, Zambia, Viet Nam

Less than 2%

Chad, Guatemala, Myanmar, United Arab Emirates

Source: UNESCO – World Education Report 2000, Paris, 2000, pp 164–167

to bear the cost of schooling towards parents and families. There is a great deal of correspondence between those countries that are located at the bottom of Table 5 and those that are listed in Overview 3.2. There are, of course, exceptions, such as United Arab Emirates with a low allocation out of a sizeable budget, while Lesotho has a proportionally large allocation and yet primary education is not free of charge. Piecing together the mosaic needed to portray the full panorama of free primary education in

today's world demands a great deal of painstaking search for important questions and answers. Regretfully, this has not yet been done despite the crucial importance of securing free education for all primary-school children.

The first steps towards filling in this gap are presented in Overview 3.2, which lists those countries for which credible information could be found on fees being charged in primary school. As far as possible, the documentation generated by the reporting procedures under human rights treaties or reports by

ministries of education have been used so as to keep the sources authoritative. The documentation of the World Bank and other international agencies has been used where no governmental reports have been found. For countries, such as Angola, where no recent information is available, reports by journalists have been the only available source.

Details are presented in Overview 3.2 for all countries for which information could be found and verified. This is work-in-progress and all corrections and supplementary data are welcome. The coverage will be gradually extended, and all data will be periodically updated.

2.2. Education should be compulsory until children reach the minimum age for employment

Similarly to the requirement that primary education be free of charge, information about the requirement that education be compulsory is routinely confined to international treaties and domestic laws while there is no review of the gap between normative and empirical worlds. Overview 3.2 thus presents qualitative and quantitative information by country so as to provide some basis for assessing accomplishments and shortcomings.

Compulsory education has much longer tradition than the right to education. This was reflected in the 1959 Declaration of the Rights of the Child, which laid down the entitlement of the child to receive education, articulating the vision of the child of the time as a passive recipient of education. The changed vision of the child as a subject of rights, embodied in the Convention on the Rights of the Child, is slowly being

translated into domestic laws and policies. As noted at the beginning of this publication, the requirement that primary education be compulsory forms part of international human rights treaties and this is reflected in domestic laws of a vast majority of countries in the world.

Table 6 lists countries by the legally mandated length of compulsory education, ranging from 13 years in the Netherlands to 4 years in Sao Tomé and Principe. This difference illustrates both the willingness and ability of individual states to secure schooling, highlighting the intrinsic link between the two. Overview 3.2 points out another difference, between legally required and actually realized compulsory education.

The capacity of governments to implement their laws on compulsory education varies, as do enforcement measures. Many target parents by fines for their failure to secure enrollment or school attendance by their children. Some target children, however. Enforcement of compulsory education thus raises important human rights issues. The Convention on the Rights of the Child goes no further than obligating States to encourage school attendance; enforcement is not mentioned. Older human rights treaties, such as the European Convention on Human Rights, provided for detention of a minor by lawful order for the purpose of educational supervision, which mandated compulsory schooling in the narrowest sense of this term. The specific offense of truancy was created to punish the child for breaching the duty to attend school.

The explicit wording of international human rights treaties requires primary education to be compulsory and free

Table 6:
Legally mandated length of compulsory education

**Duration Country
in years**

13	Netherlands		gal, Russia, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sweden, Switzerland, Tajikistan, Tunisia, Ukraine, Yemen		Rwanda, Senegal, Suriname, Syria, Thailand, Togo, United Arab Emirates, Uruguay, Vanuatu
12	Belgium, Brunei Darussalam, Germany, St Kitts and Nevis				
11	Antigua and Barbuda, Armenia, Azerbaijan, Barbados, British Virgin Islands, Dominica, Grenada, Israel, Kazakhstan, Malta, Moldova, United Kingdom	8	Albania, Angola, Bolivia, Brazil, Bulgaria, Chile, Croatia, Egypt, Fiji, FYROM, Ghana, Guyana, India, Italy, Kenya, Kuwait, Latvia, Malawi, Mongolia, Niger, Poland, Romania, Samoa, San Marino, Slovenia, Somalia, Sudan, Tonga, Turkey, Yugoslavia, Zimbabwe	5	Bangladesh, Colombia, Equatorial Guinea, Iran, Laos, Macao, Myanmar, Nepal, Vietnam
10	Argentina, Australia, Belize, Canada, Congo, Costa Rica, Dominican Republic, DPR Korea, Ecuador, France, Gabon, Hungary, Iceland, Kyrgyzstan, Liberia, Monaco, Namibia, New Zealand, Seychelles, Spain, St Lucia, St Vincent and the Grenadines, Venezuela, USA	7	Burkina Faso, Eritrea, Lesotho, Mauritius, Mozambique, Swaziland, Tanzania, Trinidad and Tobago, Tuvalu, Zambia	4	Sao Tome and Principe
9	Algeria, Austria, Bahamas, Bahrain, Belarus, Cambodia, China, Comoros, Cook Islands, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, Georgia, Greece, Hong Kong, Indonesia, Ireland, Japan, Jordan, Korea, Kiribati, Lebanon, Libya, Lithuania, Luxembourg, Mali, Netherlands Antilles, Norway, Portu-	6	Afghanistan, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Jamaica, Madagascar, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines,		

Source: UNESCO – World Education Report 2000, pp 140–143.

Note: Information was not available from UNESCO for Bosnia and Herzegovina, Botswana, Bhutan, Cambodia, DR Congo, Gambia, Latvia, Malaysia, Maldives, Oman, Pakistan, Palestinian Territory, Papua New Guinea, Qatar, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Turkmenistan, Uganda, Uzbekistan. Supplementary sources have been used for Cambodia (HRI/CORE/1/Add.94 para 9), Latvia (CRC/C/11/Add.22 para.197), and Sierra Leone (CRC/C/3/Add.43 para.77).

of charge. Categorizations of education and the terms used to describe the first stage of formal schooling (elementary, primary, fundamental, or basic) have changed during the past decades. A division of schooling into primary and secondary was challenged by UNESCO as early as 1961. It held that primary and secondary schooling should be deemed to constitute “successive phases of a continuing process” rather than two different entities.¹⁰ With the lengthening of compulsory education, this division is no longer valid in many countries, as Table 7 illustrates. Countries are categorized in two groups: those in which compulsory education equals the length of primary schooling, and those that have prolonged compulsory education beyond primary schooling. In the majority of countries for which data is available, compulsory schooling has been lengthened beyond primary schooling. Countries in which the two remain equal in length (60) have become a minority; in more than 40 compulsory education is six years long or less, while just below forty countries have lengthened compulsory education to ten or more years. The only countries where primary schooling is reportedly longer than compulsory schooling are Jordan (9- 10), Rwanda (6- 7), and Tuvalu (7- 8).

This trend of lengthening compulsory schooling follows a two-fold rationale:

- on the one hand, the raising of school-leaving age through prolonged compulsory education prevents children from venturing into adulthood too early, which is particularly

important in combatting child labour or child marriage;

- on the other hand, prolonged compulsory education provides all children with the common core schooling which is becoming increasingly demanded by the shift towards knowledge-based societies and economies, reinforced by the interplay between globalization and localization in education; in an ideally inclusive model of schooling, all children socialize in the same school and classroom regardless of their sex, race, provenance, religion, wealth or poverty, or disability.

Table 7 reflects to a large extent the economic capacity of individual countries to provide their young generations with schooling. Countries in which compulsory schooling is the shortest (such as Bangladesh, Laos, Nepal or Viet Nam) share financial obstacles to lengthening education, while the tendency in Western Europe to extend compulsory education beyond ten years (in Belgium, Germany, and the Netherlands, for example) reflects the necessary merging of the willingness and the ability to do so. This issue has obtained increasing importance at the turn of the millennium with the switch towards knowledge-based economy, increasing inequalities in access to education, and equally increasing international trade in education services.

¹⁰ UNESCO - *World Survey of Education*, Paris, 1961, vol. III, p. 126.

