

# COMPARATIVE ANALYSIS OF RIGHT TO EDUCATION ACROSS THE WORLD

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## **ABSTRACT:**

*Literacy has never been more necessary for development as it is today; it is the key to communication and learning of all kinds and a fundamental condition of access to today's knowledge societies. With socio-economic disparities increasing and global crises over food, water and energy, literacy is a survival tool in a fiercely competitive world. This paper is an attempt undertakes a cross-sectional analysis of national legislations on elementary education as and how the right to education has been structured globally.*

## **UNDERSTANDING THE PARAMETERS OF RIGHT TO EDUCATION:**

It has been duly realized that Constitutions are potent tools for the enforcement of rights in favor of children. In order to build a progressive and sustainable polity, almost every nation is giving due recognition to children and their rights in their national charters and Indian Constitution is no exception. The status of Constitutions as frameworks for legitimizing laws and policies in favor of children, presents them with the opportunity to reinforce the status of children as subjects of rights as opposed to being objects of charity.'

The indispensability of the right to education can be gauged by the fact that the Right to Education is among the listed human rights whose status affects the realization of all other rights. K.Tomasevski, UN Special Rapporteur on the Right to Education passionately states "the right to education defies classification either as a civil and political right or an economic, social and cultural one. It forms part of other Covenants and indeed all core human right treaties. I emphasized that the right to education represented an interface between civil and political rights and economic,

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social and cultural rights."<sup>2</sup> Apropos this she has also set forth the norms of the right to education in her 4-A scheme' which are the desired parameters for the implementation of the right to education. They are Availability, Accessibility, Acceptability and Adaptability.

**I. AVAILABILITY** is the first component of the right to Education in Tomasevski framework.<sup>4</sup> It refers to the existence of educational institutions within reasonable distance for pupil's attendance. It also relates to education without discrimination and prejudice.

Another related subject to availability is the insurance of free and compulsory education to all. The free aspect of education, in economic terms, freedom from direct costs and indirect and opportunity cost **and** other "invisible costs" which deny education to people. It also assures education that is free from indoctrination and ideological overtones.

**2. ACCESSIBILITY** means that educational institutions and education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination. The educational institution has to be within safe physical reach, by attendance at some reasonably convenient geographic location. Education has to be affordable for all. The right to education should be realised progressively, ensuring all -encompassing, free and compulsory education is available as soon as possible, and facilitating access to post-compulsory education as circumstances permit.

**3. ACCEPTABILITY** involves curricula setting, and respect for parents views on the education of their children, the medium of instruction and the culture of education. The emerging perception of children as subjects with the right to education and with right in education has further extended the boundaries of acceptability to include the contents of educational curricula and textbooks, which are increasingly considered from the perspective of human rights.'

4. Last but not the least is **ADAPTABILITY** which requires that schools respond to the needs of the child in keeping with the Convention of the Rights of the Child. In other words it "means making education responsive." It is the integration of the environment into the individual and not the other way around. Unlike the conventional approach which demanded abiding by the rules of the school, adaptability in education will put the best interests and needs of the student first and then the norms of the schools shall be followed.

It is within these parameters that right to education has been structured globally now. The substance of the right has been carved out in broad terms by the international legislations but its real meaning is to be found in the national legislation that incorporate it. It is identifiable that the 86th Amendment Act is quite aligned to the international norms of availability, accessibility, acceptability and adaptability.

### **SIGNIFICANCE OF EDUCATION:**

Literacy has never been more necessary for development as it is today; it is the key to communication and learning of all kinds and a fundamental condition of access to today's knowledge societies. With socio-economic disparities increasing and global crises over food, water and energy, literacy is a survival tool in a fiercely competitive world.

Speaking for the U.S. Supreme Court, Earl Warren C.J. in the case of *Brown v. Board of Education*<sup>6</sup>, emphasized the right to education in the following words:

"Today, education is perhaps the most important function of States and local governments...It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to cultural value, in preparing him for later professional training and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he or she is denied opportunity of education."

