

UNESCO

OPERATIONAL DEFINITION OF BASIC EDUCATION

Thematic Framework

(December 2007)

I. INTRODUCTION

This Thematic Framework has been prepared with a view to facilitating discussions of the *Operational Definition of Basic Education*. It presents:

(a) Global education main policy texts and goals set at international conferences – the World Conference on Education for All (1990), the World Education Forum (2000) and related material like international reports like Delors report: “*Learning: The Treasure Within*” (1996) and notably recent treatment of the question on the EFA Global Monitoring Report 2008. These texts provide conceptual elements and policy perspectives. (Part II.A)

(b) International legal texts and normative instruments in the field of education such as conventions, recommendations, declarations. This part shows that the right to basic education as such is not reflected in the international treaties and conventions in the field of education, though it is reflected in some of the Recommendations elaborated by UNESCO. However, the provisions in the international conventions, notably the International Covenant on Economic, Social and Cultural Rights and UNESCO’s Convention against Discrimination in Education the right to education has been interpreted as part of the EFA process in a way so as to recognize the significance of basic education as a fundamental human right. Moreover, the right to basic education is reflected in regional level instruments, notably in Africa. (Part II.B)

(c) Provisions in constitutions and national legislations on education adopted in recent years in various countries in the spirit of EFA. Provisions on basic education in constitutions in many countries are indicative of importance attached to basic education as a right. The Education Laws, elaborated recently in several countries provide similar indications which must be borne in mind while elaborating an operational definition. (Part II.C)

Main issues

Main issues that call for reflections relate to:

- (i) Conceptual questions such as use of the terms *elementary education*, *fundamental education* in international normative texts, and their contemporary perceptions within the concept of *basic education*.
- (ii) Basic education as regards the level of education - considering from early childhood care and development as foundation of basic education, and basic education going beyond primary education and extending to junior secondary education. This is borne out by recent developments in national legislations.
- (iii) Whether basic education for its entire duration should be free and compulsory – following evolution in national legislation in this respect in some countries notably in Nigeria, Brazil, Indonesia etc. as well as policy developments.

- (iv) Forms of education and basic education: formal as well as non-formal education, and literacy and adult education as an essential component of basic education. The concept of education throughout life is crucial.
- (v) Contents and objectives of education: Education for imparting basic learning skills and meeting basic learning needs; Basic education in its interface with technical and vocational education and training.

Elaboration of a draft for an Operational Definition of Basic Education

Elaboration of a draft Operational Definition of Basic Education, taking into account the above Thematic Framework, and refining the preliminary definition suggested at the Expert Workshop on “Challenges and Perspectives of Law and Education” (organised in Sao Paulo in December 2006 by the Constitutional Court of Brazil and Government of State of Sao Paulo in cooperation with the Brazilian Judges Association, and with the support of UNESCO and the European Association for Education Law and Policy) and elements for such a definition as mentioned in the EFA Global Monitoring Report 2008, would lead to legislation and policy change in the provision of basic education and to better monitoring progress regarding the implementation of the right to basic education.

II. PART A: KEY POLICY TEXTS

The concept of basic education came to the fore following the adoption of the World Declaration on Education for All (1990). In its Report presented to UNESCO “*Learning: The Treasure Within*” (1996), the International Commission on Education for the Twenty-first century, stated that “Basic education is the first step in attempting to attenuate the enormous disparities affecting many groups – women, rural populations, the urban poor, marginalized ethnic minorities and the millions of children not attending school and working”.¹ The concept of basic education has led to broaden the magnitude of the right to education: “extending from initial or basic education to lifelong learning”.²

Need for promoting normative action with a view to universalizing access to basic education is recognized in UNESCO’s Medium-Term Strategy (2002-2007). As the Strategy stipulates, “A major task for UNESCO will be to support Member States in policy reforms, especially the design and implementation of EFA policies and action plans as well as of *legal instruments for promoting universal access to basic education*.”³ (Emphasis added).

The Right to Education is a multi-faceted right that has at least two dimensions that need to be fulfilled:

- quantitative (for everyone)
- qualitative (right to what education*, for how long, provided by whom and for whom and also leading to full development of the human personality fundamental to the fulfilment of other rights, freedom and maintenance of peace).

**education = not equivalent only to schooling*

With the expansion of mass education and the increasing understanding of education as an imperative to human and national development, a great emphasis has been placed on Universal Primary Education (UPE) since 1950s. Since then, it has appeared as a top priority at the international education agenda. But what levels of education does primary education cover and how is the term used in relation to basic or secondary education?

The implementation of the right to education is inextricably linked with its interpretation and understanding reflected in international and national texts. This part therefore looks into recent key education policy documents and on how these understand and represent education during the first years of learning. Below is a list of the documents that were considered in the chronological order they have been produced:

1. UNESCO’s constitution (1945)
2. Universal Declaration of Human Rights (1948)
3. World Conference on Education for All, Jomtien (1990)
4. Learning: The Treasure Within: Report to UNESCO of the International Commission on Education for the Twenty-first Century. Highlights (1996)
5. International Standard Classification (revised 1997)
6. World Education Report (2000)

¹ The International Commission on Education for the Twenty-first century: The Report of the Commission presented to UNESCO “*Learning: The Treasure Within*”, UNESCO, 1996 (p. 118).

² The World Education Report 2000, *The Right to Education: towards education for all throughout life*’ UNESCO Publishing, 2000.

³ UNESCO’s Medium Term Strategy 2002-2007 (31 C/4 para. 59), UNESCO, Paris.

7. World Education Forum, The Dakar Framework for Action, EFA, (2000)
8. Millennium Development Goals (MDGs) 2000
9. EFA Global Monitoring Report 2008

Table 1: Definition of terms. Source: Oxford Dictionary⁴

<p>Basic (adjective)</p> <ol style="list-style-type: none"> 1. forming an essential foundation; fundamental <p>Elementary (adjective)</p> <ol style="list-style-type: none"> 1. relating to the most rudimentary aspects of a subject 2. not decomposable into elements or other primary constituents <p>Fundamental (adjective)</p> <ol style="list-style-type: none"> 1. of or serving as a foundation or core; of central importance <p>Primary (adjective)</p> <ol style="list-style-type: none"> 1. relating to education for children between the ages of about five and eleven
--

1. UNESCO's Constitution (1945)

(Adopted in London, 16 November 1945, and amended by the General Conference at its 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 15th, 17th, 19th, 20th, 21st, 24th, 25th, 26th, 27th, 28th, 29th and 31st sessions.)

UNESCO's constitution makes extensive reference to education and its importance in contributing to 'peace and security by promoting collaboration among the nations'. Although it does not make specific reference to levels of education or modes of delivery, this **lays the basis of understanding the purpose of education UNESCO is promoting**. Education is considered as a 'sacred duty' for countries to fulfil, supporting educational opportunities for all and educational methods 'best suited to prepare children of the world for the responsibilities of freedom'.

⁴ <http://www.askoxford.com/?view=uk> Accessed 10 October 2007

“The Governments of the States Parties to this Constitution on behalf of their peoples declare:”

“That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;”

“That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;”

“For these reasons, the States Parties to this Constitution, believing in **full and equal opportunities for education for all**, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other’s lives;”

“Article I

Purposes and functions

1. The purpose of the Organization is **to contribute to peace and security by promoting collaboration among the nations through education**, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.”

2. To realize this purpose the Organization will:

(a) Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) **Give fresh impulse to popular education** and to the spread of culture: By collaborating with Members, at their request, in the development of educational activities;

By instituting collaboration among the nations to advance the ideal of **equality of educational opportunity** without regard to race, sex or any distinctions, economic or social;

By **suggesting educational methods** best suited to prepare the children of the world for the responsibilities of freedom;”

2. Universal Declaration of Human Rights (1948)

Article 26

(1) Everyone has the right to education. Education shall be **free**, at least in the **elementary** and **fundamental stages**. Elementary education shall be **compulsory**. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.⁵ (*emphasis added*)

The universal declaration of Human Rights clearly refers to the provision of free and compulsory education at the 'elementary' and 'fundamental stages'. Although no clear distinction is made between these two terms, there seems to be clear distinction between those and technical/professional education and higher education. We can therefore infer that basic and secondary levels of education are considered to be part of these elementary or fundamental stages.

A further analysis on the writing of article 26 of the Universal Declaration of Human Rights is provided under part 6, within the World Education Report 2000 analysis. A more detailed analysis of the drafting of the Universal Declaration of Human Rights is given on pages 93-107 of the World Education Report 2000 seeking to interpret and better understand the discussions and arguments that preceded the drafting of the Declaration in relation to education.

3. World Conference on Education for All, Jomtien (1990)

- World Declaration on Education for All
- Framework for Action : Meeting Basic Learning Needs

In its preamble, the *World Declaration on Education for All* stresses the importance of meeting '**basic learning needs**' which is considered as the 'ultimate goal'. An '**expanded vision**' of '**basic education**' is proposed to enable everybody, children, youth, and adults, to meet these needs. 'Basic education' is defined as '*action designed to meet 'basic learning needs'*'.

