

Human Rights and Diverse Societies in Higher Education

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Introduction

I would like to see higher education institutions fully take up their civic duty to contribute to more peaceful and just societies through teaching, research and engagement with governments and civil society. Human rights education should be made available for all members of the university community and learning should provide emancipatory, liberating educational experiences that empower individuals to positively transform societies. This is my key response to the overarching questions proposed by UNESCO IESALC: How would you like higher education to be in 2050? How could higher education contribute to better futures for all in 2050? In this concept note I would like to propose that the human rights framework offers a holistic framework for understanding the potentiality of universities to fulfill the emancipatory potential of education.

This concept note assumes that HE is both a private good and a public good. In terms of private benefits, HE has the highest economic returns of any education level, with an estimated 17% increase in earnings for HE graduates as compared with 10% for the primary school and 7% for secondary school levels (Montenegro & Patrinos 2014). However, not only individuals but societies benefit from HE graduates. World Bank research (2018) shows that these graduates are more environmentally conscious, have healthier habits and a higher level of civic participation. Societies also benefit from increased tax revenues from higher earnings, healthier children and reduced family size. In other words, HE is a public good both by potentially assisting in economic development but also in pursuing other goals for society, such as ‘active citizenship’, co-existence and social cohesion.

Student protests over increased university fees in recent years have highlighted the perspective that HE is a public good and that access should be enabled for qualified applicants, reducing barriers for those from lower socio-economic backgrounds and refugees. University have also become sites for anti-racist, decolonization activities, as a microcosm of broader pressures for change in society.

We can thus say that higher education sector has become a fertile ground for a range of policy questions and practices that influence not only the students who attend but the societies in which they live and which they participate. This concept note briefly explores the guidance provided by international human rights standards in relation to higher education as a backdrop for

contemporary and future debates regarding the responsibility of the State to provide access to quality higher education, and higher education to promote individual freedoms, human dignity and just societies.

International Human Rights Standards and Higher Education

What does it mean for States to promote and protect human rights and fundamental freedoms of individuals and groups (UN 2018) when it comes to higher education (HE)? International human rights standards have elaborated the right to education. The focus on this right has traditionally been applied to basic education, meaning the years of schooling that governments require children and young people to complete. Section 4 of the Sustainable Development Goals has specifically encouraged States to require that basic education include secondary level education (grades 9-12). Education at the tertiary, post-secondary level is considered to be a “progressive right”, meaning that governments will make this available as their resources permit, and access should be provided on a “non-discriminatory” basis.

We can explore the legal and normative guidance on a range of university policies and practices by applying the “Four As” developed by the first UN Special Rapporteur on the right to education, Katarina Tomaševski, and adopted by the [Committee on Economic, Social and Cultural Rights](#) in its [General Comment 13 on the right to education](#) (1999, para.6). The UN claims that in order for the right to education to be a meaningful right, education in all its forms and at all levels shall exhibit these interrelated and essential features: available, accessible, acceptable and adaptable. A rights-based approach (UNICEF & UNESCO, 2007) links with the “4As” proposed by Tomacevski, which are the organizing themes for this chapter. The rights-based approach has recently been applied to higher education in terms of admission policies and has the potential to be applied both in initial economic access as well as inclusion practices on campuses (Kotzman, 2018; Kingston, 2018).

I would like to present a general framework with some illustrative examples. This concept note cannot do justice, of course, to the many ways in which a human rights framework can be applied to higher education.

“Available” and “Accessible” in Higher Education

The UN defines the right to education in for availability and accessibility in the following ways:

Available—Education is free and there is adequate infrastructure and trained teachers able to support the delivery of education.

Accessible—The education system is non-discriminatory and accessible to all, and positive steps are taken to include the most marginalized (Tomaševski, 2006).

Within the university sector, these concepts can be applied to admission policies, cost, policies of inclusion and campus-wide practices.