Primary education has two main purposes: to produce a literate and numerate population that can deal with problems encountered at home and at work and to serve as a foundation on which further education is built. The future of development of the world and of individual nations hinges more than ever on the capacity of the individuals and countries to acquire, adapt, and advance knowledge. This capacity depends in turn on the extent to which the population has attained literacy, numeracy and cognitive competencies

### **CONTRIBUTION OF EDUCATION TO DEVELOPMENT:**

United Nations Secretary-General Ban Ki-moon has called education the "single best investment" that countries can make to build "prosperous,

healthy, and equitable societies."<sup>7</sup> Those countries with an educated population and higher levels of educational attainment have more paid employment, higher individual earnings, greater agricultural productivity, lower fertility, better health and nutritional status and more progressive attitudes than their counterparts.

Throughout the developing world, countries are preoccupied with the task of making primary education accessible to children in order to make them productive contributors to the economy and community life. Countries such as Kenya, Pakistan, Philippines, Sierra Leone and Trinidad and Tobago undertook sweeping reviews of their educational policies and programmes<sup>8</sup>. In 1967 President Julius Nyerere of Tanzania delivered his famous speech on "Education for Self-Reliance"<sup>9</sup> in which he advocated establishing a system whose cost and impact on farm production and attitudes towards farming were appropriate to the country's needs and therefore more effective.

In 1973 Tunisia undertook *Initiation aux Travaux Manuels* or *Initiation to Manual Work*, a primary school program that sought to teach manual skills and eradicate the unfavorable attitudes that primary school graduates held towards manual labor. Countries like Malaysia established large curriculum development centers that involved new curricula, new teaching methodologies and training programs for the teachers. Projects financed by the United Nations Development Programme in Bunumbu (Sierra Leone) and Kakata (Liberia) adopted an ad-hoc arrangement based on primary teacher training institutions."

Several countries undertook bold experiments and resorted to alternative delivery strategies in order to continue the campaign for education. For example, the government of Cote d'Ivoire<sup>2</sup> launched a large scale educational television program in 1971 to extend primary education throughout the country. Malaysia launched a similar program in 1973 as did El Salvador. Radio was used in Nicaragua to teach mathematics and in Ethiopia, Jamaica and Kenya to reach students and teacher. As of today, some of the world's poorest countries, such as Burkina Faso, Madagascar, and Nicaragua, are increasing their primary enrollment rates than they ever did in the West. Countries such as Indonesia, the Philippines, South Africa, Botswana, Peru, and Jamaica are still on the cusp of reaching universal primary education.

Some countries even experimented with formal primary schooling: for instance youth clubs in Benin, Rural Education centers in Burkina Faso" and Koranic schools in Mauritania are few examples of such experiments.<sup>14</sup> However they could not survive for long because of inadequate financing, deficient capacity for implementation and because of the rejection by the communities concerned.

In the recent times, the Angolan government launched a countrywide "Back to School" program in 2004, setting aside \$40 million to train 29,000 teachers and increase enrollments in grades 1-4 to 90%. A similar government programme on education in Mexico called "Oportunidades", provided economic support to poor households on the condition that children attend school regularly. It produced a 20% increase in secondary school enrollment for girls and a 10% increase for boys.

## **EDUCATION AND ECONOMIC DEVELOPMENT:**

Research and experience demonstrates that an educated labor force is a necessary, albeit not sufficient, condition for economic development.<sup>17</sup> Across countries, the correlation between national investment in education and economic growth is striking. One can see that investment in education is considered to be an indispensable asset for the economic augmentation of a country and that is why many nations allocated a massive share for basic education as it promised higher returns. Peasely<sup>18</sup> examined the relationship between growth in primary schools enrollment and gross national product (GNP) per capita over a period of 110 year period (1850- 1960) for 34 of the richest countries. He found that none had achieved significant economic growth before attaining universal primary education.

For instance over the period 1950-7, Costa Rica doubled the share of public spending allocated to basic education. Cuba increased the share of GDP allocated to education by 3 percent over the decade up to the mid-1970s.<sup>19</sup> Zimbabwe achieved the same increase over the period 1980- 88. Until South Korea achieved universal primary education, it allocated over 60 percent of public spending to primary education<sup>20</sup>, allowing the private sector to play a more significant role in secondary education, and recovering a large share of expenditure on higher

East Asian and Latin American countries and by secondary education in fifty four East Asian, Latin American, African and Middle Eastern Countries.