When it comes to the education of children, '**primary schooling**' is considered as '**the main delivery system of basic education**'. The second proposed dimension of the six identified in the Framework for Action reads: '*Universal access to, and completion of, primary education (or whatever higher level of education is considered as "basic") by the year 2000*'. We can see that the terms 'free' and 'compulsory' are missing but a more flexible articulation of 'primary education' is being presented. Furthermore, in the 'Principles of Action' it is stated that '*[a]ddressing the basic learning needs of all means: early childhood care and development opportunities; relevant, quality primary schooling or equivalent out-of-school education for children; and literacy, basic knowledge and life skills training for youth and adults.*' Although the term secondary education is not used, it is suggested that **primary education is formal basic education** provided for in-school children. Equally we are free to assume that secondary education is 'basic' education provided for youth. The Framework of Action draws attention to

⁵ <http://www.un.org/Overview/rights.html>

the national level and the importance of identifying local needs and suggests that national plans of action need to be developed to meet those **learning needs ‘defined as “basic”.**⁶ (*emphasis added*)

The Framework of Action of the World Conference on Education for All is a text rather general in nature in the sense that it identifies educational issues that need to be addressed but leaves it up to each country to decide the way to address these issues according to the national context. It goes on to add that **‘basic education’** ‘must correspond to actual needs, interests, and problems of the participants in the learning process’.

“The scope of **basic learning needs** and how they should be met varies with individual countries and cultures, and inevitably, changes with the passage of time.” (Jomtien Declaration).

“4. **Basic education** is more than an end in itself. It is the foundation for lifelong learning and human development on which countries may build, systematically, further levels and types of education and training.” (Jomtien Declaration).

ARTICLE II - SHAPING THE VISION

‘To serve the basic learning needs of all requires more than a recommitment to basic education as it now exists. What is needed is an **"expanded vision"** that surpasses present resource levels, institutional structures, curricula, and conventional delivery systems while building on the best in current practices. New possibilities exist today which result from the convergence of the increase in information and the unprecedented capacity to communicate. We must seize them with creativity and a determination for increased effectiveness.’

As elaborated in Articles III-VII, the expanded vision encompasses:

- Universalizing access and promoting equity;
- Focussing on learning;
- Broadening the means and scope of **basic education**;
- Enhancing the environment for learning;
- Strengthening partnerships.”

Basic education is considered as a broad pool of knowledge that everyone, children, youth and adults alike are entitled to, at any stage of their lives, as a right. **Basic education in formal schooling is ‘primary education’.** **Basic education programmes** are meant for children who missed the opportunity for formal schooling while literacy programmes are addressed for adults. (*emphasis added*)

4. LEARNING: THE TREASURE WITHIN: Report to UNESCO of the International Commission on Education for the Twenty-first Century. Highlights (1996).

The report adopts the Jomtien understanding of basic education and generally refers to basic education as a response to basic learning needs. However, the distinction between ‘basic’ and ‘secondary’ education is clear as it is obvious from the extract below under the title ‘The stages and bridges of learning: a fresh approach’:

⁶ Fundamental Question: Who defines these basic needs, on what criteria?

*“... the Commission did not intend to convey the idea that ... one could avoid reflecting on the different levels of education. On the contrary, it has set out to reassert some of the major principles advanced by UNESCO, such as **the vital need for basic education**, to urge a **review of the role of secondary education**...” (p. 22)*

This distinction between ‘basic’ and ‘secondary’ education remains consistent throughout the report and under its part titled ‘Pointers and recommendations’ the two concepts are treated in two different paragraphs with only the notion of ‘primary education’ understood as being part of ‘basic education’.

*“A requirement valid for all countries, albeit in various forms and with different types of content – the **strengthening of basic education**: hence the emphasis on **primary education** and its traditional basic programmes – reading, writing, arithmetic – but also on the ability to express oneself in a language that lends itself to dialogue and understanding.” (p. 39)*

*“**Secondary education** must be rethought in this general context of learning throughout life. The key principle is to arrange for a variety of individual paths through schooling, without ever closing the door on the possibility of a subsequent return to the education system.” (p. 39)*

Given the fact that the report adopts the vocabulary of and extensively refers to the Jomtien understanding of education, it can be assumed that the differentiation of ‘secondary education’ from ‘basic education’ hence implies a different interpretation of basic learning needs. Although the importance of secondary education is emphasised as fate determining, paradoxically, it is differentiated from basic education and hence ‘basic learning needs’. This is in contrast with the idea that secondary education is part of basic education, an understanding which is also defined by the ISCED (International Standard Classification of Education).

*“This brings us to one of the major problem areas in any reform, that of the policies to be applied to the period of adolescence and youth, between primary education and work or higher education. To coin a phrase, **secondary schools cut rather a sorry figure in educational thinking**. They are the target of considerable criticism and they provoke a considerable amount of frustration.”(p. 24)*

*“In general, however, if after the essential step forward taken by the Jomtien conference on basic education one had to point to an **emergency situation**, it would be to **secondary education** that we would turn our attention, given that **the fate of millions of boys and girls is decided between the time they leave primary school and the time they either start work or go on to higher education**. This is where the crunch comes in our education systems, either because those systems are too elitist or because they fail to come to terms with massive enrolments because of inertia and total inability to adapt.” (p. 30). (emphasis added)*

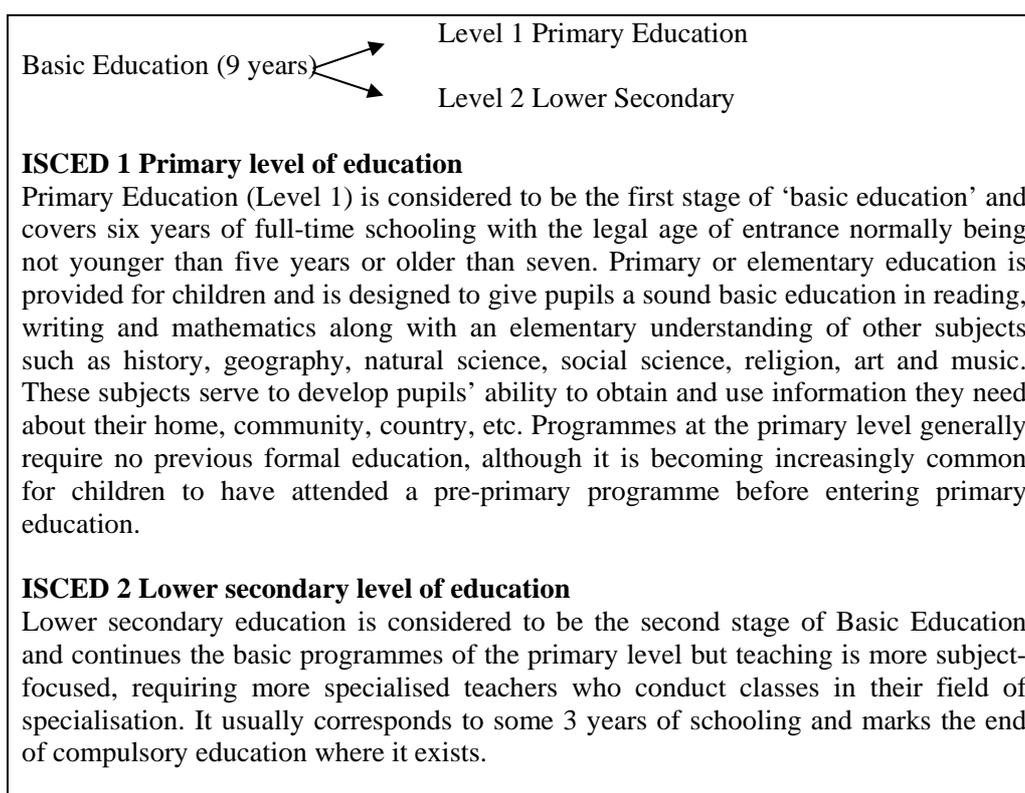
5. ISCED (revised, 1997)

According to the International Standard Classification of Education (ISCED)⁷, ‘levels’ of education relate to stages of learning experiences. The classification of levels is carried out with a

⁷ A classification system designed as an instrument suitable for assembling, compiling and presenting comparable indicators and statistics of education both within individual countries and internationally. This

framework within which the education system is considered as a whole and mainly based on educational content.

It is not always easy to distinguish between one level of education and another since content and curricula vary from country to country. According to ISCED **Basic Education** corresponds to the **first 9 years of formal schooling** and is made of two levels distinguished as Levels 1 and 2. **Level 1 should correspond to primary education and Level 2 to lower secondary.** In cases where basic education is not divided into stages, Level 1 should correspond only to the **first six years of schooling while the remaining three years should correspond to lower secondary education.** (*emphasis added*)



From the above, it is clear that primary education and lower secondary education are understood as successive stages of basic education with the latter completing the former. There is not mention to whether education should be provided free of charge but it is accepted as the stages when education can be compulsory, covering the entire basic education cycle, starting at the beginning of primary education and ending at the end of lower secondary education.

6. World Education Report (2000)

An attempt to analyse the type and level of education the right to education refers to and to identify the different terms used to describe the first stage(s) of formal schooling has been made

system was introduced in 1976, and revised in 1997.

http://www.uis.unesco.org/ev_en.php?ID=5069_201&ID2=DO_TOPIC

in the 2000 World Development report, published by UNESCO. A detailed account of how Article 26 of the Universal Declaration of Human Rights came to be written is also provided. There is also an overview of the historical evolution of terms: fundamental education > literacy > learning needs. There is no indication as to why each term is preferred in each declaration/text etc. or a clear definition/indication regarding the level or scope this education should cover.