Table 7:
Prolonging compulsory schooling

Equal length of compulsory and primary schooling Albania (8), Bangladesh (5), Benin (6), Bolivia (8), Brazil (8), Burma/Myanmar (5), Burundi (6), Cameroon (6), Cape Verde (6), Central African Republic (6), Chad (6), Chile (8), Colombia (5), Côte d'Ivoire (6), Djibouti (6), El Salvador (9), Equatorial Guinea (5), Ethiopia (6), FYR of Macedonia (8), Guatemala (6), Guinea (6), Guinea-Bissau (6), Haiti (6), Honduras (6), Iran (5), Iraq (6), Jamaica (6), Kenya (8), Laos (5), Lesotho (7), Libya (9), Malawi (8), Mauritania (6), Mexico (6), Morocco (6), Nepal (5), Nicaragua (6), Nigeria (6), Panama (6), Paraguay (6), Philippines (6), Peru (6), Poland (8), Samoa (8), Sao Tome and Principe (4), Senegal (6), Sudan (8), Suriname (6), Swaziland (7), Syria (6), Tanzania (7), Thailand (6), Togo (6), Trinidad and Tobago (7), United Arab Emirates (6), Uruguay (6), Vanuatu (6), Viet Nam (5), Yemen (9), Zambia (7)

Compulsory schooling longer than primary Antigua and Barbuda (10-7), Algeria (9-6), Argentina (10-7), Armenia (11-4), Australia (10-7), Austria (9-4), Azerbaijan (11-4), Bahamas (9-6), Bahrain (9-6), Barbados (11-7), Belarus (9-4), Belgium (12-6), Belize (10-8), Brunei Darussalam (12-6), Bulgaria (8-4), Burkina Faso (7-6), Canada (10-6), China (9-5), Comoros (9-6), Congo (10-6), Costa Rica (10-6), Croatia (8-4), Cuba (9-6), Cyprus (9-6), Czech Republic (9-4), Denmark (9-6), Dominica (11-7), Dominican Republic (10-8), Ecuador (10-6), Egypt (8-5), Eritrea (7-5), Estonia (9-6), Fiji (8-6), Finland (9-6), France (10-5), Gabon (10-6), Germany (12-4), Georgia (9-4), Ghana (8-6), Greece (9-6), Grenada (11-7), Guyana (8-6), Hungary (10-4), Iceland (10-7), India (8-5), Indonesia (9-6), Ireland (9-6), Israel (11-6), Italy (8-5), Japan (9-6), Kazakhstan

(11-4), Kiribati (9-7), Korea (9-6), Kuwait (8-4), Kyrgyzstan (10-4), Lebanon (9-5), Liberia (10-6), Lithuania (9-4), Luxembourg (9-6), Madagascar (6-5), Mali (9-6), Malta (11-2), Mauritius (7-6), Moldova (11-4), Monaco (10-5), Mongolia (8-4), Mozambique (7-5), Namibia (10-7), Netherlands (13-6), New Zealand (10-6), Niger (8-6), Norway (9-6), Portugal (9-6), Romania (8-4), Russia (9-3), Seychelles (10-6), Slovakia (9-4), Slovenia (8-4), South Africa (9-7), Spain (8-6), Sri Lanka (9-5), St Kitts and Nevis (12-7), St Lucia (10-7), St Vincent and Grenadines (10-7), Sweden (9-6), Switzerland (9-6), Tajikistan (9-4), Tonga (8-6), Tunisia (9-6), Turkey (8-5), Ukraine (9-4), United Kingdom (11-6), USA (10-6), Venezuela (10-9), Zimbabwe (8-7), Yugoslavia (8-4)

Source: UNESCO – World Education Report 2000.

Table 4.

Note: The data on the length of compulsory and primary schooling originate from UNESCO and refer to the information submitted by ministries of education, which tends to reflect requirements of domestic law. The data thus do not purport to reflect the practice. Moreover, these data sometimes do not conform to the information reported from the same countries under the human rights treaties. Differences stem from changes of governments or legal reform.

In the second row, the first number in brackets refers to the length of compulsory schooling and the second the length of primary schooling.

2.3 No child should be deprived of schooling

Integrating key human rights dimensions in education, especially the principle of non-discrimination, remains an unmet challenge. Education strategies and statistics are not based on international human rights law and there is no internationally collected data on access to education by race, ethnicity or religion. Consequently, it is impossible to monitor progress and retrogression in access to school using internationally prohibited grounds of discrimination as the yardstick.

Moreover, education strategies tend to merge two different categories lacking access to school - the unreached and the excluded.

Difficulties in providing schools for dispersed mountainous villages are easy to understand, as are those in providing schooling for nomadic children. It is well known in primary education, much as in primary health care, that the cost of assuring full coverage of the entire population is not uniformly spread - the last 5% to be reached is usually the most costly.

The rationale for denying access to school to some children is rarely, if ever, based on cost. Children may be excluded from schooling because they are female, indigenous, refugees, or because they do not have identity papers hence they legally do not exist. Table 3 has shown that access to school can be constitutionally limited to citizens, thus creating a risk that a narrow interpretation may deprive all non-citizens of access to school. Asylum-seeking and refugee children may be difficult to reach, but some may be excluded because the right to

education is confined to citizens. Children with disabilities may be in practice excluded from school, whatever the law may say, because the buildings and classrooms make their access impossible. Children who are institutionalized may be excluded from schooling because the mandate and funding of the institution housing children excludes education. These examples demonstrate that children may be excluded from school, and this will be fully explored in one of the forthcoming publications.

Moreover, such excluded children are often not recorded in any statistics because they have not acquired the legal and/or administrative confirmation of their existence. The existing figures reported by governments and international agencies are often estimates of the numbers of out-of-school children and create an illusion of precision. The commonly used statistics on enrollments tell us the number of children who are in school (or at least who registered at the beginning of school year) but not how many should be in school. This is a consequence of large, but unknown, numbers of children who are precluded from schooling because they live in remote areas or are displaced, children of illegal aliens or migrants workers, street children, domestic servants, and many, many others. The largest category of children without access to school are those in countries where no registration has been carried out and nobody knows even an approximate number of these children. Although the International Covenant on Civil and Political Rights as well as the Convention on the Rights of the Child demand that all children be registered when they are born, this has not yet been put into practice. Table 8 summarizes results of UNICEF's recent overview of gaps in the registration at birth and thus in the

Table 8:
Non-registration of children at birth

No data

Benin, Bhutan, Burkina Faso, Central African Republic, Congo/Brazzaville, Congo/Kinshasa, Côte d'Ivoire, Ecuador, Georgia, Haiti, Iraq, Laos, Madagascar, Nepal, Nigeria, North Korea, Saudi Arabia, Senegal, South Africa, Tanzania, Togo, Viet Nam

No birth registration system

Afghanistan, Cambodia, Eritrea, Ethiopia, Namibia, Oman, Somalia

Less than 30% of children registered

Angola, Bangladesh, Guinea-Bissau, Lesotho, Liberia, Malawi, Mozambique, Niger, Papua New Guinea, Rwanda, Sierra Leone, Zambia,

Less than 50% of children registered

Botswana, Burma/Myanmar, Cameroon, Chad, Ghana, Guinea, India, Kenya, Mali, Mauritania, Sudan, Uganda, Yemen, Zimbabwe

Source: UNICEF – The Progress of Nations 1998.

realization of 'the first right' of the child, namely the right to be registered at birth. The absence of registration can lead to denied access to school for the child due to the lacking certificate of registration that is often required.

