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Joint Oral Statement

The Justiciability of the Right to Education

Submitted by:

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and co-signed by:

International Volunteerism Organization for Women, Education, Development – VIDES

Organisation internationale pour le droit à l'éducation et la liberté d'enseignement – OIDEL

Soka Gakkai International – SGI

Association Points-Cœur

International Catholic Child Bureau – ICCB

International Federation of University Women – IFUW

Dominicans for Justice and Peace (Order of Preachers)

Associazione Comunità Papa Giovanni XXIII

Mouvement contre le racisme et pour l'amitié entre les peuples - MRAP

Teresian Association

Edmund Rice International

Thank you, Mr. President.

I speak on behalf of 12 organisations. We welcome the very important report of the Special Rapporteur dedicated to the justiciability of the right to education as it is key to the effectiveness of this right.

As demonstrated by international and national case law and as confirmed by Treaty Bodies,¹ judicial systems should play an important role in ensuring remedies for victims of human rights violations, including the right to education.

We believe that the right to education should be justiciable through judicial and quasi-judicial mechanisms both at the international and national level.

This NGO coalition also welcomes the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and calls on all Member States to ratify it.

In support of the recommendations contained in the abovementioned report of the Special Rapporteur (paragraphs 81 and 82), the NGO coalition calls upon all Member States to take the following actions at national level for ensuring the justiciability of the right to education:

(1) Establishing clear criteria and indicators to identify violations of the right to education, both under the jurisdiction of the existing courts and through the establishment of additional bodies if needed;

(2) Providing necessary training for lawyers, parliamentarians, judges and professionals involved in proceedings to address violations of the right to education;

(3) Considering the General Comments and recommendations of Treaty Bodies as the primary guiding principles for the national implementation of the ICESCR;

(4) Addressing all factors that might discourage victims to seek and access judicial or quasi-judicial remedies. Poverty, ignorance and general distrust in the rule of law are some of the most common obstacles, especially among vulnerable groups of people;

(5) Creating strong partnerships with civil society actors to develop adequate awareness and disseminate relevant information to empower all people, identifying obstacles and necessary actions in guarantying the justiciability of the right to education.

The judicial enforcement of human rights is fundamental. A right without a remedy is no right at all. Ensuring the right to education for all through a human rights-based approach is a prerequisite for national development and for the prevention of all human rights violations. The judicial enforcement of the right to education is essential in all countries.

Thank you, Mr. President.

¹ E.g., CRC General Comment No.5, “Enjoyment of economic, social and cultural rights is inextricably intertwined with enjoyment of civil and political rights. [...] the Committee believes that economic, social and cultural rights, as well as civil and political rights, should be regarded as justiciable” (para.6) and “as noted in paragraph 6 above, the Committee emphasizes that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable. It is essential that domestic law sets out entitlements in sufficient detail to enable remedies for non-compliance to be effective” (para.25).