6.1 Fundamental education

‘Fundamental education’, a term not so much in use today, became more widely known with its use by the Preparatory Commission of UNESCO⁸ in 1946 which proposed provisions for work in this field. It was also included in the Universal Declaration of Human Rights particularly referring to the educational needs of illiterate adults who did not receive a full elementary education when they were at school going age.⁹ Although there was great ambiguity around the term it was generally accepted to mean an education that would provide for “*the acquisition of literacy and the other essential skills, knowledge and values needed for full participation in society*” (Box 2.1).¹⁰

Fundamental education was considered as and focused mainly on the “*minimum*” or “*basic amount*” of education that should be provided for everyone. It was broadly understood as community education including adult literacy programmes, agricultural and health training. ‘*Primary schooling*’ could serve as ‘*one firm institutional basis for fundamental education*’ together with community centres. The two were considered as two aspects of ‘popular education’ included in the constitution of UNESCO. The notion of ‘adult education’ progressively extended to include literacy and the learning needs of illiterate adults. ‘Adult education’ was a better established term and there was not much space left for the separate notion of ‘fundamental education’. About a decade later, the term started to fade out as the emphasis was placed on fighting illiteracy. (*emphasis added*)

Fundamental Education: emphasis on ‘the pressing needs and problems of the community’

Basic Education (half a century later): preparation of lifelong learning

6.2 Elementary Education

The term ‘elementary education’ was less ambiguous as it was better known internationally when the Universal Declaration of Human Rights was proclaimed. It referred to **the first level of formal education**. While the duration and contents of elementary education varied greatly among countries, it was broadly accepted as **primary schooling** aiming to provide for more than just the simple acquisition of literacy and numeracy.

⁸ Composed of representatives from countries involved in the establishment of UNESCO and had the task of drawing a proposed plan of work for the Organization.

⁹ See Appendix I, pages 97–99.

¹⁰ UNESCO (1946). Report of a Special Committee to the Preparatory Commission of UNESCO. UNESCO (1947). Fundamental Education: Common Ground for All Peoples. p. 12

The implementation of free and compulsory education was not perceived at the time as particularly difficult to implement if political will could be secured. In the about 50 Member states of the UN at the time there were already existing constitutional and legislative requirements and in certain countries education was compulsory beyond the primary stage/level. Between 1950 and 1970, enrolments to primary education bumped up all over the world, due to increasing social demand paired with political commitment. The three regional conferences on Free and Compulsory education organized by UNESCO in Bombay (1952), Cairo (1955), and Lima (1956) adopted a realistic position suggesting a gradual implementation of compulsory education. Also, a common acceptance was that schooling could not be made compulsory unless it was available and free of costs for the learner.

Although the World Education Report 2000 cautions that, as used in the Universal Declaration of Human Rights, 'elementary education' "*did not intend to refer to any particular stage or level in the systems of formal education that were then in existence. It broadly meant an education that would give all children a good start in life*" it also acknowledges that the '*concept of 'elementary education' itself was broadly understood in most countries to mean primary schooling*. In this sense it can be related to 'basic education'.

Although there seemed to be a great difference regarding the duration and the content of elementary education among countries, its overall aim was to go beyond the simple acquisition of literacy and numeracy skills. As back as 1961, the World Survey of Education by UNESCO, refers to the increasing acceptance of an "*integral view of education which leads to the abolition of the former sharper distinctions*". Thus, '**primary schooling**' and '**secondary schooling**' were more and more regarded as "*successive phases of a continuing process that cannot be sharply distinguished except arbitrarily and by doing violence to the real continuity of growth and education*".¹¹

The expansion of education in the decades that followed was not accompanied by similar expected achievements in learning outcomes. Lack of qualified teachers, books and other learning materials seriously compromised the quality of education provided. Thus the concern moved from 'schooling' to a 'learning-centred' notion of education. By 1970s this notion has moved towards the fulfilment of what came to be called 'basic learning needs'. The term of 'basic learning needs' was preferred to the rather controversial concept of 'minimum essential learning needs' proposed by the International Council for Educational Development (ICED) in 1973. This idea of limiting learning needs to a 'minimum' to be met with a 'minimum package' of knowledge and skills seemed to imply a limitation to the right to education.

Until the 1980s, the term was internationally preferred and was adopted by the World Conference on Education for all in 1990 together with basic education that aimed to meet these basic learning needs. Since then, as the World Education Report 2000 reports, the notion of '**basic education**' was generally understood to '**overlap**' with the earlier notions of '**fundamental**' and '**elementary education**' as used in the Universal Declaration of Human Rights. But the report argues that "*there does not exist an internationally agreed text that actually says so. In so far as there is such an overlap, it can plausibly be argued that the spirit of the Declaration requires that basic education too 'shall be free', just like 'elementary and fundamental education'.*"

The argument made is that the Declaration does not refer to the term 'elementary' per se but to the kind of education that reflects the notion of 'basic learning needs' and that these needs change over time. This is firstly acknowledged in the Framework for action of the World Conference on

¹¹ UNESCO (1961). World Survey of Education. Vol. III.

Education, in 1990. More specifically goal 2: “*Universal access to, and completion of, **primary education** (or whatever higher level of education is **considered as "basic"**) by the year 2000*”.... Therefore, instead of accepting ‘elementary education’ as a complete level of education in itself, it began to be considered as the first (or ‘basic’) phase of a continuous learning process.

At the same time, by acknowledging ‘basic learning needs’ and the obligation through the right to education that these needs are met for everyone, it naturally gives rise to the question of **identifying** these needs, in terms of decision makers, content and learners.

6.3 Basic Education

The terms ‘elementary’ and ‘fundamental education’ have come to be replaced by the notion of ‘basic education’¹² designed to meet basic learning needs. Instead of suggesting the notion of ‘minimum’ education, it is considered as the ‘**basis**’ for lifelong learning (for children, youth or adults).¹³ In 1990s, with the Declaration of the World Conference on Education for All, ‘basic education’ came to represent a more expanded notion; it becomes “the foundation of lifelong learning”.

It can be understood that elementary education and basic education have the same scope. Therefore, we can accept that the term ‘basic education’ today is the equivalent to the term ‘elementary education’ which was actually used in the Universal Declaration of Human Rights. At the same time there is a shift of emphasis **from education to learning**.

6.4 Primary Education or Basic learning needs?

The main difference is that ‘fundamental education’ places emphasis on the ‘pressing needs and problems of the community’ while ‘basic education’ on preparation for ‘lifelong learning’. But the diverse, multifaceted and ever-changing nature of basic learning needs of all learners requires a constant redefinition of the scope of basic education to include the following components, according to the document ‘Broadening the means and scope of basic education’ from the World Conference on Education for All, Meeting Basic Learning Needs, as included in the table below:

*Table: Basic learning needs. Source: World Declaration on Education For All*¹⁴

¹² UNESCO (2000). World Education Report 2000. Paris,

¹³ Source: World Conference on Education for All, Meeting Basic Learning Needs, Jomtien, Thailand, 1990, World Declaration on Education for All, Article 1, New York, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, 1990.

¹⁴ ‘Broadening the means and scope of basic education’ Source: World Conference on Education for All, Meeting Basic Learning Needs, Jomtien, Thailand, 1990, World Declaration on Education for All, Article 5, New York, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, 1990. <http://www.unesco.org/education/wef/en-conf/Jomtien%20Declaration%20eng.shtm>

- Learning begins at birth. This calls for early childhood care and initial education. These can be provided through arrangements involving families, communities, or institutional programmes, as appropriate.

- The main delivery system for the basic education of children outside the family is primary schooling. Primary education must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs, and opportunities of the community. Supplementary alternative programmes can help meet the basic learning needs of children with limited or no access to formal schooling, provided that they share the same standards of learning applied to schools, and are adequately supported.

- The basic learning needs of youth and adults are diverse and should be met through a variety of delivery systems. Literacy programmes are indispensable because literacy is a necessary skill in itself and the foundation of other life skills. Literacy in the mother tongue strengthens cultural identity and heritage. Other needs can be served by: skills training, apprenticeships, and formal and non formal education programmes in health, nutrition, population, agricultural techniques, the environment, science, technology, family life, including fertility awareness, and other societal issues.

-All available instruments and channels of information, communications, and social action could be used to help convey essential knowledge and inform and educate people on social issues. In addition to the traditional means, libraries, television, radio and other media can be mobilized to realize their potential towards meeting basic education needs of all.

Since the Jomtien Conference, the scope of 'basic education' has also been understood to include the 'basic learning needs' of young children before they reach school-going age 'early childhood care and initial education' while there has been an effort to include children with special educational needs in regular schools.

In prescribing that 'Elementary education shall be compulsory', it was arguably the original intent of the Universal Declaration of Human Rights that all young people should complete an education that would satisfy what today are called their 'basic learning needs', and not just an education that might happen to be called 'elementary'. This in effect was the position taken by the Framework for Action adopted by the World Conference on Education for All in proposing the target of 'Universal access to, and completion of primary education (or whatever higher level of education is considered as 'basic') by the year 2000'.

An account of the drafting of the Universal Declaration of Human Rights is given in the World Education Report 2000 (pp. 93-107) in an effort to shed light to the discussions and arguments that preceded the drafting of the declaration in relation to education. The analysis aimed to explain the meaning behind every word choice and also how and why one term was preferred to another.

The initial term used for free and compulsory was 'primary education' but members of the drafting committee proposed either 'elementary' or 'fundamental' education as it was felt that they better conceived the notion of 'basic education'. Also a distinction between '**elementary**'

and **'fundamental education'** was made due to different understandings of these two notions among the members of the drafting committee. Although they referred to the equivalent of 'basic' education, both terms had to be kept as there was no agreement as which of the two should be used. Eventually, and by the method of vote, both concepts were kept with 'elementary' meaning basic education for children while 'fundamental' was understood as basic education for adults.

These points to the fact that the choice of words and concepts were context specific according to the meaning they had at the time of their use. In order to better understand what each term meant at that time or would mean today, there is a need to have a context specific understanding of the use of these terms. (*emphasis added*)

7. World Education Forum, Dakar Framework for Action, EFA (2000)

EFA Goal 2

Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete **free and compulsory primary education** of good quality.