In many poor countries, with each additional year of schooling, people earn 10% higher wages. These earnings, in turn, contribute to national economic growth. No country has ever achieved continuous and rapid growth without reaching an adult literacy rate of at least 40%.

### **EDUCATION AND EARNINGS:**

Education has noteworthy impacts on earnings as well. Psacharopoulos<sup>22</sup> found very high social rates of return and estimated that the returns to completed Primary education are 27 percent and the returns to secondary education are 15-17 percent. In postwar Korea in the 1950s, when the average annual income was only \$890, Korean families and the government, with help from the U.S., tripled spending on education." Investments in teachers and basic schools contributed to a more productive labor force, which became one of the country's engines of growth. Today Korea boasts almost 100% primary school enrollment and an average income of \$17,000 a year. Today it is not just the governments that are spending on education, many philanthropists have also stepped in. Aliko Dangote, Africa's wealthiest individual, has donated close to \$200 million to educational causes in the last two years. Other homegrown philanthropists, such as Strive Masiyiwa and Nicky Oppenheimer", have also made significant contributions. These benefactors, together with private enterprises and the public sector, will be essential to ensuring that all young Africans - not just those from wealthy families - gain access to quality education.

### **PRODUCTIVITY:**

Earnings are an indirect measure of productivity but the physical productivity is the best measure of education's economic impact. Workers and farmers with more education are physically more productive than those with less. Lockheed, Jamison and Lau<sup>25</sup> concluded that four years of primary education increased the productivity of farmers by 8.7 percent and 10 percent in countries' ability of farmers to undergo modernization. Education increased the ability of farmers to allocate resources efficiently

and enabled them to improve their choice of inputs and to estimate more accurately the effect of those inputs on their overall productivity.

### **REDUCED FERTILITY:**

Reducing fertility rates must be an important part of any development program and reduced fertility depends heavily on educating women." Fertility levels are primarily determined most immediately by age of marriage, length of breast feeding and use of contraceptives which are influenced in turn by the socio-economic circumstances of the individual. One of these circumstances is the socio-economic circumstances of the mother.<sup>27</sup> Educating women ultimately reduces fertility even though fertility in Africa and in Asia apparently increases with a few years of education, it declines hereafter with more schooling<sup>28</sup>.

### **IMPROVED CHILD HEALTH AND NUTRITION**

The education of women is closely related to child health which is measured by nutritional status or by infant and child mortality. Children of educated mothers live healthier, longer lives. One year of maternal education translates into 9 percent decrease in child mortality. Apparently the more education a mother attains, the more likely she is likely to seek professional health care which diminishes child mortality. In Africa a difference of one percentage point in the literacy rate is associated with a two year gain in life expectancy.<sup>29</sup> A woman with six or more years of education is more likely to seek prenatal care, assisted childbirth, and postnatal care, reducing the risk of maternal and child mortality and illness. Educated mothers are 50% more likely to immunize their children than mothers with no schooling.

### **INTERNATIONAL SUPPORT FOR EDUCATION :<sup>30</sup>**

Apart from these national endeavors there are many bilateral and multilateral efforts being undertaken to expedite the entire process of universalization of education.

**BILATERAL ASSISTANCE:** The U.S. and other countries allocate direct financial assistance for activities such as building schools, training teachers, and providing school supplies. On average, between 2002 and 2004 the U.S. dedicated \$256 million per year to basic education in poor

countries. During the same period, France, with an economy just over one-tenth the size of the U.S. economy, spent \$856 million per year.

### **MULTILATERAL EFFORTS:**

- Millennium Development Goals (MDGs): In 2000, the member countries of the United Nations set out eight global development goals to be met by 2015, one of which is to achieve universal primary education.
- Fast Track Initiative (FTI): In 2002, the world community established the FTI to help the poorest countries progress toward the education MDG through both financial and technical support. In 2003, the Netherlands, whose economy is 1/20 the size of the U.S. economy, took the lead among developed countries and contributed \$220 million to an initial fund dedicated to the FTI. Norway, Italy, and Belgium have also contributed to the fund.
- Private sector: The World Bank and the U.S. Agency for International Development promote private-public partnerships to contribute knowledge, skills, and materials to global education. Companies such as BP and DaimlerChrysler support education programs in many countries through partnerships with local communities that extend beyond financial contributions.