Few cases of denied access to school have been addressed as human rights problems. The notorious recent example of denied access to education have been girls in Afghanistan. The Commission on Human Rights has condemned this as a human rights violation, insisting on "the right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education."¹¹ Denial of access to school to poor children in poor countries is often deemed to be corollary of poverty and not treated as a human rights problem. Herd boys in Lesotho are a case in point:

The employment of herd boys, an inherited and enduring tradition, is widespread in Lesotho but no one knows their exact numbers. Spending weeks at a time alone with their herds, the boys travel long distances away from their villages. This time away from home results in missed opportunity for education, poor socialization and inadequate nutrition. In the past, there was no age limit for enrollment in primary school. Herd boys typically began work at a young age and continued into their early teens, at which point some would enroll in

¹¹ Commission on Human Rights - Situation of human rights in Afghanistan, resolution 1999/9 of 23 April 1999, paras. 5 (b) and 10 (d).

school. As a result, the herd boys were much older than their classmates, and these age differences in the classroom created social tensions. In an attempt to address these tensions, the GOL [Government of Lesotho] implemented a policy of non-registration of overage children. As a result, when herd boys complete their duties in their early teens, the possibility of enrolling in school is closed off and they are excluded from formal education.¹²

Internally displaced children are on the borderline between being unreachable and excluded. Armed conflicts and man-made disasters make the provision of schooling difficult, often impossible. When the provision of schooling becomes possible and previously unreachable children can be reached, some may prove to be excluded, as mentioned above with regard to girls and women in Afghanistan. The right to education of the internally displaced was reaffirmed in the Guiding Principles on Internal Displacement with the ‘as soon as conditions permit’ qualification,¹³ thus implicitly

¹² The World Bank - Project appraisal document on a proposed credit to the Kingdom of Lesotho for a second education

¹³ Principle 23 requires the competent authorities to ensure as soon as conditions permit, especially for displaced children, free and compulsory education at the primary level, respectful of their cultural identity, language and religion, and particularly requiring full and equal participation of girls. Guiding Principles on Internal Displacement, Addendum to the Report of the Representative of the Secretary-General, Mr. Francis Deng, U.N. Doc. E/CN.4/1998/53/Add.2 of 11 February 1998.

reaffirming the practice of suspending education in emergency and/or humanitarian programmes which encompass food, shelter, water and sanitation and basic medical services. The preparatory work for these Guiding Principles included stocktaking of obstacles which often need to be overcome and four were singled out:

- the inability of parents to pay any fees or expenses which may be required due to the loss of property and livelihood,
- the absence of identity papers which are required for school enrolment;
- the lack of knowledge of the language in which schooling is provided;
- fear of the identification of children for what they are and repression or reprisals that may target the family if children are sent to school.¹⁴

These few examples provide a glimpse into the realm of legal, administrative, financial, political, and all other obstacles that have to be identified so that they could be eliminated. As mentioned above, this will be explored further in a forthcoming publication.

¹⁴ Commission on Human Rights - Analytical report of the Secretary-General on internally displaced persons, U.N. Doc. E/CN.4/1992/23 of 14 February 1992, paras. 70- 71.

Overview 3.1:

International legal obligations, constitutional guarantees, and access to international procedures for human rights violations

Country	International legal obligations	Constitutional guarantee of free and compulsory education for all children	Access to international procedures for human rights violations
Albania	Albania has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to some regional procedures.
Algeria	Algeria has ratified all UN human rights treaties with reservations, and has not ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Andorra	Andorra has not ratified all UN human rights treaties nor all regional treaties.	No constitutional guarantee.	No access to global procedures, and to some regional procedures.
Antigua and Barbuda	Antigua and Barbuda has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	No constitutional guarantee.	No access.
Argentina	Argentina has ratified all UN human rights treaties with reservations, and has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and all regional procedures.
Armenia	Armenia has ratified all UN human rights treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.

Australia	Australia has ratified all UN human rights treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures.
Austria	Austria has ratified all UN human rights treaties without reservations, but has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Azerbaijan	Azerbaijan has ratified all UN human rights treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.
Bahamas	Bahamas has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	No constitutional guarantee.	No access.
Bahrain	Bahrain has not ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Bangladesh	Bangladesh has ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education to be progressively introduced.	No access.
Barbados	Barbados has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and all regional procedures.

Belarus	Belarus has ratified all UN human rights treaties without reservations.	Free education is guaranteed, restricted to permanent residents.	Access to some global procedures.
Belgium	Belgium has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Belize	Belize has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access.
Benin	Benin has not ratified all UN human rights treaties; it has ratified both regional treaties.	Compulsory education is guaranteed, progressively to be made free; coverage uncertain.	Access to some global and to regional procedure.
Bhutan	Bhutan has not ratified all UN human rights treaties.	Free education guaranteed, to be made all-encompassing and compulsory.	No access.
Bolivia	Bolivia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and all regional procedures.
Bosnia and Herzegovina	Bosnia and Herzegovina has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Internationally recognized rights guaranteed at the highest level.	UN Special Rapporteur

Botswana	Botswana has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	No constitutional guarantee.	No access to global procedures, access to regional procedure.
Brazil	Brazil has ratified all UN human rights treaties and has resorted to reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to all regional procedures.
Brunei Darussalam	Brunei Darussalam has not ratified all UN human rights treaties and has resorted to reservations..	No constitutional guarantee.	No access.
Bulgaria	Bulgaria has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.
Burkina Faso	Burkina Faso has ratified all UN human rights treaties without reservations, and has ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Burma/Myanmar	Burma has not ratified all UN human rights treaties and has resorted to reservations.	Compulsory education is guaranteed.	UN Special Rapporteur

Burundi	Burundi has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	No constitutional guarantee.	UN Special Rapporteur
Cambodia	Cambodia has ratified all UN human rights treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	UN Special Rapporteur
Cameroon	Cameroon has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Canada	Canada has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. No access to regional procedures.
Cape Verde	Cape Verde has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Central African Republic	Central African Republic has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Chad	Chad has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. Access to regional procedure.

Chile	Chile has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
China	China has not ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.
Colombia	Colombia has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	UN field office
Comoros	Comoros has not ratified all UN human rights treaties; it has not ratified both regional treaties.	Compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to regional procedure.
Congo [former Zaire]	International legal obligations not applied due to warfare.	Process of constitution-making on-going.	UN Special Rapporteur
Congo	Congo has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Cook Islands	Cook Islands has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.

Costa Rica	Costa Rica has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Côte d'Ivoire	Côte d'Ivoire has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Croatia	Croatia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	UN Special Rapporteur for Former Yugoslavia
Cuba	Cuba has not ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.
Cyprus	Cyprus has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to all global and regional procedures.
Czech Republic	Czech Republic has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global and some regional procedures.
Denmark	Denmark has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.

Djibouti	Djibouti has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Dominica	Dominica has not ratified all UN human rights treaties; it has not ratified all regional treaties.	No constitutional guarantee.	No access to global procedures. Access to all regional procedures.
Dominican Republic	Dominican Republic has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to inhabitants.	Access to some global procedures. Access to all regional procedures.
Ecuador	Ecuador has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Egypt	Egypt has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to regional procedure.
El Salvador	El Salvador has ratified all UN human rights treaties and has resorted to reservations; it has ratified all regional treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to inhabitants.	Access to some global procedures. Access to all regional procedures.

Equatorial Guinea	Equatorial Guinea has not ratified all UN human rights treaties; it has not ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	UN Special Rapporteur
Eritrea	Eritrea has not ratified all UN human rights treaties; it has ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Estonia	Estonia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Ethiopia	Ethiopia has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	No constitutional guarantee.	No access to global procedures. Access to all regional procedure.
Fiji	Fiji has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
Finland	Finland has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
France	France has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.

Gabon	Gabon has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Gambia	Gambia has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Georgia	Georgia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Germany	Germany has ratified all UN human rights treaties with reservations; it has ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to some regional procedures.
Ghana	Ghana has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Greece	Greece has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. Access to all regional procedures.
Grenada	Grenada has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to inhabitants.	No access to global procedures. Access to all regional procedures.

Guatemala	Guatemala has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to inhabitants.	No access to global procedures. Access to all regional procedures.
Guinea	Guinea has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Compulsory education is guaranteed and it is all-encompassing.	Access to some global procedures. Access to regional procedure.
Guinea-Bissau	Guinea-Bissau has not ratified all UN human rights treaties; it has not ratified both regional treaties.	Free education to be progressively guaranteed.	No access to global procedures. Access to regional procedure.
Guyana	Guyana has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. No access to regional procedures.
Haiti	Haiti has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	UN Special Rapporteur
Honduras	Honduras has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to all regional procedures.
Hungary	Hungary has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to all global procedures. Access to some regional procedures.

Iceland	Iceland has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures. Access to some regional procedures.
India	India has ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee of free and compulsory education; constitutional change on-going.	No access.
Indonesia	Indonesia has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
Iran	Iran has not ratified all UN human rights treaties and has resorted to reservations.	Free education is guaranteed.	UN Special Rapporteur
Iraq	Iraq has ratified all UN human rights treaties and has resorted to reservations.	Free education guaranteed, to be progressively made compulsory.	UN Special Rapporteur
Ireland	Ireland has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to all regional procedures.
Israel	Israel has ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed; its nature to be defined through judicial interpretation.	UN Special Rapporteur

Italy	Italy has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Jamaica	Jamaica has ratified all UN human rights treaties with reservations and abrogations, and has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to all regional procedures.
Japan	Japan has ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
Jordan	Jordan has ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.
Kazakhstan	Kazakhstan has not ratified all UN human rights treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Kenya	Kenya has not ratified all UN human rights treaties; it has ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access to global procedures. Access to regional procedure.
Kiribati	Kiribati has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.