Although the wording in the goal refers to **'primary education'**, the supplementary paragraphs 32 and 33 refer to **'basic education'** as if the two terms were the same thing (inter-exchangeable). The term 'basic education' is the most frequently used in the descriptive text of the Framework. It is mainly used to refer to education that would respond to basic learning needs for all ages but it is not related to a specific structural level of education. Moreover, 'basic education' is the term used throughout the descriptive text for 'Strategies' while 'primary education' is only used in relation to statistics (enrolment/completion or drop-out rates) and UPE, with the exception of the following extract: "*Funding agencies should allocate a larger share of their resources to support **primary and other forms of basic education.***"

Although the goal is supplemented with a descriptive text that children should have **access to any level of education considered as 'basic'**, the concept **'free' and compulsory'** are only used in conjunction with **'primary education'**. "*32. All children must have the opportunity to fulfil their right to quality education in schools or alternative programmes **at whatever level of education is considered 'basic'**. All states must fulfil their obligation to offer **free and compulsory primary education** in accordance with the United Nations Convention on the Rights of the Child and other international commitments.*"

EFA Goal 5

Eliminating gender disparities in **primary and secondary** education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in **basic education** of good quality;

The term 'secondary' appears only in relation to the goal of gender equality. The term is differentiated from primary education with reference to the 2005 target on gender parity but regarding the 2015 target on gender equality the term 'basic education' is used instead. In other cases, the use of the term 'secondary education' is related to the world of work force. It is not clear if it is to be assumed that 'secondary education' is consequently differentiated from basic education or whether the terms primary and secondary are merged into and replaced by 'basic education' or if the three terms have distinct meanings altogether. (*emphasis added*)

8. Millennium Development Goals (MDGs) 2000

Table: UPE. Source: MDGs

MD Goal 2

“Achieve Universal Primary Education”

Ensure that all boys and girls complete a full course of primary schooling.

The term used in MDGs is ‘primary education’. Though there is little additional text that gives more information, the explanatory note refers to ‘primary schooling’ implying formal education. There is no reference to the level or scope that primary education should cover or to any modalities or frameworks for its provision (free or compulsory).

9. EFA Global Monitoring Report 2008

The EFA Global Monitoring Report 2008 (GMR) makes extensive reference to basic education acknowledging both the increasing importance it has acquired over the past decades but also the gap in defining ‘basic education’. It cites “*EFA since 2000 has been affected by developments within education: ...growing attention to basic education (though not universal agreement on what the term ‘basic’ means)*”. More specifically, in its first chapter, GMR refers to basic education as “a central policy concern” which has gained significant attention since 1970 and especially after Jomtien and Dakar. Referring to the International Standard Classification of Education (ISCED), the Dakar Framework but also the OECD-DAC, it acknowledges the growing tendency to understand basic education to encompass pre-primary, primary education, programmes for youth and adults, *‘that makes basic education “a synonym for the broad EFA agenda”*’. Supporting the findings of this current paper, the GMR reports an increasing number of countries, especially from the developing world, that use the term ‘basic education’ in official literature: 14% by end of 1970s > 38% by the 1990s > to the amount of 63% between 2000 – 2006. The GMR also confirms the increasing trend for countries’ commitments to “*the universalization of a cycle beyond primary education*”.

Likewise, it reports the inconsistency in the duration cycle of basic education in these countries. Drawing from a UNESCO-IBE background paper for the GMR titled “*Pre-service training programmes for ‘basic education’ teachers: an initial exploration of minimum qualification standards worldwide*” it indicates that 48% of the countries refer to basic education which is of nine years of schooling; 20% of ten years, 11% of eight years, while in the rest of the countries basic education consists of either seven or fewer years or eleven or more years.

Regarding the definition of basic education, the table below that has been taken directly from the GMR, synthesizes the results of an analysis of 113 national definitions of basic education in relation to the formal education system. It shows that, “*in two-thirds of the countries, the term follows the ISCED and covers primary and lower secondary education (Table 1.5). In the remaining third, the term is equivalent to primary education only or to primary plus some preprimary or secondary education.*”

Table 1.5: National definitions of basic education

Basic education definitions (number of countries)	Countries
Primary education only (8)	Cape Verde, Ethiopia, Guinea-Bissau, Haiti, Maldives, Mozambique, Nicaragua, Portugal
Primary education plus at least one year of pre-primary education (17)	Albania, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Democratic Republic of the Congo, Djibouti, Ecuador, Guinea, Macao (China), Mexico, the Niger, Panama, Tunisia, Zimbabwe
Primary education plus lower secondary and at least one year of upper secondary education (7)	Argentina, Brazil, Republic of Korea, Oman, Philippines, Slovenia, Saint Lucia
Primary education plus some pre-primary and lower secondary and some upper secondary education (5)	China, Kenya, Myanmar, Peru, Thailand
Primary and lower secondary education (76)	Remaining countries which use the term basic education

Source: UNESCO-IBE (2007a).

As the most recent internationally valid policy document examined in this paper, the 2008 EFA GMR reports the constantly growing importance attached to 'basic education' reflected in increased will and commitment on behalf of the counties to increase budgetary allocations for and expand the cycle of their basic education systems, an increased aid flowing to basic education by external partners, as well as a simultaneous concern over the quality of education provided. At the same time, it is probably the first document after the World Education Report 2000 to acknowledge the fact that the increased attention to basic education worldwide has not been matched by an improved understanding of its meaning, in terms of duration, scope or content.

Table: Linguistic terms used in each text

	Document	Level of education/Term used	Free	Compulsory
1	UNESCO Constitution (1945)	Popular education	✗	✗
2	Universal Declaration of Human Rights (1948)	Elementary Fundamental	✓	✓
3	World Conference on Education for All, Jomtien 1990 Refer. to Universal Declaration of HR	‘basic learning needs’ ‘renewed commitment to basic education’ Primary education (as basic education for children) ‘(or whatever higher level of education is considered as “basic”)’	✗	✗
4	ISCED (revised 1997)	Basic Education: a) 1 st stage or Primary	✗	✓ (beginning of compulsory)
		b) 2 nd stage or Secondary	✗	✓ (end of compulsory)
5	World Education Report 2000	Analysis of several international declarations and instruments: pinpoints to the inconsistency of terms used in each. Evolution of fundamental, elementary, basic education	-	-
6	Learning: The Treasure Within: Report to UNESCO of the International Commission on Education for the Twenty-first Century. Highlights (1996)	Adopts the Jomtien framework Primary education - as basic education for children	✗	✗
7	World Education Forum, Dakar, 2000	Primary Education	✓	✓
		“32. All children must have the opportunity to fulfil their right to quality education in schools or alternative programmes at whatever level of education is considered ‘basic’.”	✗	✗
8	MDGs (2000)	Primary Education	✗	✗
9	EFA Global Monitoring Report 2008	Basic Education <i>(Primary Education considered as part of Basic Education)</i>	-	-

Table: Historical evolution of terms: Fundamental education > Literacy > Learning needs

Time Period	Term	Explanation
late 1940s - early 1960s	Fundamental education	- the eradication of illiteracy is the main focus - simultaneous demands for the expansion of 'elementary education'
mid-1960s - late 1970s	Functional literacy Elementary Education	- an extended notion of illiteracy to include 'functional illiteracy' - great expansion of 'elementary education'
early 1980s - to date	Learning Needs Basic Education Basic Learning Needs	- 'functional literacy' regarded as an aspect of the term 'learning needs' - 'elementary education' is now considered to be part of 'basic education' which is intended to meet 'basic learning needs'

II. PART B: KEY NORMATIVE AND LEGAL TEXTS

The right to basic education as such is not reflected in the international treaties and conventions in the field of education.¹⁵ However, the right to education has been interpreted as part of the EFA process in a way so as to recognize the significance of basic education as a fundamental human right. The importance of basic education was acknowledged at the World Conference on Education for All (Jomtien, Thailand, 1990)¹⁶ and it was reaffirmed at the World Education Forum (2000). The Dakar Framework for Action uses both primary education and basic education. Basic education is the main thrust of EFA. The term ‘elementary education’ is employed by the *Universal Declaration of Human Rights*, and the term ‘fundamental education’ is used in the *International Covenant on Economic, Social and Cultural Rights*. States Parties to the Covenant recognize the right of everyone to education (Article 13 (1), and undertake that with a view to achieving the full realization of this right, “Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.” (Article 13 § 2 d).

As a result of UNESCO’s active participation in the work of CDESCR, importance is attached to the right to basic education for all. The General Comment No. 13 on the Right to Education (Article 13 of the Covenant) refers to the basic education in the context of state obligation for providing primary education. Political commitments to basic education have been reiterated¹⁷ as part of EFA process, and high political significance has been attached to the right to basic education.¹⁸ As a result of UNESCO’s close collaboration, the monitoring function of CDESCR focuses on the *right to basic education*. This is reflected in the dialogue CDESCR maintains with the States parties to the International Covenant on Economic, Social and Cultural Rights.

However, there is no internationally accepted definition of basic education and of its legal elements along which, its implementation can be monitored. In order to elaborate an *operational definition of the basic education*, it is pertinent to draw upon national approaches. Such definition should take into account both the international normative action as well as constitutional provisions and national legislation. The right to basic education is provided for the constitution in many countries. For instance, Article 29 § 1 of the constitution of the Republic of South Africa,

¹⁵ The *Hamburg Declaration on Adult Learning* (1997) in its *Agenda for the Future* sets out commitment to develop adult learning, as well as a series of commitments on important themes such as “ensuring universal right to literacy and basic education.”

¹⁶ Recalling that “education is a fundamental right for all people, women and men of all ages, throughout our world”, the *World Declaration on Education for All* adopted at the Conference stipulates that “Basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparity” (Article 3). The Declaration provides that “Every person – child, youth and adult – shall be able to benefit from educational opportunities designed to meet their basic learning needs.”