The inevitability and omnipresence of education has been experienced in every zone and across every country. Without organized literacy action, illiteracy will continue to stagnate indefinitely along with the associated ills of poverty and underdevelopment. It is because of the forceful impact of education on that countries have become preoccupied with the task of building a robust primary educational system. In the next section a countries with their commitment to right to education have been investigated comparatively.

### **STATUS OF RIGHT TO EDUCATION ACROSS THE WORLD**

Several national legal systems across the world have attempted to give effect to the right of primary education through constitutional arrangements as well as through legislative enactments. The period for providing free primary education varies from 9 years to a maximum of 13



years. The age cohorts of children who can avail of this free education usually are 6-14 or 7-16 and on very odd occasions extend up to 18 years.

Before India joined the league of 135 countries it was internationally committed to many global instruments. India is a party to core international human rights treaties that place binding legal obligations on the Indian central and state governments. Those with particular relevance to universalization of elementary education are the Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>31</sup>, International Covenant on Civil and Political Rights (ICCPR)<sup>32</sup>, Articles 10 and 14 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>33</sup> and Articles 28 and 29 of the Convention on the Rights of the Child (CRC)<sup>34</sup>. During the World Conference on Education For All(EFA) held in Jomtien in Thailand in 1990, 155 countries including India made a joint declaration to provide primary education to everybody by the year 2000.<sup>35</sup> In the Dakar Conference, held in Senegal in 2000 a framework of Action popularly known as the Dakar Framework of Action recognized the right to education as a fundamental human right that every child, youth and adult should get education within 2015.

These international instruments proved to be a springboard of hope for India through which it could attain the constitutional vision of Education for All. According to UNESCO's "Education for All Global Monitoring Report 2010"<sup>36</sup> about 135 nations have constitutional provisions for free, non-discriminatory and universal education for all and India<sup>37</sup> too joined the bandwagon with the implementation of the RTE act.

Chile takes the lead in the list of countries in providing free education for a period of 15 years to a child. It gives education to children in the age-cohort of 6 to 21 years.

Following the trail are the Latin American countries, where elementary education witnessed worse two decades of elementary education but with the implementation of a special education programme in 1990 a significant enhancement in primary and upper primary schooling was observed.

Region-wise amongst the Gulf countries there are a host of countries like Saudi Arabia, UAE, Iraq and eight other countries which stipulates

free education for a maximum period of 5 years. However there are 50 countries including the US, South Africa, Malaysia and a majority of Sub-Saharan and African countries that are devoid of constitutional specifications that guarantee free education.

With the rolling out of a new-fangled education act, India has joined some 20 other countries including Afghanistan, China and Switzerland which have laws assuring free and compulsory elementary education for a period of 8 years.

But there are a few nations in the Indian sub-continent like Sri Lanka and Pakistan that have still not adapted this move as they have no laws that provide free education. Bangladesh and Myanmar boast of a four year period while Nepal has a schema that provides five years of mandatory schooling.

In order to get an enhanced understanding of the best practices of countries in enforcing this right, an article-specific study has been undertaken below:

**Argentina:** Article 10 of Act No. 24.195<sup>38</sup> extends compulsory education to 10 years which shall begin at the age of 5 years and article 39 guarantees that education shall be free. The act elaborates "The national state, the provinces and the municipality of the city of Buenos Aires shall, by allocating funds to the respective education budgets, guarantee the principle of free education in State Funded educational services at all levels and in all regimes.

**Brazil:**

The Constitution of Brazil is noteworthy in this respect as it offers free compulsory education to all those who did not have access to it at the proper age. Article 308 of the Constitution of Brazil<sup>39</sup> obliges the State to ensure free, compulsory elementary education, including the assurance that it will be offered gratuitously for all who did not have access to it at the proper age. In addition to this stress was also given on the universalization of gratuitous secondary school education.