Korea (North)	North Korea has not ratified all UN treaties and has abrogated the International Covenant on Civil and Political Rights.	No constitutional guarantee.	No access.
Korea (South)	South Korea has ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures.
Kuwait	Kuwait has ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.
Kyrgyzstan	Kyrgyzstan has ratified all UN human rights treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.
Laos	Laos has not ratified all UN human rights treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Latvia	Latvia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	No constitutional guarantee.	Access to some global and some regional procedures.
Lebanon	Lebanon has ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.

Lesotho	Lesotho has ratified all UN human rights treaties and has resorted to reservations; it has ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Liberia	Liberia has not ratified all UN human rights treaties; it has not ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to all regional procedures.
Libyan Arab Jamahiriya	Libya has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Liechtenstein	Liechtenstein has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global and some regional procedures.
Lithuania	Lithuania has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Luxembourg	Luxembourg has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.

Macedonia (The Former Yugoslav Republic of)	Macedonia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.
Madagascar	Madagascar has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed..	Access to some global procedures. Access to regional procedure.
Malawi	Malawi has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. Access to regional procedure.
Malaysia	Malaysia has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
Maldives	Maldives has not ratified all UN human rights treaties.	Free and all-encompassing education is guaranteed.	No access.
Mali	Mali has ratified all UN human rights treaties without reservations and it has ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access to global procedures. Access to regional procedure.
Malta	Malta has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.

Marshall Islands	Marshall Islands has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Mauritania	Mauritania has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Mauritius	Mauritius has ratified all UN human rights treaties with reservations; it has ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Mexico	Mexico has ratified all UN human rights treaties and has resorted to reservations; it has ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to all regional procedures.
Micronesia	Micronesia has not ratified all UN human rights treaties.	Compulsory education is guaranteed and it is all-encompassing.	No access.
Moldova	Moldova has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to some regional procedures.
Monaco	Monaco has not ratified all UN human rights treaties and has resorted to reservations.	Free education is guaranteed, restricted to citizens.	No access.

Mongolia	Mongolia has ratified all UN human rights treaties without reservations.	Free education is guaranteed, restricted to citizens.	No access.
Morocco	Morocco has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Mozambique	Mozambique has not ratified all UN human rights treaties and has resorted to reservations; it has ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Namibia	Namibia has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	Compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Nauru	Nauru has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Nepal	Nepal has ratified all UN human rights treaties with reservations.	Free education to be progressively introduced.	Access to some global procedures.
Netherlands	The Netherlands has ratified all human rights treaties without reservations, but has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.

New Zealand	New Zealand has ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.
Nicaragua	Nicaragua has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. Access to all regional procedures.
Niger	Niger has ratified all human rights treaties with reservations; it has ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Nigeria	Nigeria has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	Free, compulsory and all-encompassing education to be progressively introduced.	No access to global procedures. Access to regional procedure.
Niue	Niue has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Norway	Norway has ratified all UN human rights treaties without reservations; it has ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Oman	Oman has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.

Pakistan	Pakistan has not ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education to be progressively introduced.	No access.
Palau	Palau has not ratified all UN human rights treaties.	Free, compulsory and all-encompassing education is guaranteed..	No access.
Panama	Panama has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to all regional procedures.
Papua New Guinea	Papua New Guinea has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Paraguay	Paraguay has not ratified all UN human rights treaties; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to all regional procedures.
Peru	Peru has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures. Access to regional procedures abrogated.
Philippines	Philippines has ratified all UN human rights treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.

Poland	Poland has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and some regional procedures.
Portugal	Portugal has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Qatar	Qatar has not ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Romania	Romania has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global and some regional procedures.
Russian Federation	Russia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures. Access to some regional procedures.
Rwanda	Rwanda has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	UN Special Rapporteur

Saint Christopher and Nevis	Saint Kitts and Nevis has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Compulsory education is guaranteed.	No access.
Saint Lucia	Saint Lucia has not ratified all UN human rights treaties; it has not ratified all regional treaties.	No constitutional guarantee.	No access.
Saint Vincent and the Grenadines	Saint Vincent and the Grenadines has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	No constitutional guarantee.	Access to some global procedures. No access to regional procedures.
Samoa	Samoa has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
San Marino	San Marino has not ratified all UN human rights treaties; it has not ratified all regional treaties.	No constitutional guarantee.	Access to some global and some regional procedures.
Sao Tome and Principe	Sao Tome and Principe has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	No access to global procedures. Access to all regional procedure.
Saudi Arabia	Saudi Arabia has not ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access.

Senegal	Senegal has not ratified all UN human rights treaties; it has ratified both regional treaties.	No constitutional guarantee.	Access to all global and regional procedures.
Seychelles	Seychelles has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures. Access to regional procedure.
Singapore	Singapore has not ratified all UN human rights treaties and has resorted to reservations.	No constitutional guarantee.	No access.
Slovakia	Slovakia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to all global procedures. Access to some regional procedures.
Slovenia	Slovenia has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global and some regional procedures.
Solomon Islands	Solomon Islands has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
South Africa	South Africa has not ratified all UN human rights treaties; it has ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to regional procedure.
Spain	Spain has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures. Access to some regional procedures.

Sri Lanka	Sri Lanka has ratified all UN human rights treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures.
Sudan	Sudan has not ratified all UN human rights treaties; it has not ratified all regional treaties.	Free and compulsory education to be progressively introduced.	UN Special Rapporteur
Suriname	Suriname has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to all regional procedures.
Swaziland	Swaziland has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	No constitutional guarantee.	No access to global procedures. Access to regional procedure.
Sweden	Sweden has ratified all UN human rights treaties without reservations as well as all regional treaties, also without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Switzerland	Switzerland has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to some regional procedures.

Syrian Arab Republic	Syria has not ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Tajikistan	Tajikistan has ratified all UN human rights treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures.
Tanzania	Tanzania has ratified all UN human rights treaties without reservations; it has not ratified both regional treaties.	Education to be made progressively available.	No access to global procedures. Access to regional procedures.
Thailand	Thailand has not ratified all UN human rights treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed..	No access.
Togo	Togo has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free and compulsory education to be progressively introduced.	Access to some global procedures. Access to regional procedure.
Tonga	Tonga has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Trinidad and Tobago	Trinidad and Tobago has not ratified all UN human rights treaties; has not ratified all regional treaties and has denounced the American Convention on Human Rights.	Free, compulsory and all-encompassing education is guaranteed.	No access.

Tunisia	Tunisia has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to regional procedure.
Turkey	Turkey has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access to global procedures. Access to some regional procedures.
Turkmenistan	Turkmenistan has ratified all UN human rights treaties without reservations.	Free and compulsory education is guaranteed, restricted to citizens.	Access to some global procedures.
Tuvalu	Tuvalu has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Uganda	Uganda has ratified all UN human rights treaties without reservations; it has ratified both regional treaties.	Free and compulsory education to be progressively introduced.	Access to some global procedures. Access to regional procedure.
Ukraine	Ukraine has ratified all UN human rights treaties without reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global procedures. Access to some regional procedures.
United Arab Emirates	United Arab Emirates has not ratified all UN human rights treaties.	Free, compulsory and all-encompassing education is guaranteed.	No access.

United Kingdom of Great Britain and Northern Ireland	United Kingdom has ratified all UN human rights treaties with reservations; it has not ratified all regional treaties and has resorted to reservations.	Free, compulsory and all-encompassing education is guaranteed.	No access to global procedures. Access to some regional procedures.
United States of America	USA has not ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	No constitutional guarantee of free or compulsory education in all states.	No access.
Uruguay	Uruguay has ratified all UN human rights treaties without reservations; it has ratified all regional treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	Access to all global and regional procedures.
Uzbekistan	Uzbekistan has ratified all UN human rights treaties without reservations.	Free education is guaranteed and it is all-encompassing.	Access to some global procedures.
Vanuatu	Vanuatu has not ratified all UN human rights treaties.	No constitutional guarantee.	No access.
Venezuela	Venezuela has ratified all UN human rights treaties and has resorted to reservations; it has not ratified all regional treaties.	Free, compulsory and all-encompassing education is guaranteed.	Access to some global procedures. Access to all regional procedures.
Viet Nam	Viet Nam has ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access.