¹⁷ Thus, in the Declaration adopted by the E-9 Ministerial Review Meeting, in Recife, Brazil, (31 January-2 February 2000) on the eve of the World Education Forum (2000), the E-9 countries underlined the need for a new visionary agenda for the new millennium that will reaffirm “basic education as a human right’. To that end, they called for “effecting changes in legislation to extend basic education and to include education for all in policy statements; (...) ensuring access and equity for population located in inaccessible areas”.

¹⁸ Governments’ responsibility for providing basic education for all in the pursuit of EFA goals has been underlined in the Joint Statement of 26 April 2002 made by UNDP and the World Bank UNFPA, UNICEF on the occasion of the second Dakar anniversary of the World Education Forum: “Governments have the responsibility of providing basic education for all. Access to education is a fundamental human right. Millions of people legitimately expect to have access to quality education (...).”

adopted in 1996, entitled '*Education*' provides that "Every one has the right to (a) a basic education, including adult basic education; and (b) to further education, which the state, through reasonable measures, must make progressively available and accessible". 'Further education' can be interpreted to denote lifelong and continuing education.

This has important implications at different levels:

- Difficulty in monitoring progress of the provision of basic education;
- Absence of clearly set conceptual and policy frameworks defining the scope, content and purpose of basic education in an international perspective, regardless of different national contexts.

The identified inconsistency in or lack of defining 'basic education' in the various international instruments that have been examined on human rights, in general and the right to education in particular, reflects the context-bound meaning attached to education at the time and space each of these instruments were conceived and written.

As a reflection of the change in perceiving education over time, different texts emphasize different aspects of the right to education. While recognizing the necessity for having a clear definition of basic education for monitoring purposes, it is important to bear in mind nature and purpose of education. UNESCO has been requested to define basic education for monitoring purposes but it does not necessarily seek to create and promote a standard or universal model for all countries to adopt. The emphasis will rather be on developing a framework for understanding basic education. UNESCO promotes education as a human right but in order for UNESCO to convince countries to invest in Education for All (EFA), it needs to be ensured that it advocates for education which is worth investing in and it is to the benefit of the individual and the country, while staying away from prescriptive models.

1. International Framework

	<u>Level of education</u>	Free	Compulsory
<p>Article 26 of the Universal Declaration of Human Rights, 1948</p> <p>Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.</p>	<p>Elementary Fundamental</p> <p>Technical and vocational</p> <p>Higher</p>	<p>x x</p>	<p>x</p>
<p>Convention against Discrimination in Education, 1960</p> <p><i>Article 4</i> The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:</p> <p>(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law</p> <p>(b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;</p> <p>(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary</p>	<p>Primary</p> <p>Secondary</p> <p>Higher</p>	<p>x</p>	<p>x</p>

<p>education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;</p> <p>(d) To provide training for the teaching profession without discrimination.</p>			
<p>International Convention on the Elimination of All Forms of Racial Discrimination, 1965</p> <p><i>Article 5</i> States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (v) The right to education and training</p>			
<p>Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, 1966</p> <p><i>Article 13</i> 2. (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;</p> <p><i>Article 14</i> Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive</p>	<p>Primary</p> <p>Secondary</p> <p>Fundamental</p>	<p>x</p> <p>x (Progressive introduction)</p>	<p>x</p>

<p>implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.</p>			
<p>Recommendation concerning the Status of Teachers, 1966</p> <p>In so doing, the competent authorities should take account of the consequences for teachers of the following principles and objectives:</p> <p>(a) it is the fundamental right of every child to be provided with the fullest possible educational opportunities; due attention should be paid to children requiring special educational treatment;</p> <p>(b) all facilities should be made available equally to enable every person to enjoy his right to education without discrimination on grounds of sex, race, colour, religion, political opinion, national or social origin, or economic condition;</p> <p>(c) since education is a service of fundamental importance in the general public interest, it should be recognized as a responsibility of the State, which should provide an adequate network of schools, free education in these schools and material assistance to needy pupils; this should not be construed so as to interfere with the liberty of the parents and, when applicable, legal guardians to choose for their children schools other than those established by the State, or so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions which conform to such minimum educational standards as may be laid down or approved by the State;</p>	<p>Special education</p>	<p>×</p>	
<p>Recommendation on the Development of Adult Education, 1976</p> <p>Considering that the access of adults to education, in the context of life-long education, is a fundamental aspect of the right to education and facilitates the exercise of the right to participate in political, cultural, artistic and scientific life,</p>	<p>Life-long education</p>		

<p>4. Each Member State should: (a) recognize adult education as a necessary and specific component of its education system and as a permanent element in its social, cultural and economic development policy; it should, consequently, promote the creation of structures, the preparation and implementation of programmes and the application of educational methods which meet the needs and aspirations of all categories of adults, without restriction on grounds of sex, race, geographical origin, age, social status, opinion, belief or prior educational standard;</p>			
<p>Convention on the Elimination of All Forms of Discrimination against Women, 1979</p> <p><i>Article 10</i> States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women :</p> <p>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (g) The same Opportunities to participate actively in sports and physical education; (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</p>	<p>Pre school</p> <p>General</p> <p>Technical</p> <p>Higher technical</p> <p>Professional</p> <p>Vocational</p> <p>Continuing</p> <p>Adult and functional literacy</p>		

<p>Article 14</p> <p>States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</p> <p>d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</p>	<p>Formal and non-formal education</p>		
<p>Convention on the Rights of the Child, 1989</p> <p>Article 28</p> <p>1. 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:</p> <p>(a) Make primary education compulsory and available free to all;</p> <p>(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;</p> <p>(c) Make higher education accessible to all on the basis of capacity by every appropriate means;</p> <p>(d) Make educational and vocational information and guidance available and accessible to all children;</p>	<p>Primary</p> <p>Secondary= General and vocational</p> <p>Higher</p>	<p>x</p> <p>x</p>	<p>x</p>
<p>Convention on Technical and Vocational Education, 1989</p> <p>Article 2</p> <p>3. The Contracting States shall guarantee that non individual who has attained the</p>			

<p>educational level for admission into technical and vocational education shall be discriminated against on grounds of race, colour, sex, language, religion, national or social origin, political or other opinions, economic status, birth, or on any other grounds. The Contracting States shall work towards the right to equal access to technical and vocational education and towards equality of opportunity to study throughout the educational process.</p>	<p>Technical and vocational</p>		
<p>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990</p> <p>Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.(Part III, Art 30)</p> <p>Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to: a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned; b) Access to vocational guidance and training institutions and services, provided that requirements for participation are met;</p> <p>(Part IV, Art.45)</p>	<p>Pre school Schools</p> <p>Vocational Training</p>		

<p>The Salamanca Statement and Framework for Action on Special Needs Education, 1994</p> <p>2. We believe and proclaim that: every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning, [...] those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting these needs, [...]</p> <p>3. We call upon all governments and urge them to: [...] adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise, [...]</p> <p>12. Because in the past relatively few children with disabilities have had access to education, especially in the developing regions of the world, there are millions of adults with disabilities who lack even the rudiments of a basic education. A concerted effort is thus required to teach literacy, numeracy and basic skills to persons with disabilities through adult education programmes.</p>	<p>Special education needs</p> <p>Inclusive education</p> <p>Basic education</p> <p>Adult education</p>		
--	---	--	--

<p>The Hamburg Declaration on Adult Learning</p> <p>Hamburg, 14-18 July 1997</p> <p>3. Adult education denotes the entire body of ongoing learning processes, formal or otherwise, whereby people regarded as adults by the society to which they belong develop their abilities, enrich their knowledge, and improve their technical or professional qualifications or turn them in a new direction to meet their own needs and those of their society. Adult learning encompasses both formal and continuing education, non-formal learning and the spectrum of informal and incidental learning available in a multicultural learning society, where theory- and practice-based approaches are recognized.</p> <p>9. Basic education for all means that people, whatever their age, have an opportunity, individually and collectively, to realize their potential. It is not only a right, it is also a duty and a responsibility both to others and to society as a whole. It is essential that the recognition of the right to education throughout life should be accompanied by measures to create the conditions required to exercise this right. The challenges of the twenty-first century cannot be met by governments, organizations or institutions alone; the energy, imagination and genius of people and their full, free and vigorous participation in every aspect of life are also needed. Youth and adult learning is one of the principal means of significantly increasing creativity and productivity, in the widest sense of those terms, and these in turn are indispensable to meeting the complex and interrelated problems of a world beset by accelerating change and growing complexity and risk.</p>	<p>Adult education Includes:</p> <p>Formal and continuing education Non formal</p> <p>BASIC EDUCATION includes:</p> <p>Education throughout life</p> <p>Youth and adult learning</p>		
---	--	--	--

<p>Worst Forms of Child Labour Convention, 1999</p> <p>Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families,</p> <p><i>Article 7</i></p> <p>2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:</p> <p>(c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;</p>	<p>BASIC EDUCATION</p> <p>Vocational</p>	<p>✘</p> <p>Wherever possible and appropriate</p>	
<p>Revised Recommendation concerning Technical and Vocational Education, 2001</p> <p>7. Technical and vocational education should begin with a broad base which facilitates horizontal and vertical articulation within the education system and between school and the world of work, thus contributing to the elimination of all forms of discrimination, and should be designed so that it:</p> <p>(a) is an integral part of everyone’s basic general education in the form of initiation to technology, the world of work, and human values and standards for responsible citizenship;</p>	<p>Technical and vocational education= part of basic general education</p>		