**Bangladesh:**

The Article 17 of the Constitution of Bangladesh, enjoins the state "to adopt effective measures for a) establishing a uniform, mass-oriented

and universal system of education and extending free and compulsory education to all children to such stage as may be determined by law; b) relating education to the needs of society and producing properly trained and motivated citizens to serve those needs and c) removing illiteracy within such time as may be determined by the law". The Constitution further makes it clear that access to education is not a privilege but a right of every citizen of Bangladesh.

**China:**

China has received great achievement in compulsory education and adult literacy. In the Constitution of the People's Republic of China, Education Law and Program for Educational Reform and Development in China 1993, items on literacy education as a human right.

The Law on Compulsory Education (2006) states<sup>40</sup>

Chapter 1 Article 2: The state adopts the system of 9-year compulsory education. No tuition or miscellaneous fee may be charged in the implementation of compulsory education. The state shall establish a compulsory education operating funds guarantee mechanism to ensure the implementation of the compulsory education system.

Chapter 2, Article 11: Any child who has attained to the age of 6, his (her) parents or other statutory guardians shall have him (her) enrolled in school to finish the compulsory education. For the children in those areas where it is not possible, the initial time of schooling may be postponed to 7 years old. If, on account of illness or other special circumstances, where a school-age child or adolescent needs to postpone his (her) enrollment or suspend his (her) schooling, his (her) parents or other statutory guardians shall file an application with the education administrative department of the local people's government of the township, town or county for approval.

Chapter 3, Article 19: The local people's governments at the county level or above shall, where necessary, set up special education schools (classes) so as to provide compulsory education to the school-age children and adolescents who have eyesight, hearing and intellectual problems. The special education schools (classes) shall have places and facilities which suit their study, recovery and living features of the

Chapter 3, Article 21: The juvenile delinquents who fail to fulfill compulsory education and the minors who are subject to mandatory education measures shall be given compulsory education.

**Denmark:**

According to the Danish Constitution<sup>41</sup> all the children are entitled to the right to free education in the Folkeskole (Municipal basic school). Folkeskole is centrally regulated by the Act on the Folkeskole of 2005<sup>42</sup> which is instrumental in defining the framework of the Danish primary and lower secondary school system which extends from the 0<sup>th</sup> to the 10<sup>th</sup> level. The Act embodies the following structure and organisation of primary schooling:

"The Folkeskole shall comprise a one-year pre-school class, a nine-year basic (primary and lower secondary) school and a one-year 10<sup>th</sup> form"

**Dominican Republic:**

Article 16 of the Constitution of Dominion Republic is dedicated to the freedom of education where elementary education shall be obligatory. The states shall be bound to furnish basic education to all the citizens and shall take requisite steps to eliminate illiteracy. The Act pledges that elementary and secondary education as well as that offered in vocational, agricultural, art, commercial, manual arts and home economics school shall be free.

**Finland:**

Finland has the most comprehensive system of education that protects and safeguards the educational rights of the child. It focuses much more on the quality and standards of education. Section 16 of the Constitution of Finland provides for the Fundamental Right to education. Education guarantees are extended to everyone and not just the Finnish citizens. Basic education act provides a nine-year general education for the pupils falling in the age cohort of 7-16 years which is free and gives everyone the right to pursue further education on the completion of the said period. Pupils who have completed basic education are eligible for voluntary additional education (grade 10) that lasts one year.

### **Honduras:**

Article 153 of the Constitution of Honduras" provides that it is incumbent upon the State to promote the basic education of the people, creating for that purpose the necessary administrative and technical institutions which shall be directly dependent on the secretariat of State in the Office of Public Education. Article 171 further states that public education shall be free, compulsory and completely at the expense of the State. The State is mandated to establish compulsory mechanisms accordingly to make these provisions effective

### **Ireland:**

Colossal attempts can be seen in the model legislation called the Education Welfare Act of Ireland. Under the aegis of the National Educational Welfare Board the Education welfare Act (2000)<sup>44</sup> envisages various provisions

"for the entitlement of every child in the State to a certain minimum education, and, for that purpose, to provide for the registration of children receiving education in places other than recognized schools, the compulsory attendance of certain children at recognized schools, the establishment of a body to be known as the National Educational Welfare Board, ... the identification of the causes of non-attendance and the adoption of measures for its prevention ..."