Yemen	Yemen has ratified all UN human rights treaties and has resorted to reservations.	Free and compulsory education is guaranteed, restricted to citizens.	No access.
Yugoslavia (Serbia and Montenegro)	Yugoslavia has ratified all UN human rights treaties without reservations.	Free, compulsory and all-encompassing education is guaranteed.	UN Special Rapporteur
Zambia	Zambia has ratified all UN human rights treaties and has resorted to reservations; it has not ratified both regional treaties.	No constitutional guarantee.	Access to some global procedures. Access to regional procedure.
Zimbabwe	Zimbabwe has ratified all UN human rights treaties without reservations; it has ratified all regional treaties.	Free and compulsory education to be progressively introduced.	No access to global procedures. Access to regional procedure.

Overview 3.2: Incomplete accomplishments in making primary education compulsory and free of charge

Country	Compulsory Education	Charges in primary schooling
Afghanistan	<ul style="list-style-type: none"> - Education disrupted by warfare. - "Afghanistan's education statistics are so low and so unreliable that they are no longer officially reported internationally. It is estimated that approximately 3.6 million children are of primary school age inside Afghanistan. It has been suggested that universal primary education would require 10,000-20,000 schools. Yet, a 1993 survey counted 2,200 primary schools." (<i>Rugh, A.B. - Education for Afghans. A Strategy Paper, Save the Children & UNICEF/Afghanistan, July 1998</i>) 	<ul style="list-style-type: none"> - "One of the biggest problems faced by our home schools is that teachers' salaries are paid by the community. While there are no job opportunities inside Afghanistan, the people do not have enough income and so the community is very poor. As a result they cannot pay fees for their children." (<i>IRC - IRC Education Programs for Afghans, Fact Sheet, November 2000</i>)
Angola	<ul style="list-style-type: none"> - "Actuellement la scolarité obligatoire va de la 1ère à la 4ème classe de l'enseignement de base régulier. Il est à signaler ici que ce principe n'est pas appliqué en réalité pour des raisons diverses." (<i>Developpement de l'éducation. Rapport national de la République d'Angola par le Ministère de l'éducation, Septembre 1996</i>) - public expenditure on education per capita decreased from US\$15.4 in 1992 to 8.6 in 1996 (<i>Human Development Report Angola 1998</i>) 	<ul style="list-style-type: none"> - "... the poorest children are effectively barred from registration by fees for chalk, exams, books and uniforms." (<i>Brittain, V. - Building tomorrow from today's rubble, Guardian Weekly, 27 April - 3 May 2000</i>)

Armenia	<p>- "The serious situation in schools is attributable both to the inadequacy of State financial support and to the fact that the school system is behind the times (the syllabus, textbooks and teachers' own training are out of date and teaching aids are too few)." (CRC/C/28/Add. 9, 1997)</p>	<p>- "At the suggestion of the Government and on instructions from the World Bank, consultants on textbook issues will provide professional assistance in setting up the programme. Contrary to previous practice, the books will not be distributed free, but for a fixed fee representing a year's rental." (CRC/C/28/Add. 9, 1997)</p>
Bangladesh	<p>- The 1990 Primary Education (Compulsory) Act was followed by the introduction of compulsory primary education throughout the country in 1993; net enrollment in 1997 was estimated at 81.4%. (Education for All: The Year 2000 Assessment. Bangladesh Country Report, Primary and Mass Education Division, Dhaka)</p>	<p>- "The Government of Bangladesh has addressed the gender issue by making education free for female students up to 10th grade." (Education for All: The Year 2000 Assessment. Bangladesh Country Report, Primary and Mass Education Division, Dhaka)</p>
Benin	<p>- "The obligation to attend school has been statutory since 1975 but has remained a pious hope. The number of teachers has been falling since 1989 on account of recruitment freeze introduced in 1986 in connection with structural adjustment programme, while the number of children is constantly rising." (CRC/C/3/Add. 53)</p> <p>- "L'article 13 de la Constitution du 11 Décembre 1990 rend l'enseignement primaire obligatoire. Mais aucune disposition n'est encore prise pour la scolarité obligatoire effective. En l'absence de dispositions appropriées, il faut tout simplement conclure que la scolarité obligatoire n'existe pas encore au Bénin." (Développement de l'éducation. Rapport national de la République du Bénin par l'Institut national pour la formation et la recherche en éducation (Ministère de l'éducation nationale) mai 1995)</p>	<p>- "To encourage girls to attend school, the Government decided in September 1993 to exempt girls in rural areas from all tuition fees." (CRC/C/3/Add. 53, para. 188)</p> <p>- "... the Committee remains concerned that girls are still denied access to education and that some school administrators continue to resist the new policy, asserting that the nonpayment of school fees for girls impacts negatively on school budgets." (CRC/C/15/Add. 106, 1999)</p> <p>- "Quant aux parents d'élèves, ils financent les fournitures et matériel scolaire à usage individuel de leurs enfants et paient <i>des droits d'écolage</i> par élève. Leur contribution dans le secteur s'étend également aux investissements à travers des cotisations spécifiques." (République du Bénin, Ministère de l'Éducation Nationale et de la recherche scientifique: Education pour tous Bilan à l'an 2000, Rapport final)</p>

Bhutan - "... primary education has not been made compulsory since universal access has not been achieved as yet. (*Initial report under the Convention on the Rights of the Child, CRC/C/3/Add. 60, para. 138*)

Botswana - "There is no legal right to education in Botswana. The Constitution provides that a child under the age of 18 can be kept in school by his/her parents or by a court order without his/her consent. The Education Act provides that a child may start school at 7 years but does not make school attendance compulsory." (*Dow and Mogwe - The Rights of the Child in Botswana, UNICEF, Gaborone, June 1992*)

Burkina Faso - "The Committee expresses its concern about the negative effects of poverty and structural adjustment on the situation of children, as illustrated by ... low level of school attendance."
(*CRC/C/15/Add. 19, 1994*)
- Gross enrollment in 1996 has been reported at 40%, net enrollment at 31%.
(*2000 UNESCO World Education Report*)
- "... 31.5% of seven-year old children are admitted to primary school. Only 19% of poor people's children attend school at seven. (...) Dropouts are common in the transition from primary to secondary education. The net secondary schooling is estimated at 11.3%; more than 96% of poor boys and 98% of poor girls do not go to secondary school between the ages of 13 and 18. (*Hagberg - Burkina Faso: Profiles of Poverty, Sida, June 2000*)

- "Parents bear the heaviest responsibility for their children's education. Moreover, they are obliged to enrol children in school from the age of 6 through 14 years. Inadequate state resources to ensure free education for all are a hindrance to the fulfilment of this obligation."
(*CRC/C/3/Add. 19, 1993*)

Burundi

- Education is compulsory but enrolment in 1997 was estimated at 40%. (*E/CN.4/1998/72*)

- "La crise d'octobre 1993 a fait chuter la taux de scolarisation jusqu'à 43.6% en 1996/1997, avec un taux net de 29.7%. Grâce à un effort de mobilization soutenu, le taux brut de scolarisation est remonté jusqu'à 60% en 1998/1999. Le taux net de scolarisation a fortement baissé à cause de la crise, passant de 52% en 1992/1993 à 37% en 1998/1999." (*Republique de Burundi - Bilan de l'éducation pour tous à l'an 2000. Rapport préliminaire, Bujumbura, Août 1999*)

- "The fees which parents have to pay for primary education are relatively affordable and should not constitute a barrier to the children of poor families." (*CRC/C/3/Add.58*)

- "Le financement du secteur éducation est assuré par l'Etat, ... et les parents. Une augmentation du minerval est envisagée à partir de l'an 1999-2000. Une partie sera réservée à la dotation en manuels scolaires et au fonctionnement des écoles primaires et des inspections scolaires." (*République du Burundi, Ministère de l'Education Nationale: Bilan de l'Education Pour Tous à l'an 2000. Rapport préliminaire, Bujumbura, Août 1999.*)

- "Some [children] who returned [from Tanzania] without their parents are unable to pay the 'minerval' (registration fee), which many parents in Burundi cannot afford either." (*A/55/358, 2000*)