<p>Jakarta Declaration The International Conference on The Right to Basic Education as a fundamental Human Right and the Legal Framework for its Financing Jakarta, Indonesia, 2-4 December 2005</p> <p>Bearing in mind increasing evidence that the right to education is a prerequisite for the defense and enjoyment of all other human rights, and degree to which education is instrumental for enhancing democracy and social and cultural development, and recognizing education, especially basic education, as a public good:</p> <p>II. We recommend to UNESCO, to the Office of the High Commissioner for Human Rights, and to the intellectual community (i) to undertake in a comparative perspective the analysis of provisions on the right to basic education in constitution and laws, (ii) to highlight the ‘best practices’ for promoting basic education in the countries whose Constitutions or laws contain provisions and implement the right to basic education, (iii) to conduct reflection for providing operational definition of basic education universally accepted, on the basis of which this right can be monitored.</p> <p>We urge States (i) to provide for the right to basic education in the constitutions and in laws, with a focus on EFA, and (ii) to take measures for its effective implementation, taking into account the legal culture and government priorities. We recommend that in order to inform world community about good practices, UNESCO in cooperation with the European Association for Education Law and Policy (ELA) should be encouraged to create a data bank on the right to education, including the constitutions, legislation and policy plans. It is also important to prepare a glossary of educational legislation.</p>	<p>BASIC EDUCATION</p>		
---	----------------------------	--	--

2. Regional Framework

2.1 REGIONAL LEVEL FRAMEWORK ON BASIC EDUCATION IN AFRICA

- *African Charter on Human and Peoples' Rights (1981)*

Article 17

1. Every individual shall have the right to education.

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

Article 11: Education

1. Every child shall have the right to an education.

3. States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:

(a) **Provide free and compulsory basic education;**

- *African Youth Charter (2006)*

Article 13: Education and Skills Development

1. Every young person shall have the right to education of good quality.

2. The value of multiple forms of education, including formal, non-formal, informal, distance learning and life-long learning, to meet the diverse needs of young people shall be embraced.

4. States Parties shall take all appropriate measures with a view to achieving full realisation of **this right and shall, in particular:**

a) **Provide free and compulsory basic education** and take steps to minimise the indirect costs of education;

b) Make all forms of secondary education more readily available and accessible by all possible means including progressively free;

c) Take steps to encourage regular school attendance and reduce drop-out rates;

d) Strengthen participation in and the quality of training in science and technology;

e) Revitalise vocational education and training relevant to current and prospective employment opportunities and expand access by developing centres in rural and remote areas;

f) Make higher education equally accessible to all including establishing distance learning centres of excellence;

g) Avail multiple access points for education and skills development including opportunities outside of mainstream educational institutions e.g., workplace skills development, distance learning, adult literacy and national youth service programmes;

h) Ensure, where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education;

i) Allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning;

l) Introduce scholarship and bursary programmes to encourage entry into post-primary school education and into higher education outstanding youth from disadvantaged communities, especially young girls;

- **Durban Statement of Commitment, MINEDAF VII, 1998**

5. We have reviewed progress in **basic education** since the 1990 Jomtien World Conference on Education for All and the Amman Mid-Decade Meeting of the International Consultative Forum on Education for All, to whose goals we remain committed. We recognise that access to **basic education** must include access to early childhood programmes, and, in countries with near-universal participation, access to secondary education, paying adequate attention to the needs of disadvantaged groups. We resolve to reach these groups by designing and expanding formal, non formal and distance delivery systems, tailoring and targeting programmes specifically to reach them and meet their needs, for example through the development of intensive skills training programmes for marginalised youth.

- **Dar-Es-Salaam Statement of Commitment, MINEDAF VIII, 2002**

7. Given that education is a right and an obligation for all citizens, men and women alike, the Conference underscores the urgency of engaging in a process of educational renewal for the promotion of good-quality education for all, and in particular, good-quality basic education, taking into account the key challenges to be met. This education should be predicated on the principle “The Education to build the new Africa”.

Actions

(b) Universalization of good-quality basic education for children and young people

- (i) to accelerate and expand access to primary education through diversified delivery systems and partnerships with multiple providers;
- (ii) to accelerate the enrolment of girls and other deprived children in underprivileged areas, particularly in rural areas;
- (iii) to support the establishment of the International Centre for the Education of Girls and Women in Africa (CIEFFA), a tool for the strengthening of partnerships and synergies in the field of girls’ and women’s education;
- (iv) to integrate non-enrolled or drop-out children in school before the end of obligatory schooling by offering them suitable and qualifying education (such as non-formal education);
- (v) to renovate curricula, taking into account the economic, social and cultural needs of the twenty-first century, and contemporary scientific and technological achievements;
- (vi) to promote innovations contributing to access to good-quality basic education, which helps to remove economic and cultural barriers;
- (vii) to strengthen community involvement in the management of schools, with regard to both the enhancement of contents and the management of resources;
- (viii) to improve teacher training in the light of the new guidelines, and to enhance teachers’ status, salary, living and working conditions. For good quality education, there is need for continuing training of teachers to improve their qualification;
- (ix) to improve the teaching/learning environment ;
- (x) to promote an inclusive and participatory approach in order to cater for special education needs;
- (xi) to include education as an integral part of the humanitarian response to natural and man-made disasters;

(xii) to ensure that countries in or emerging from crisis and conflict will receive coordinated assistance in implementing basic education for all, particularly, out-of-school children, child soldiers, war orphans and others.

- **Protocol on Education and Training (SADC) adopted in Blantyre, on 8 September 1997**

ARTICLE 5 CO-OPERATION IN BASIC EDUCATION: PRIMARY AND SECONDARY LEVELS

1. Member States hereby acknowledge that primary and secondary education provide the critical foundation upon which tertiary education is built and therefore it is important to improve and sustain the educational standards at primary and secondary levels.
2. Member States agree that the primary and secondary education curricula shall include material on SADC countries in order to promote consciousness about the community which in turn will lead to fuller awareness of the imperative and process of regional integration.
3. Member States hereby agree that in order to eradicate illiteracy, each Member State shall strive to provide universal basic education providing for at least nine years of schooling.
4. Member States agree that where necessary and appropriate but without prejudice to the normal admission requirements, socially disadvantaged groups shall be given special support in admission to basic education in order to balance access to education.
5. Member States acknowledge that **basic education** shall strive to provide life long skills.
6. Member States agree that whilst education at primary and secondary level shall continue to be largely the responsibility of each Member State, co-operation and mutual assistance is possible and shall take place in the following areas, amongst others-
 - (a) curriculum design and development to ensure provision of high quality and relevant basic education and to move the education systems towards comparability, harmonisation and eventual standardisation;
 - (b) joint development, provision and exchange of educational materials to improve the quality and relevance of education;
 - (c) exchange of experiences, ideas and information to broaden the knowledge base and skills of curriculum developers, teachers, trainers and education managers;
 - (d) development of national examinations and accreditation systems to move the education systems towards harmonised, equivalent, and eventually standardised certification.

- **Resolution of the Union of African Parliaments - Education and Population in Africa adopted in Nyamey, Republic of Niger, 22-23 August 1998**

6. RECOMMENDS that a greater effort be made in order to overcome illiteracy and promote **basic education** by providing the necessary financial resources, the appropriate teaching means and competent teachers.

7. CALLS ON governments to make primary education compulsory and free and **RECOMMENDS** the development of technical and professional training to absorb those who are excluded from the general education system and give all the opportunity to be inserted in the economic fabric.

- **RESOLUTION OF THE 29TH CONFERENCE, Bujumbura, November 2006: "The role of parliaments in the promotion of Education and Culture in Africa"**

3. Urges governments to establish national plans for education, training and upgrading, focusing particularly on:

- compulsory and free schooling for all children regardless of gender, including the orphans and disabled children,
- the inalienable right to Education for All (EFA)
- the drawing up of an effective policy against illiteracy particularly through the decentralization of education services
- renewing the education system by adapting it to the needs of the economy and of the job market
- the use of national languages from preschool education
- creating an institutional framework in charge of implementing and following up the education policy of the State
- improving the quality of education and upgrading the teacher as well as their condition of work,
- strengthening coordination between general education and vocational training.

- ***A Framework for Action in Sub-Saharan Africa: Education for African Renaissance in the Twenty-first Century (1999)***

Reaffirm that education is a basic right and a basic need for all African children, youth and adults, including those with disabilities, as recognized in the international instruments, including the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child and the recommendations of the Salamanca Conference (...)

Acknowledge that the **provision of basic education** must be transformed for inclusiveness, relevance and gender responsiveness and that efforts to improve the participation of girls and women in education, including affirmative action, must be intensified;

(...)

