

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 3, SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION HUMAN RIGHTS COUNCIL, 11TH SESSION 2 JUNE 2009

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Overview

The Special Rapporteur on the right to education Mr Vernor Munoz Villalobos, presented his report to the Human Rights Council (the Council) on 2 June 2009. He reported on the right to education of persons in detention, which included the response of States and other relevant stakeholders and statement from inmates.¹ He also presented two addenda on his visits to Malaysia and Guatemala.² The discussion of the thematic report was marked by relatively little interest by States with only half of the States participating in the dialogue taking up the subject while other States focused on the reports of the special procedures on business and human rights and the rights of migrants. The majority of States that engaged on this topic were from the Arab region. Generally, States welcomed the report and made only few recommendations.

Special Rapporteur on the right to education

Presentation of reports

Firstly, Mr Munoz expressed satisfaction regarding the good participation of inmates and States in his study. He saw that as a demonstration of the will of governments to take prisoners' views into account when drafting relevant policies. He briefly presented his reports highlighting that prisoners suffer from discrimination; education is a stand-alone right that cannot be reduced; though detention is temporary for most detainees, the consequences of detention include poverty, stigmatisation and discrimination when former prisoners return to their communities; and there are many obstacles that prevent the exercise of the right to education.³ Nevertheless he noted that NGOs views highly differed from those of States.

He also drew attention to the common traits of the questionnaires he sent to States: the negative role of the security approach to imprisonment which hampers the right to education and the lack of understanding of States of the need to have specific programmes for vulnerable groups in prisons.

¹ A/HRC/11/8 Report available at <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>

² Respectively A/HRC/11/8/Add.2 and A/HRC/11/8/Add.3 available at <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>

³ Obstacles included lack of facilities and public funding.

Regarding the mission to Malaysia, the Special Rapporteur paid tribute to the progress made such as the high schooling rates and the significant investment in infrastructure but underlined numerous remaining challenges.⁴ He recommended the State to ratify remaining core human rights treaties, create a special entity on indigenous matters within the Ministry of Education and reform laws on universities. Regarding the visit to Guatemala, he underlined the openness and self-critical attitudes of the State. Despite progress made in literacy programmes, the Special Rapporteur underlined various shortcomings.⁵ He recommended the State support affirmative action for indigenous persons, enact a solid legal framework, establish a national council on education, and improve school infrastructures.

Replies from concerned States

The delegation of **Malaysia** updated the Council on some developments: introduction of new subsidies for schools' infrastructures, provision of textbooks free of charge, abolition of school fees in some regions, and the decrease in the number of street children. It denied the allegation of discrimination against Chinese communities. It also clarified that all schools were asked to impose a moratorium on corporal punishment.

The delegation of **Guatemala** expressed its openness and will to enhance the promotion of human rights. It also outlined the latest development in the field of education: the educational plan for 2008-2012 which aimed at increasing the coverage of education for children from poor areas; the efforts made to decentralise education; and the construction of numerous new schools and health services.

Interactive dialogue

Most States taking the floor on this issue expressed their **appreciation to the work** of the Special Rapporteur thanking him for his report and paying tribute to the choice of the topic, as an area of concern to them.⁶

Many States acknowledged **the significance of education in places of detention** for respecting the dignity of prisoners, enabling them to take advantage of social, economic and cultural opportunities, and ensuring their rehabilitation in society once released as well as preventing them from re-offending.⁷ The Friends World Committee for Consultation (Quakers) were encouraged by the high number of State replies to the Special Rapporteur's questionnaire as a sign that Mr Munoz had identified an issue of serious concern to many. China and the Czech Republic (on behalf of the EU) asked for further information on concrete measures to implement the right to education in prisons. In this regard, the United Arab Emirates announced the Arab Group's readiness to implement the Special Rapporteur's recommendations.

Only Djibouti and Morocco emphasised the **responsibility of States** for education for prisoners. The Special Rapporteur greatly underscored this matter in his concluding statement stating that penitentiary systems are often 'allergic' to the issue of education and raising the need to persuade authorities to ensure the necessary legislative framework and public debate. He also expanded on the role of penitentiary facilities to combat stigmatisation of prisoners and give space to inmates' participation in the design of programmes.

Among concerns taken up by States were **education for children in detention**, and for women and children accompanying their mothers in prisons.⁸ The NGO Friends World Committee for Consultation (Quakers) referred

⁴ Concerns included: limited access to education especially for children of foreign origin, children of migrant workers, stateless persons and street children; and the persistence of corporal punishment in schools.

⁵ The shortcomings included: the low percentage of the State budget allocated to education; the absence of education in local or minority languages; the negative impact of privatisation of education which undermines free schooling; and poor condition in schools.

⁶ Brazil, Argentina, Czech Republic, Russian Federation, China.

⁷ Egypt, Djibouti, Costa Rica.

⁸ The Czech Republic, Thailand.

to a concern raised by the Special Rapporteur regarding prisoners with learning difficulties and asked for more explanations on the roots of that problem. This issue was not answered to by the Special Rapporteur.

The dire need for financial **assistance from the international community** to developing countries was expressed by several States.⁹ Nevertheless some States argued that financial constraints should not be an excuse for inaction in the field of education.¹⁰ But Indonesia claimed that vocational and academic training should be offered at the discretion of States to not put a strain on the resources of Governments. Many States also supported the Special Rapporteur's recommendation calling on the international community to establish **cooperation and exchange mechanisms between States** to facilitate the sharing of such research and examples of best practices and their implementation.¹¹ Responding to a question put by the Czech Republic (on behalf of the EU), the Special Rapporteur announced that he is ready to collaborate on follow up to recommendations with any State that wishes to.

Some States used the opportunity to raise specific country situations of concern. The United Arab Emirates wished to know about the respect of the right to education of Arab detainees in Israeli prisons including children. Palestine regretted that there is no mention in the Special Rapporteur's report of the violation of the right to education of the Palestinian people in Israeli prisons. Replying to Palestine's question on whether the Special Rapporteur considers the occupation as requiring special attention, Mr Munoz stated that it was included in his previous report. The Alliance for Iraqi Women deplored the lack of access to education for Iraqi prisoners because of the invasion by the United States and asked whether the Special Rapporteur intended to take up this matter.

Other **interesting questions and recommendations** made included Portugal's concerns regarding the use of security as a reason for limiting the access to the internet in prisons and asked whether the Special Rapporteur could advice States on how to conciliate both elements. Switzerland suggested that the Special Rapporteur transmit his report to the Advisory Committee for its work on human rights training and education.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 11th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/11session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/11session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

⁹ Pakistan, Thailand, Egypt, Morocco, Algeria, Djibouti.

¹⁰ United Arab Emirates.

¹¹ China, Costa Rica, Pakistan.

COUNCIL MONITOR STAFF

Eléonore Dziurzynski, Communications Officer
Michael Ineichen, Human Rights Officer
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager International Programme

CONTRIBUTORS

Rachel Breen, intern
Joelle Dek, Intern
Dmitry Foryy, Intern
Mabel Kirabo, Intern
Ladina Knapp, Intern
Clara Martino, Intern
Isabella Ries, Intern
Peter Tubman, Intern

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