Cambodia

- Education is compulsory but not free; dropout and repetition rates are in excess of 50%. (*E/CN.4/1999/101*)

- "Almost all schools in Cambodia demand specific financial contributions from each child. These contributions have different labels and justifications. The average annual per-pupil contribution was 2,500 riels." (*Bray, M. - The private costs of public schooling: Household and community financing of primary education in Cambodia, UNICEF, Phnom Penh, July 1998*)

- "Although the Constitution states that education should be free for all, the costs are high. School fees, uniforms, stationary, books, transport and tutoring must all be paid for. A 1997 study showed that parents and the community bear 75% of the real costs of education, with the State only contributing 13%." (*E/CN.4/1999/101, 1999*)

Cameroon

- "... a compter de la rentrée scolaire prochaine (octobre 2000), l'enseignement primaire sera obligatoire et gratuit au Cameroon." (*Discours de son excellence Monsieur A. Kontchou Kouomegni, ministre d'état chargé des relations extérieures du Cameroon, 56ème session de la Commission des Droits de l'Homme, Geneva, le 22 mars 2000*)

- "According to the Constitution and the 1963 law, primary education is compulsory, but gross enrolment in primary school diminished from 80% in 1990 to 61% in 1995." (*Developpement de l'éducation. Rapport national du Cameroun par la Commission nationale de la République du Cameroun pour l'UNESCO, Yaoundé août 1996*)

- "Le cadre social de plus en plus libéral et concurrentiel et les problèmes financiers de l'Etat ont amené les pouvoirs publics à réviser à la hausse les droits d'inscription dans les établissements publics: primaire 1,500 F." (*Developpement de l'éducation. Rapport national du Cameroun par la Commission nationale de la République du Cameroun pour l'UNESCO, Yaoundé août 1996*)

Central African Republic

- "The Committee is deeply concerned by the low education levels among children in the State party, by the numbers of children who are several years behind in their primary education, by the high drop-out rates of children who do attend school and by the closing of many schools and classes because of a lack of teachers." (*CRC/C/15/Add.138, 2000*)

Chad

- Education is compulsory by law, but the Ministry of Education reported in 1996 that Chad did not have the resources or infrastructure to make education compulsory (*Ministère de l'Éducation Nationale - Rapport national sur le développement de l'éducation, N'Djaména, Juillet 1996, p. 9*)

- "Attendance at primary school is low, at a gross rate of 54%, with considerable difference between girls (31.6%) and boys (76.7%)."
(*CRC/C/3/Add. 50, 1997*)

- "... une association des parents d'élèves aident financièrement et matériellement les établissements à fonctionner ... prennent en charge jusqu'à 70% de dépenses." (*Rapport national sur le développement de l'éducation, Commission nationale tchadienne pour l'UNESCO, N'Djaména, juillet 1996.*)

- "... the right to a free education as laid down in the Constitution is not implemented in practice ... the Government intends to reduce school fees for girls."
(*CRC/C/3/Add. 50, 1997*)

- "The schools run for compulsory education by the state could only collect miscellaneous fees, and at the non-compulsory education stage the tuition and miscellaneous fees could be drawn." (*The Development and Reform of Education in China 1995-1996, State Education Commission, People's Republic of China, Beijing, September 1996*)

China

- "The Committee recommended abolition of both official and unofficial school fees which often result in the exclusion of girls from education." (*CEDAW's concluding observations, A/54/38; CRC/C/11/Add. 7*)

- "Many poor localities have had to adopt surcharges. Tuition, and other kinds of fees charged to pupils' families in order to finance educational costs in the face of a general decline in revenues from higher levels." (*The China Human Development Report, United Nations Development Programme, China, 1999*)

Congo/Brazzaville - "Le taux brut de scolarisation est passé de 126.1% en 1990 à 78.5% en 1998."
(Education pour tous: Bilan à l'an 2000. Rapport national du Congo)

- "La contribution des parents d'élèves, regroupés en Associations, couvre la presque totalité des charges non salariales des écoles primaires et secondaires."
(Développement de l'éducation. Rapport national du Congo, Ministère de l'éducation nationale, Brazzaville, Juin 1996)
- "Il n'existe aujourd'hui aucune perspective réelle de se départir de la contribution des associations des parents d'élèves. Bien au contraire et malgré le dénuement des parents eu égard à la crise, la nécessité actuelle de diversification des sources de financement de l'éducation laisse plutôt entrevoir un sensible renforcement du rôle financier de ces associations. Les écoles primaires notamment fonctionnent grâce aux cotisations des parents d'élèves." *(Education pour tous: Bilan à l'an 2000. Rapport national du Congo)*

Congo/Kinshasa There is no recent information on putting into practice the legally mandatory primary education.

- "... fees are reportedly charged in public schools." *(E/CN.4/1997/6)*

Djibouti - "... despite limited resources, the school enrolment rate is estimated to have risen from 20 per cent to around 60 per cent in 1995, although the rate for girls, at about 45 per cent, did not rise as quickly as that for boys." *(CRC/C/8/Add.39, 1998)*
- "... the Committee remains seriously concerned about the low rates of school enrolment and attendance and the high drop-out and illiteracy rates, as well as about the extent of gender disparities in this respect. It is also concerned about the limited number of trained teachers and school facilities." *(CRC/C/15/Add.131, 2000)*

Eritrea - Education is compulsory and free at the basic level; gross enrolment ratio estimated at 50% in 1995, planned increase to 67.5% in 1999-2000
(The development of education. National Report of the State of Eritrea by the Ministry of education, December 1995)

Ethiopia - Primary education is not yet compulsory; the Committee was concerned about low levels of enrolment. *(CRC/C/15/Add. 67)*

Fiji - "... a compulsory primary education system was gradually established in 1997 ... but this system is not yet fully in place." *(CRC/C/15/Add. 89, 1998)*

- "... schools levy fees, the amount of which varies from school to school. The fees include levies for the construction and maintenance of school buildings, admission and administrative charges, salaries for support staff ... Additional costs to parents for items such as uniforms, books and stationary supplies vary between \$150-200 per year for a primary school pupil and \$300-450 per year for a secondary school student." *(CRC/C/28/Add. 7, 1996)*

Gambia - "The Committee deeply regrets the absence of compulsory education in the Gambia." *(E/C.12/1994/9, 1994)*
- "... approximately 40% of the Gambian children eligible for schooling are out of the conventional school system." *(Country paper of the Republic of the Gambia at the Forty-fifth session of the International Conference on Education, Geneva, 1996)*

- "... school fees have now been reduced and a flexible payment system introduced." *(Country paper of the Republic of the Gambia at the Forty-fifth session of the International Conference on Education, Geneva, 1996)*

Ghana

- "The principle of free and compulsory education is recognized but is not yet fully and equally implemented." (CRC/C/15/Add. 73)

- The 1987 Education Reform Programme committed the Government "to contain and partially recover costs." The Primary School Development Projects (implemented with a World Bank Credit) included "eliminating all fees and levies that are not officially endorsed by the Ministry of Education and the Ghana Education Service." (*The development of education 1994-1996. National report from Ghana by the Ministry of education, April 1996*)

Guatemala

- "The failure to provide an age for completion of compulsory education is a matter of considerable concern to the Committee." (CRC/C/15/Add. 58)

Guinea

- The Committee was concerned about low enrolment rates and limited access to education in rural areas. (CRC/C/15/Add. 100)

- Education is compulsory in law but gross enrolment rate was estimated at 47% in 1996. (*Developpement de l'éducation 1994-1996. Rapport national de la République de Guinée, Ministère de l'Enseignement Pré-Universitaire et de la Formation Professionnelle, Conakry, Septembre 1996*)

- "... an estimated 62% of school aged children are presently out of school." (Tembon, M. et al. - *Gender and Primary Schooling in Guinea, IDS Research Report 32,1997*)

- "The principle of free primary education is guaranteed by law but is not always applied." (E/C.12/1/Add. 5, 1996)