Expanding **basic education** and skills training for out-of-school children

- ***African Common Position on the Future of Children – Africa Fit for Children (2001)***

The Plan of Action prioritises children and youth. Any effective action depends upon resource allocation, domestically and internationally. Both the quality and quantity of available resources are important:

(...) **Education is non-negotiable. Free and compulsory basic education** is a responsibility that should be shouldered by all and provided free of any conditionality

IV. Realising the Right to Education

1. Education is a basic right that allows every child to develop to her or his fullest potential. To ensure the full realisation of this right, Governments should:
 - (a) Rededicate themselves to the realization of the OAU Education Decade goals and ensure coordination on Regional Economic Communities for the effective implementation of the goals;
 - (b) Commit themselves to the provision of quality, free and compulsory basic education. Governments must mobilize international donor community and financial institutions including the World Bank and the IMF to commit themselves to support this goal;
 - (c) Create partnerships with non-formal providers, civil society organization and the community in order to achieve the goal of free and universal education;
 - (d) Urgently address the challenge of providing relevant education tailored to national social and economic needs, current level of development while taking into account the forces of globalization;

- (e) Draw lessons from new models of education like the 'new basic school' movement now becoming common in the West African States which focus on skills and learning related to local culture and moral values, teaching in local language as well as civic education;
- (f) Take into account national needs, local realities, indigenous languages and knowledge, special learning needs of children with disabilities, girls, working children and children from nomadic communities, in curriculum development and in delivery of education;
- (g) Strengthen and involve communities in the mobilization of resources, management of schools, reconsider staffing in view of the toll HIV/AIDS has in the education system, review remuneration for teachers and ensure continuous teacher education;
- (h) Strengthen the teaching of science and the utilization of the new information and technologies as well as innovative teaching and learning approaches and methods;
- (i) Eliminate gender disparities in education by taking special measures to increase girls' access to schools, improve their participation and retention rates;
- (j) Strengthen vocational training programmes, introduce life skills and create other training opportunities for adolescents so as to gain employable skills and for self-development;
- (k) Ensure the integration of peace education, democracy, human rights, humanitarian law, sexuality education, health education and environmental protection in the education system;
- (l) Genocide being a crime against humanity, the education of genocide orphaned children should constitute mankind's concern. To this end, the United Nations, through UNICEF, should contribute to the financing of education of these children in countries where they exist.

2.2 REGIONAL FRAMEWORK ON BASIC EDUCATION IN ASIA AND THE PACIFIC

ASEAN

- **Ha Noi Plan of Action 1998**

PROMOTE HUMAN RESOURCE DEVELOPMENT

5.2 Strengthen the education systems in Member Countries by 2001 so that all groups of people, including the disadvantaged, can have equal **access to basic, general and higher education.**

- **DECLARATION OF ASEAN CONCORD II (BALI CONCORD II) 2003**

C. ASEAN SOCIO-CULTURAL COMMUNITY (ASCC)

3. ASEAN shall ensure that its work force shall be prepared for, and benefit from, economic integration by investing more resources for **basic and higher education**, training, science and technology development, job creation, and social protection.

- **Yangon 2000 Declaration on Preparing ASEAN Youth for the Challenges of Globalisation**

3. Promote access to education, functional literacy, numeracy, knowledge of basic science and life-long learning, and provide opportunities for employment and self-employment, thereby facilitating the integration of youth into the labour market;

- **Declaration of Principles to Strengthening ASEAN Collaboration on Youth Bangkok, 24 June 1983**

5. To create the opportunity that will enable all young persons to benefit from the educational programmes and activities at national and regional levels, to ensure access to education at every level and to make available technical and vocational training, to inculcate self discipline in society.

- **Final Report: 40th SEAMEO Council Conference 2005**

Education Initiative No. 3 The **Road Map for Upgrading Muslim Basic Education** is a special program for the comprehensive educational development of Muslim Mindanao and the Migrant Muslim Communities in the Philippines developed by the Department of Education with technical assistance provided by SEAMEO INNOTECH. The program's underlying principles include that of enabling the Muslim youth to have the intellectual and educational capacity to compete in the job market and in all areas of economic endeavor.

SAARC

- *SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)*

Article III-Guiding Principles

3. States Parties consider the UN Convention on the Rights of the Child as a comprehensive international instrument concerning the rights and well being of the child and shall, therefore, reiterate their commitment to implement it.

Article IV-Regional Priorities

2. Recognising basic services such as education, health care, with special attention to the prevention diseases and malnutrition, as the cornerstone of child survival and development, States Parties shall pursue a policy of development and a National Program of Action that facilitate the development of child. The policy shall focus on accelerating the progressive universalization of the child's access to the basic services and conditions.

- **SOCIAL CHARTER**

Article III

Poverty Alleviation

4. States Parties agree that **access to basic education**, adequate housing, safe drinking water and sanitation, and primary health care should be guaranteed in legislation, executive and administrative provisions, in addition to ensuring of adequate standard of living, including adequate shelter, food and clothing.

Article V

Education, Human Resource Development and Youth Mobilization

1. Deeply conscious that education is the cutting edge in the struggle against poverty and the promotion of development, States Parties re-affirm the importance of attaining the target of providing free education to all children between the ages of 6 - 14 years. They agree to share their respective experiences and technical expertise to achieve this goal.

- **Cooperation with UNESCO: Asia-Pacific Regional Forum for Lifelong Learning, Chiang Mai, Thailand, 8 – 13 September 2001**

Objectives:

To promote the exchange of experiences in **basic education and lifelong learning** among the countries of the region;

1. To identify effective community-based approaches to **basic education** and lifelong learning to reach EFA goals;

THE PACIFIC

- **THE PACIFIC PLAN endorsed by Leaders at the Pacific Islands Forum meeting in October 2005**

Sustainable Development [2]

7. Improved education and training
8. Improved gender equality
9. Enhanced involvement of youth

· Harmonisation of approaches in the education sector including: upgrading secondary curricula and examination systems (including for vocational training); standardising a regional leaving certificate; coordinating support for basic education through the Forum Basic Education Action Plan (FBEAP); and using the Pacific Regional Initiatives for the Delivery of basic Education (PRIDE) as a model

• **FORUM BASIC EDUCATION ACTION PLAN, AUCKLAND, 2001**

“**Basic education** as the fundamental building block for society should engender the broader life skills that lead to social cohesion and provide the foundations for vocational callings, higher education and life long learning. These when combined with enhanced employment opportunities create a higher level of personal and societal security and development.”

6. In adopting this Vision Ministers reaffirmed their commitment to the Dakar Education for All Framework for Action goals and noted the actions being taken at the national level for the development of strategic plans. These goals are:

- Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.
- Ensuring that by 2015 all children, with special emphasis on girls and children in difficult circumstances and from ethnic minorities, have access to and complete free and compulsory primary education of good quality.
- Ensuring that learning needs of all young people and adults are met through equitable access to appropriate learning and life skills
- Achieving a 50% improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing
- Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access to and achievement in basic education
- Improving all aspects of the quality of education and ensuring excellence for all, so that recognised and measurable learning outcomes are achieved, especially in literacy, numeracy and essential life skills.

7. In addition Ministers committed themselves to the following specific

- The promotion of different forms of secondary and vocational education.
- To review the curricula of training centres and non-formal education programmes to match skills taught (outcomes) with the requirements for employment and livelihood in the traditional subsistence economy.
- Develop non-formal education and work-based programmes in cooperation with civil society and the private sector.
- Promote the role of civil society in providing non-formal skills training.

2.3 REGIONAL FRAMEWORK ON BASIC EDUCATION IN ARAB REGION

COUNCIL OF THE LEAGUE OF ARAB STATES

- **Charter on the Rights of the Arab Child**

“We confirm and guarantee the child’s right for free education both in the pre-schooling, the **basic and compulsory education periods**. This is in consideration that education is the corner stone in the existing change and in acquiring trends, expertise and the capabilities with which he can encounter all new situations through renovated knowledge. This will enable him to assume discipline and discard all obsolete customs, thus developing practical and scientific notion, cogent appreciation, love for work and good performance. He will also be able to contribute positively in the daily life of his society and nation, while guaranteeing for himself a good standard of living, the right for continued education and benefit of free time, playing, sports and reading.”

ORGANIZATION OF ISLAMIC CONFERENCE

- **Covenant on the Rights of the Child in Islam**

Article 2

Objectives

4. To provide free, compulsory, primary and secondary education for all children irrespective of gender, color, nationality, religion, birth, or any other consideration to develop education through enhancement of school curricula, training of teachers, and providing opportunities for vocational training.

Article 12- Education and Culture

1. Every child has a right to free basic compulsory **basic education** by learning the principles of Islamic education (as well as belief and Shari’ a according to the situation) and to provision of the necessary means to develop his/her mental, psychological and physical abilities, to allow him/her to be open to the common standards of human culture.
2. States Parties to the present covenant shall provide:
 - a) Compulsory, free primary education for all children on an equal footing
 - b) Free and compulsory secondary education on a progressive basis so that, within ten years, it is made available to all children
 - c) Higher education, while observing the capability and interest of each child, in accordance with the education system in each State
 - d) The right to every child to wear clothes “compatible with her beliefs”, while complying with Islamic Shari’a, public etiquette, and modesty
 - e) Effective treatment of the problem of illiteracy, drop-outs and those who miss basic education

- **Draft Rabat Declaration on Child’s Issues in the Islamic World**

DECLARE our Commitment:

1. To respect and ensure the rights of each child in our societies without discrimination of any kind, irrespective of race, colour, sex, language, religion, political opinion or social status;

2. To adhere to the general principles of child rights, *inter alia*, the best interests of the child, non discrimination, participation, survival and development, which provide the framework for all action concerning children and adolescents alike;

EDUCATION

15. Call upon Member States to double their efforts to raise the quality of primary education and make it available, free and compulsory to all, and to progressively work towards making secondary, higher and vocational education and technical training generally available and accessible to all;

16. Reaffirm the commitment to achieve gender equality in education by 2015, in the light of the decisions and recommendations issued by conferences on education for all, with a focus on ensuring girls' permanent and equal **access to full basic education of good quality**;

17. Reaffirm the need to create a child friendly environment, in which they feel safe, are protected from abuse, violence and discrimination, and are healthy and encouraged to learn; as well as the need to ensure that education programmes and materials reflect fully the promotion and protection of human rights and the values of peace, tolerance, dialogue and gender equality, under the provisions of the International Decade for a Culture of Peace and Non Violence for the Children of the World, 2001–2010.