### **Kenya:**

In accordance with the article 7 of the Children Act 2001" every child is entitled to free and compulsory education, the provision of which shall be the duty of the Parents and the Government. An added responsibility of providing elementary education to every child to both the Government and parents becomes significant at a time when the parents of marginalized communities are not in favor of sending their children to school as it would lead to the loss of a helping hand at home.

### **Liberia:**

Section 2.3 of the Education Law in the guarantees primary education which is a fundamental right which must be available, free and compulsory for all the children. Further Section 2.4 defines basic

as "all education which provides the foundation for continuous and lifelong learning." "All citizens of Liberia must have the right to basic education as a human right, and it should entail all education up to the 9th grade as well as adult education to include literacy; numeracy and skill acquisition amongst other aspects, taking into account both formal and non-formal education."<sup>46</sup>

### **Nigeria<sup>47</sup>:**

Article 15 (1) of the Act on Compulsory Free and Universal basic education of the Republic of Nigeria provides for both basic education and universal Basic education. The Act distinguishes the two by spelling out Basic education as "early childhood care and education and nine years of formal schooling" and universal Basic education is much more comprehensive when compared to the former. It embraces "early childhood care and education, nine years of formal schooling, literacy and non-formal education, skills acquisition programmes and the education of special groups such as nomadic and migrants, girl-child and women, almajiri, street children and disabled groups."

### **Philippines:**

Education in Philippines is a state function mandated by the Constitution (1987), which states that "the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all. Filipinos shall finish 6 years of quality basic education which puts stress on the inclusion of skills that equip human beings to become productive and self-reliant.

### **Turkmenistan:**

According to Article 35 of the Constitution (1992)<sup>48</sup> every citizen has the right to education. Basic secondary education is compulsory and every person is entitled to receive it gratis in State educational institutions. The State assures access to professional, secondary special and higher education to all persons according to their potential.

### **Venezuela:**

The Venezuelan Constitution makes education obligatory at all its levels, from the maternal level up to the intermediate diversified level.

Education imparted in the institutions of State is free of cost up to the university pre-grade. Art. 103 of the Constitution of Venezuela provides that every person has a right to integral, quality, permanent education with equal conditions and opportunities, with no other limitations than those derived from his aptitude, vocation and aspiration.<sup>49</sup>

**Thailand:**

As stated in the Constitution of The Kingdom of Thailand, Section 43 a person shall enjoy an equal right to receive the fundamental education for the education for the duration of not less than twelve years which shall be provided by the state thoroughly, up to the quality, and without charge.

The next segment of the paper has two tables appended to it which illustrate the countries which guarantee the right to education and the nature of guarantee which could be complete, partial, exclusive for residents or negligible in the constitution.

In Table 1 it is visible that in 37 countries right to education is formally restricted to legal citizens. It also shows that there are 43 countries where there is no explicit constitutional guarantee of the right to education, while such a guarantee does exist in 144 countries; that the vast majority of states constitutionally guarantee the right to education reflects the thrust of international human rights law.

The guarantees to education have been classified into four types:

1. Free and Compulsory Education for all constitutionally guaranteed
2. Guarantees restricted to citizens or residents
3. Progressive realization or partial guarantees
4. No constitutional guarantee