Haiti	- "Le taux net de scolarisation a évolué à 66.3% en 1997/98." (<i>Republique d'Haiti - Evaluation de l'éducation pour tous (EPT 2000), Septembre 1999</i>)	- "Les parents consentent de payer des frais d'écolage parfois démesurés par rapport à des revenus le plus souvent modestes ou même incertains des fois." (<i>République d'Haiti - Evaluation de l'éducation pour tous (EPT 2000), Septembre 1999</i>)
India	- Universalisation of free and compulsory elementary education for all children up to the age of 14 was constitutionally mandated in 1950 to be attained in 1960; net enrolment was estimated in 1997 at 60% , 71% for boys and 49% for girls. (<i>Education for All: The Year 2000 Assessment Report India, Ministry of Human Resource Development, New Delhi</i>)	- "... the constitutional mandate to providing free education to all children up to the age of 14 years. However, the situation with respect to actual provision varies from one state to another." (<i>Education for All: The Year 2000 Assessment Report India, Ministry of Human Resource Development, New Delhi</i>)
Indonesia		- "Primary schooling is free and theoretically requires no fees." (<i>Education Development in Indonesia. A Country Report, Ministry of Education and Culture, Jakarta, 1996</i>)
Jamaica	- "It is difficult to implement compulsory education. The problem relates to the financial status of some parents and the lack of availability of funds in the Ministry's budget to pay attendance officers. As a result of these factors, there is only about 72% average attendance in primary school although nearly 100% of the country's children are registered in school." (<i>CRC/C/8/Add. 12, 1994</i>)	

Kenya

- "Development of education in Kenya is financed mainly through the policy of cost-sharing between the Government and the parents and communities put in place in 1988 as a measure for education sector reform with the aim of containing and sustaining education expenditures without jeopardizing the provision of other basic social services or raising the overall level of government budget."
(Development of education 1995 to 1996. National report from Kenya by the Ministry of Education, Nairobi, July 1996)
- "Parents are expected to provide teaching-learning materials, textbooks, physical infrastructure, harambee contributions, uniforms, activity fees, private tuition charges and examination fees." *(Masinjila, M. - Background information on basic education in Kenya and way forward, OXFAM Campaign on Basic Education, November 1998)*

Laos

- "The Committee was concerned that legislation did not specifically mention that primary education should be free."
(Concluding observations of the Committee on the Rights of the Child, CRC/C/15/Add. 78)

Lebanon

- "On average, families spend close to US\$1,800 a year on education or 13% of family expenditures." *(The National Human Development Report - Lebanon, 1998)*
- "A family's total expenditure on fees and other costs for enrolling one child in primary school is an average LBP 1,253, or 12% of the average annual household budget."
(Lebanon: Public Expenditure Review. Education Sector, The World Bank, 1999)

Lesotho

- "Primary education is not compulsory and it is not free."
(The Development of education 1996-1998. National report of Lesotho for presentation at the forty-fifth session of the International Conference on Education by the Ministry of Education, September 1996)

- "One strategy with the GOL [Government of Lesotho] is exploring is increasing demand by eliminating school fees at the primary level. However, the GOL is aware that such a move has serious budgetary implications ..."
(The World Bank - Project Appraisal Document, Second Education Sector Development Project, 25 March 1999, Report No. 18388-LSO,)

Madagascar

- "... the Committee notes with concern that there has been little progress, (...) in particular, the number of hours during which schools are open have been restricted, that teacher training has been inadequate and that a high proportion of pupils drop out before finishing primary school."
(CRC/C/15/Add. 26, 1994)

- " ... le taux de scolarisation a baissé de 73.5% en 1988 à 62% en 1994. ... Ainsi, 35% des enfants d'âge scolaire n'ont pas accès à l'éducation, et 70% des élèves fréquentant les écoles ne terminent pas le cycle primaire."
(Rapport national sur de développement de l'éducation 1994-1996, Ministère de l'Éducation Nationale, Avril 1996)

- "De nombreuses écoles sont fermées (19% en 1993) soit à cause des cyclones, soit faute d'élèves parce que les parents n'arrivent plus à financier les études de leurs enfants."
(Rapport national sur de développement de l'éducation 1994-1996, Ministère de l'Éducation Nationale, Avril 1996)

Maldives

- "... whilst schooling is not compulsory in law, children are encouraged to attend school until the age of 16, and more than 95% of primary-school-aged children are enrolled in a school."
(CRC/C/8/Add. 33, 1996)

- "The Committee ... remains concerned at the fact that education is not compulsory by law."
(CRC/C/15/Add. 91, 1998)

Mali

- "Despite the efforts Mali has made, school enrolment remains low: 39.1% at the primary level." (*CRC/C/3/Add. 53, 1997*)
- "The Committee is concerned that measures adopted to ensure that all children are guaranteed access to education are insufficient." (*CRC/C/15/Add. 113, 1999*)

- "Les Associations de Parents d'Elèves (APE) financent l'éducation de base par la prise en charge des constructions, mobiliers et fournitures. ... Les parents d'élèves contribuent également en sus de la cotisation APE au financement du système par l'achat de matériel didactique et le payment de cotisations tels que les coopératives scolaires. (*Developpement de l'éducation au Mali 1995-1996. Rapport presente a la 45e session de la Conference Internationale de l'Education, Ministère de l'éducation de base & Commission nationale malienne pour l'UNESCO.*)

Mauritania

- "... les populations participent au coût de construction des salles de classe et engagent d'importantes dépenses pour l'éducation de leurs enfants." (*Developpement de l'éducation. Rapport national de la République Ismalique de mauritanie par le ministère de l'éducation nationale, Nouakchott, Août 1996*)

Mozambique

- "The Government's current position towards compulsory education is to programme its gradual introduction in accordance with the available material and organizational capacity. (...) The number of children entering first grade is manifestly low. This situation reflects both the lack of legal mechanisms to oblige parents to enrol their children in the year of their sixth birthday, and the inability of the school network to accommodate all the children." (*The Development of Education. National report of Mozambique by the Ministry of Education, Maputo, April 1996*)

- "Education has suffered deep cuts in the funding from the General State Budget (OGE) following the implementation of structural adjustment measures begun in 1987." (*The Development of Education. National report of Mozambique by the Ministry of Education, Maputo, April 1996*)

- "Since 1987 tuition and contribution fees have been sanctioned by law. In Maputo, ASE [Aç_o Social Escolar] stand at approximately 30,000 mt at the primary level, while in rural Zambezia parents cited overall payments of 40,000-50,000 mt for a year's primary schooling when unofficial fees are included." (*Watt, P. and Assiate Ibraimo, M. - An overview of the state of primary education in Mozambique, Oxfam GB case study, February 1999*)

- "The official annual school fee is \$2 but additional fees are charged up to four times this amount." (*Oxfam, Education Now, 1999*)

Namibia

- "Technically, no school fees are payable at the primary level. However, families are under pressure to contribute to the school development fund and they have to pay for transport, books, uniforms and hostel fees." (*Radwan, I. - Namibia: Monitoring the 20/20 Compact, UNICEF Namibia, Windhoek, 1997*)

Nepal

- Education is compulsory; primary school enrolment is estimated at 57 or 67% and completion rate at 37%. (*UNDP - Nepal Human Development Report 1998*)

Niger

- Educational enrolment was reported at 29% in 1994-95 and an increase to 35% was planned for the year 2000. (*Ministère de l'Education Nationale - Rapport national sur le développement de l'éducation au Niger 1994-1996, Avril 1996*)
- Only 26% of children aged 7-12 are attending school and 18% in the 13-16 age range. (*Enquête démographique et de la santé 1998, CARE International, Niger*)

Nigeria

- "The total primary school enrolment rose from 13.6 million in 1990 to 16.2 million in 1994 and declined to 14.1 million in 1996. This corresponds to 54.7% male and 45.6% female in 1996." (*Education for All: The Year 2000 Assessment. Nigeria, Federal Ministry of Education, Abuja*)

- "In 1992 the Nigerian Government introduced 9 year schooling which required every child that enrolled for primary education to remain in school until the end of three years of junior secondary school. Because there was no legislative and financial backing the policy did not take off as planned." (*Education for All: The Year 2000 Assessment. Nigeria, Federal Ministry of Education, Abuja*)
- A Universal Basic Education Scheme (UBE) was launched in September 1999, with the aim of, *inter alia*, providing free and compulsory universal basic education for every Nigerian child. (*Olusegun Obasanjo, President of Nigeria - A fairer, more stable world, EFA 2000 Bulletin, No. 38, January-March 2000*)