Demand for higher education continues to increase in all regions, and enrollment is up. According to the World Bank, the percentage of young adults worldwide pursuing higher education (HE) doubled between 2000 and 2014 (OECD 2017; World Bank 2018; UNESCO 2017). However, these statistics do not reveal the disparity in access, as 20% of the richest youth completed at least four years of HE, compared with less than 1% of the poorest (Bagri 2017). The Universal Declaration of Human Rights (UDHR) states in Article 26 that everyone has the right to education. As mentioned earlier, states are expected to progress in the realization of this right, including at the technical and professional levels, subject to the extent of available resources (Beiter, 2006, p. 91).

Yet higher numbers of students are placing an increasing strain on publicly funded HE institutions. Increasing costs and reduced subsidies place greater burdens on students and their families, affecting accessibility. There are immediate negative effects on enrollment of youth who are poor, refugees, un-documented or are marginalized in another way. Thus, reduced economic accessibility disproportionately affects marginalized groups and their enjoyment of the right to education. Inclusion and diversity are also affected on campuses. States are not obligated in human rights law to make higher education compulsory and it does not necessarily need to be free (though this would be ideal). However, education should be affordable to all, according Article 15 of the ICESCR (1966).

In order for higher education to fulfill the right to education, access to and full inclusion within higher education institutions should be provided to vulnerable groups, defined on the basis of race, women and girls, religion and belief, refugees and stateless persons, persons with disabilities, low-income individuals among other categories.

Although it seems apparent that the progressive realization of the right to education at the tertiary level means that the structures, staff and supporting apparatus will be in place, we note that this was explicitly recognized in the ICESCR, which states:

Education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme) (Article 15, para 6, 1966).

The reference to "distance learning" programme has taken on additional meaning in the wake of higher education responses to the Covid-19 crisis and the generalized move to online learning for many universities.

“Acceptable” and “Adaptable” in Higher Education

The UN defines the right to education for acceptability and adaptability in the following ways:

Acceptable—The content of education is relevant, non-discriminatory and culturally appropriate, and of quality; schools are safe, and teachers are professional.

Adaptable—Education evolves with the changing needs of society and challenges inequalities, such as gender discrimination; education adapts to suit locally specific needs and contexts (Tomaševski, 2006).

Within the university sector, these concepts can be applied to curriculum, teaching and learning processes, research and campus-wide practices.

A rights-based approach to education emphasizes that accessibility but also quality are essential considerations for education. Quality includes promotion of values such as human rights and tolerance, but also inclusion of learners from marginalized groups (UNESCO/UNICEF 2007) and diversity in curriculum content and learning methods. The rights-based approach has recently been applied to higher education in terms of admission policies but has not comprehensively looked at both initial economic access as well as inclusion practices on campuses (Kotzmann, 2018; Kingston, 2018).

There are basic principles related to learning processes in higher education: curriculum should combat prejudice and discrimination; curriculum and pedagogy should be culturally appropriate and inclusive, with attention to decoloniality, and; learners should receive peace and human rights education.

To elaborate on the latter, HRE aims to educate and motivate learners around the legal and normative dimensions of the human rights framework to promote “universal respect for and observance of all human rights and fundamental freedoms... And the prevention of human rights violations and abuses (United Nations, General Assembly, 2011, Article 2, para 1). HRE is mentioned as a curricular component of “quality education” in the rights-based approach (UNESCO/UNICEF, 2007) and a component of SDG 4.7. Education “about” “through” and “for” human rights is seen as a strategy for challenging inequalities and promoting other changes in society consistent with the human rights vision. The integration of human rights education within higher education should:

- include knowledge about relevant international and regional human rights standards.
- be carried out in a way that reflects the core human rights value of equality, meaning the inalienable equal worthiness of every human being; and the other human rights values, dignity, freedom and inclusion.
- ultimately result in learners being motivated to promote and protect human rights, and that human rights will be experienced as relevant to their daily lives.

Conclusion

Universities – as with all forms of education – have the potential to promote transformation of societies in keeping with the values of freedom, peace and justice. Human rights standards provide additional agendas for existing practices related to ‘inclusion and diversity’ and support existing agendas to ‘de-centre’ and promote anti-racism. The frames of the “4As” presented have the potential to be applied to many more areas of university operations than those raised in this concept note and are worthy of further explication.

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