**TABLE 1: COUNTRIES WHICH GUARANTEE RIGHT TO EDUCATION IN THEIR CONSTITUTION**

<u>Free and compulsory (at least for all constitutional guarantees)</u>	<u>Guarantees restricted (citizens/residents)</u>
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, Democratic People's Republic of Korea, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Ghana, Haiti, Honduras, Iceland, India, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Macedonia, Madagascar, Malawi, Mauritius, Mexico, Moldova, Netherlands, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russia, Rwanda, Saudi Arabia, Senegal, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Zimbabwe.	Armenia, Bahrain, Cambodia, Chad, Cyprus, Czech Republic, Dominican Republic, El Salvador, Equatorial Guinea, Greece, Grenada, Guatemala, Guyana, Hungary, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Libya, Luxembourg, Malawi, Mali, Morocco, New Zealand, Nicaragua, Philippines, Qatar, Republic of Korea, Sao Tome, Seychelles, Slovakia, Slovenia, Syria, Turkey, Turkmenistan, Viet Nam, Yemen.
<u>Progress in realization of partial guarantee</u>	<u>Constitutional guarantee</u>
Bangladesh, Belarus, Benin, Bhutan, Burma, Cameroon, Comoros, Guinea-Bissau, Iran, Iraq, Israel, Maldives, Micronesia, Monaco, Mongolia, Namibia, Nepal, Nigeria, Pakistan, St. Kitts and Nevis, Sierra Leone, Sudan, Tanzania, Tonga, Uganda, Uzbekistan, Zimbabwe.	Angola, Antigua and Barbuda, Bahamas, Botswana, Brunei, Burkina Faso, Burundi, Central African Republic, Cote d'Ivoire, Djibouti, Dominica, Eritrea, Ethiopia, Fiji, Gabon, Indonesia, Jamaica, Kiribati, Laos, Latvia, Lesotho, Liberia, Madagascar, Marshall Islands, Mauritania, Mozambique, Nauru, Niger, Niue, Papua New Guinea, St. Lucia, St. Vincent, Samoa, San Marino, Singapore, Solomon Islands, Swaziland, Tonga, Tuvalu, Vanuatu, Zambia.

Source: Annual Report of Special Rapporteur on the Right to Education, Commission on Human Rights, 2001, 57th Session, E/CN.4/2001/42., available at [www.un.org](http://www.un.org)

In the next table a global overview of the length of compulsory education is highlighted. While countries like Bahrain, Germany, Belgium, and Barbados make education compulsory for 12 years, on the other end of the spectrum we find Zambia that ensures a diminutive part of a child's life to education that is just 3 years of mandatory schooling. Rest of the countries give an assurance of education between 3 to 12 years where India mandates 8 years of compulsory elementary education. It reflects the varying willingness and ability of governments to ensure that all children and young people complete a determined length of schooling.<sup>50</sup>



TABLE 2: NUMBER OF YEARS OF COMPULSORY EDUCATION

Years	Country
13	Netherlands
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
10	Argentina, Australia, Belize, Canada, Congo, Costa Rica, Dominican Republic, Democratic People's Republic of Korea, Ecuador, France, Gabon, Hungary, Iceland, Kyrgyzstan, Liberia, Monaco, Namibia, New Zealand, Norway, Seychelles, Spain, St Lucia, St Vincent and the Grenadines, Venezuela, USA
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, Kiribati, Lebanon, Libya, Lithuania, Luxembourg, Mali, Netherlands, Antilles, Portugal, Republic of Korea, Russia, Sierra Leone, Sudan, South Africa, Sri Lanka, Sweden, Switzerland, Tajikistan, Tunisia, Ukraine, Yemen
8	Albania, Angola, Bolivia, Brazil, Bulgaria, Chile, Croatia, Egypt, Fiji, FYROM, Ghana, Guyana, India, Italy, Kenya, Kiribati, Latvia, Malawi, Mongolia, Niger, Poland, Romania, Samoa, San Marino, Slovenia, Somalia, Sudan, Togo, Turkey, Yugoslavia, Zimbabwe, Burkina Faso, Eritrea, Lesotho, Mauritius, Mozambique, Swaziland, Tanzania, Trinidad and Tobago, Tuvalu, Zambia
6	Afghanistan, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Cote d'Ivoire, Djibouti, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Jamaica, Madagascar, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, Suriname, Syria, Thailand, Togo, United Arab Emirates, Uruguay, Vanuatu
5	Bangladesh, Colombia, Equatorial Guinea, Iran, Laos, Macao, Myanmar, Nepal, Viet Nam
4	Sao Tome and Principe

Source: UNESCO, World Education Report, 1998 at 132-135

This cross-sectional analysis of national legislations on elementary education has given a new boost to our foundational knowledge about the constitutionality of education as a right. It can be seen that each system has prescribed its own mechanisms for implementing the ambitious aim of universalization of education and has embarked on colossal attempts to make it a priority in their national charters. RTE has in a way become a new symbol of democratization of rights and knowledge.

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