Pakistan

- Education is not compulsory; the estimated net enrollment rate in primary school is below 50% as is the completion rate. (*1996 Pakistan Integrated Household Survey*)
- "The Committee [on the Rights of the Child] is seriously concerned about the effectiveness of measures to attain the goal of primary education for all, particularly for girls." (*A/51/41, 1996*)

- "The school admission, tuition and examination fees, together with the cost of uniform, private tuition, transport and books amounted to Rs. 850 (\$6) per year; a teacher's salary was Rs.1,400." (*The 1995-96 Integrated Household Survey*)
- "The Rural Girls' Fellowship Schools charge modest fees." (*Kim, J. et al. - Evaluation of the Balochistan Rural Girls' Fellowship Program: Will Rural Families Pay to Send Girls to School?, The World Bank, November 1999*)

Paraguay

- "Las familias incurren en costos directos e indirectos por la asistencia de sus hijos a la escuela. Entre los costos directos está el pago de uniformes, de ciertos servicios de cuotas, de libros y materiales didácticos. Los padres de familia forman las cooperadoras escolares, que se encargan de recaudar fondos para el mantenimiento y la reparación de la escuela. Frecuentemente, la propia asociación fija una cuota por familia."
(*Desarrollo de la educación. Informe nacional de Paraguay, Ministerio de Educación y Culto, Asunción - Paraguay, Setiembre, 1996*)

Rwanda

- "Rwanda would benefit enormously from an effective system of free public education ... at the very least at primary level." (*E/CN.4/1999/33*)

Saint Vincent and the Grenadines	- The Committee on Economic, Social and Cultural Rights noted with concern that "there is no legal requirement that children attend school" and "the lack of teachers and teaching materials, notably at the primary level." (<i>E/C.12/1/Add. 21, 1997</i>)	- "The Committee noted with concern the recent significant increase in educational fees." (<i>E/C.12/1/Add. 21, 1997</i>)
Senegal	- "The absence of compulsory ... education at primary level raises deep concern." (<i>CRC/C/15/Add. 44</i>)	- "The absence of ... free education at primary level raises deep concern." (<i>CRC/C/15/Add. 44</i>)
Sierra Leone	- The government reported in 1996 that most educational infrastructure was destroyed and 70% of school-aged children were out of school. (<i>CRC/C/3/Add.43</i>)	- "... while recognizing the State Party's efforts to provide free education to children in the first 3 years of primary school the Committee notes that assistance to pupils and parents only covers school fees, and does not provide for other education-related costs. Children in other classes must carry the entire burden of the cost of their education." (<i>CRC/C/15/Add. 116, 2000</i>)
Solomon Islands	- "The absence of compulsory education is of particular concern." (<i>E/C.12/1/Add. 33, 1999</i>)	
Somalia	- Only an estimated 14-17% of children are enrolled in primary school (<i>UNDP - Human Development Report Somalia, 1998</i>) - Gross enrollment ration is primary school was estimated at 9% in 1998/99. (<i>Somalia: Year 2000 education for all assessment report by UN coordination</i>)	- Monthly fees per primary school pupil have been reported at \$1.30, amounting to \$13.6 per year. (<i>Somalia: Year 2000 education for all assessment report by UN coordination</i>)

Sudan

- Basic education was made compulsory by law 1998; the estimated enrollment rate in 1999 was 52.2% in the northern part of Sudan, and 12.5% in the south due to warfare. (*Republic of Sudan - Report on Sudan. Education for all. The Year 2000 assessment, Educational Assessment Department, Ministry of Education*)

- Expenditure on general education represents 1.03% of GNP for the year 1994/95, self-help contributions represent 1.29%. (*Sudan's report to the International Conference on Education, 45th session, October 1996, Ministry of General Education*)

- Private finance, including school fees, covers more than 50% of the basic education budget. (*Republic of Sudan - Report on Sudan. Education for all. The Year 2000 assessment, Ministry of Education, Khartoum*)

Swaziland

- "There is no compulsory education in Swaziland." (*The Development of Education. National Report of Swaziland by Ministry of Education, 24 June 1996*)

- "The cost to parents represent 29.6% of the overall cost of basic education. ... One tertiary student could relieve the burden of 61 parents of their children's basic education fees. That tertiary education is virtually free, and basic education is not, is more than enough reason to want [equity in spending]." (*The Development of Education. National Report of Swaziland by Ministry of Education, 24 June 1996*)

Tanzania

- "Primary school enrolment fell from 98% in 1981 to 75% in 1996 and continues to decline ... Illiteracy rates are increasing at 2% a year from a level of 16% in the early 1990s (20% for women)." (DFID - Tanzania: Country Strategy Paper, London, April 1999)

- A 1993/94 survey aimed to determine the level of parental willingness to pay for the schooling of their children. (World Bank - Tanzania Social Sector Review, Report 14039-TA, Dar es Salaam, 1995)

- "The move to increased cost-recovery, both as officially recognized level and more informally at the school level, meant that the concept of free education was abandoned at the time when real incomes were falling. In 1993/94 households were reported to be paying, on average, T.Sh. 3,842 per primary pupil, of which 19% went on fees and 20% on school supplies." (Peasgood, T. et al. - Gender and Primary Schooling in Tanzania, IDS Research Report 33, September 1997.)

- "The cost of registration (Tsh 1,000) is reportedly supplemented by a variety of fees charged by the school, exceeding the official registration fee up to ten times." (Oxfam, Education Now, 1999)

Togo

- The Ministry of Education reported that 40% of school-age children had no access to school. (Developpement de l'education. Rapport national du Togo par la Ministère de l'education nationale et de la recherche scientifique, Lomé, Juin 1996)

- "... the Committee is concerned at the low level of school enrolment." (CRC/C/15/Add. 83)

- "L'Etat réitère son engagement à respecter les disposition constitutionnelles en faveur d'une école obligatoire et relativement gratuite jusqu'à l'âge de 15 ans." (Developpement de l'education. Rapport national du Togo par le ministere de l'education nationale et de la recherche scientifique, Lome, Juin 1996)

Vanuatu - "The Committee expressed grave concern that primary education is still not compulsory and free to all children." (CRC/C/15/Add. 111)

Viet Nam - "... there is still no programme to guarantee free primary education." (E/C.12/1993/8, para. 10)
- "... for every 100 of government spending on primary education, households spend 80. (...) In fact, the government's official fee policy plays a minor role in determining the full price that families face in sending a child to public school. In urban areas, each child enrolled in a public primary school pays an average VND 261,000 per year (\$24), despite the fact that official school fees are zero." (Vietnam Education Financing, The World Bank, 1997, p. 53)

Yemen - The Committee was concerned about the low enrolment rate and limited access to education in rural and remote areas; it recommended that the Government accelerate the implementation of compulsory education to improve access to education. (CRC/C/15/Add/102)

Zambia

Enrolment of all primary-school children is planned for the year 2005.

- "Government will continue to pursue the policy of cost sharing in the financing of education; parents, communities will be asked to contribute to the education cost of their children in the form of user fees ... The fees charged by the Parents Teachers Associations (PTAs) vary from school to school and from region to region. (*The development of Education 1994-1996. A National Report of Zambia, Ministry of Education, Lusaka, February 1996*)
- "There is growing evidence that widespread poverty is reducing parental ability to pay school-related costs. ... The private costs mainly consist of (a) direct costs borne by household including tuition fees and other costs such as transport, workbook, PTA fees, etc. and (b) income foregone, or opportunity costs." (*The World Bank - Programme appraisal document/BESSIP, Report No. 19008 ZA, 1999*)

Zimbabwe

- The Ministry of Education noted in 1996 that compulsory education was an objective rather than a requirement as there was no enforcement
(*Development of Education. National Report of Zimbabwe by the ministries of Education and Higher education, 30 June 1996*)
- The Committee expressed concern about cutbacks in educational expenditure, which result in non-compliance with the requirement of free, compulsory and universal primary education.
(*E/C.12/Add.12, 1997*)
- The Committee was concerned that primary education was neither free nor compulsory.
(*CRC/C/3/Add, 35*)

- "Charges on education have so far raised very little (as cost recovery), at a high cost in terms of drop-outs, failure to take examinations and reduced enrolment." (ILO - *Structural Change and Adjustment in Zimbabwe, Geneva, 1991*)
- "The 1992 amendments of the 1987 Education Act introduced school fees with the charges varying between urban and rural schools." (*Lind, A. - Desk Study of the*



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