2.4 REGIONAL FRAMEWORK ON BASIC EDUCATION IN LATIN AMERICA AND THE CARIBBEAN

- **Declaración Americana de Derechos y Deberes del Hombre, de mayo de 1948**

Adoptado en la Conferencia de Bogotá, que en su artículo XII (Capítulo Primero: Derechos) bajo el título “Derecho a la Educación”, dispone:

“Toda persona tiene derecho a la educación, la que debe estar inspirada en los principios de libertad, moralidad y solidaridad humanas.”

“Asimismo tiene derecho de que, mediante esa educación, se le capacite para lograr una digna subsistencia, en mejoramiento del nivel de vida y para ser útil a la sociedad.

El derecho de educación comprende el de igualdad de oportunidades en todos los casos, de acuerdo con las dotes naturales, los méritos y el deseo de aprovechar los recursos que puedan proporcionar la comunidad y el Estado.

Toda persona tiene derecho a recibir gratuitamente la educación primaria, por lo menos”.

Y el artículo XXXI (Capítulo Segundo: Deberes) dice:

“Toda persona tiene el deber de adquirir a lo menos la instrucción primaria”.

- **Carta Internacional Americana de Garantías Sociales**

Adoptada en la Conferencia de Bogotá, en 1948, establece en su artículo 4:

“Todo trabajador tiene derecho a recibir educación profesional y técnica para perfeccionar sus aptitudes y conocimientos, obtener de su trabajo mayores ingresos y contribuir de modo eficiente al desarrollo de la producción. A tal efecto, el Estado organizará la enseñanza de los adultos y el aprendizaje de los jóvenes, de tal modo que permita asegurar la enseñanza efectiva de un oficio o trabajo determinado, al par que provea su formación cultural, moral y cívica”.

- **El Protocolo de San Salvador, adicional a la convención Americana sobre Derechos Humanos en materia de Derechos Económicos, Sociales y Culturales**

Dispone en su artículo 13:

1. – Toda persona tiene derecho a la educación

3. – los Estados partes en el presente Protocolo reconocen que, con objeto de lograr el pleno ejercicio del derecho a la educación.

A. la enseñanza primaria debe ser obligatoria y asequible a todos gratuitamente;

B. la enseñanza secundaria en sus diferentes formas, incluso la enseñanza secundaria técnica y profesional, debe ser generalizada y hacerse accesible a todos, por cuantos medios sean apropiados, y en particular por la implantación progresiva de la enseñanza gratuita;

C. la enseñanza superior debe hacerse igualmente accesible a todos, sobre la base de la capacidad de cada uno, por cuantos medios sean apropiados y, en particular, por la implantación progresiva de la enseñanza gratuita;

D. se deberá fomentar o intensificar, en la medida de lo posible, la **educación básica** para aquellas personas que no hayan recibido o terminado el ciclo completo de instrucción primaria.

E. Se deberán establecer programas de enseñanza diferenciada para los minusválidos a fin de proporcionar una especial instrucción y formación a personas con impedimentos físicos o definiciones mentales.

Y el artículo 16 dispone:

“Todo niño tiene derecho a la educación gratuita y obligatoria, al menos en su **fase elemental**, y a continuar su formación en niveles más elevados del sistema educativo”.

2.5 REGIONAL FRAMEWORK ON BASIC EDUCATION IN EUROPE

COUNCIL OF EUROPE

- **European Convention for the Protection of Human Rights and Fundamental Freedoms (4-11-1950)**

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- **Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (20-03-1952)**

Article 2 – Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

- **European Charter for Regional or Minority Languages (5-11-1992)**

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

f. i. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii. to offer such languages as subjects of adult and continuing education; or

iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education

RECOMMENDATIONS BY THE PARLIAMENTARY ASSEMBLY

- **Recommendation 1379 (1998) [Assembly debate on 25 June 1998 (23rd Sitting) (see Doc. 8122, report of the Committee on Science and Technology, rapporteur: Mrs Terborg). Text adopted by the Assembly on 25 June 1998 (23rd Sitting).]**

Basic education in science and technology

1. The Parliamentary Assembly of the Council of Europe draws attention to the growing importance of basic education in science and technology (science and technology literacy) enabling people to compete at work and in everyday life in an ever-changing and globally connected world.
2. Science and technology literacy programmes in general education, as well as in vocational, higher and continued education have to take account of this. Evaluation of the state of the art, however, reveals considerable deficits and shortcomings both within and outside the educational system, to which the Parliamentary Assembly would like to draw attention.
3. The causes for this are very diverse. In many cases the lack of financial resources makes it difficult to equip educational institutions with sufficient modern technology. Often there are not enough motivated and well-trained teachers. In many cases the available software does not facilitate science and technology literacy. Sometimes also deeply rooted prejudices among teachers stand in the way of acquiring new knowledge and skills.
4. The Parliamentary Assembly recommends that parliaments of member states insist on making basic education in science and technology a key element of educational policy.
5. The aim should be to give all young people access to the new communications technologies and, in particular, to promote the interest of girls and young women in science and technology.
6. Science and technology literacy should, however, not be limited to general, vocational and higher education, but should also form an integral part of out-of-school (further) education, including vocational further training as well as educational programmes offered by the media and on the Internet. This should enable people to preserve and continue developing – up to old age – knowledge and skills previously acquired.
7. To facilitate familiarisation with the new technologies the Parliamentary Assembly recommends that every two years the Council of Europe and the European Union award a quality label to initiation programmes providing a particularly child-friendly introduction to science and technology literacy. Similarly, those companies that offer a good example of sponsoring and promoting science and technology literacy should be distinguished.
8. The Parliamentary Assembly recommends that the Committee of Ministers:
 - i. draw the attention of all Council of Europe member states to the importance of basic education in science and technology as an important element of the culture of our society and to encourage them to develop framework school curricula in this area;
 - ii. devote a great deal of attention to the training of teachers for all types of schools;
 - iii. exert an influence on the development of pupil-friendly initiation programmes and textbooks for science and technology literacy;
 - iv. pay particular attention to the promotion of science and technology literacy for girls and take special measures to arouse their interest in this kind of knowledge;

- v. ensure that science and technology literacy forms part of practical training provided by employers and of vocational education and that it relates to more than purely job-related applications of the new communications technologies;
- vi. ask an existing European institution to develop teaching aids and model curricula for science and technology literacy for all levels of school education;
- vii. promote out-of-house further education in this area through training courses for those parts of the population who have recently come to the end of their active working life and to make sure that they can keep pace with technological developments;
- viii. support and/or organise countrywide competitions for schools and young people interested in applying their science and technology literacy;
- ix. call upon the media to disseminate basic knowledge of science and technology at regular intervals as well as to undertake systematic efforts to arouse interest in this area and to reduce prejudices against it;
- x. promote close co-operation between general, vocational and higher education, on the one hand, and industry on the other, and to encourage companies to sponsor the improvement of technical equipment in general, vocational and higher education institutions.

- **Recommendation 1353 (1998)**

Access of minorities to higher education

6. The Assembly (...) recommends that the Committee of Ministers ask the governments of states signatories to the European Cultural Convention to take account of the following principles when reviewing their national education policies:

(...) viii. young persons from minority groups should, like other young people, and under the same conditions as them, be able to receive vocational training after **general basic education** and to attend education at all levels, whether or not in their mother tongue, without any additional financial constraints;

- **Recommendation 1437 (2000) [Assembly debate on 24 January 2000 (1st Sitting) (see Doc. 8595, report of the Committee on Culture and Education, rapporteur: Mr Dumitrescu).Text adopted by the Assembly on 24 January 2000 (1st Sitting).]**

Non-formal education

1. The Assembly recognises that investment in education and welfare is an effective measure for the promotion of active citizenship and the prevention of social exclusion.
2. The Assembly acknowledges that formal educational systems alone cannot respond to rapid and constant technological, social and economic change in society, and that they should be reinforced by non-formal educational practices.
3. Non-formal education is an integral part of a lifelong learning concept that allows young people and adults to acquire and maintain the skills, abilities and outlook needed to adapt to a continuously changing environment. It can be acquired on the personal initiative of each individual through different learning activities taking place outside the formal educational system. An important part of non-formal education is carried out by non-governmental organisations involved in community and youth work.
4. The Assembly recalls the Final Declaration of the 5th Conference of European Ministers responsible for Youth in which European countries were encouraged to promote equality of opportunity by recognising the training and skills acquired through non-formal

- education and by finding various ways of endorsing the experience and qualifications acquired in this way. It welcomes the setting-up of a "working group on non-formal education" in the Council of Europe.
5. The Assembly encourages all those who will shape educational policies to acknowledge that non-formal education is an essential part of the educational process and to recognise the contribution that can be made by non-governmental organisations (NGOs) involved in non-formal education.
 6. The Assembly also encourages the application of the new information technologies to non-formal education and stresses the need to ensure an easy access to them at national and international levels.
 7. The Assembly therefore recommends that the Committee of Ministers call on governments and the appropriate authorities of member states:
 - i. to recognise non-formal education as a *de facto* partner in the lifelong learning process and in youth policy and to elaborate effective systems for evaluating it (this could be done by the certification of non-formal educational activities so that they can also be mentioned in *curricula vitae* as professional experience and cited as internationally recognised skills and qualifications). A quality label could be given to the educational activities of recognised organisations providing non-formal education;
 - ii. to make non-formal education accessible for all, through measures such as flexible working conditions (for workers who would not otherwise be able to attend, unpaid leave facilities, etc.), measures for people in remote areas (travel grants), measures for socially disadvantaged persons (poor people, marginalised youngsters, the disabled, minorities);
 - iii. to provide or improve training and re-training for trainers and teachers in non-formal education in co-operation with non-governmental organisations and especially youth NGOs;
 - iv. to support financially non-formal education activities (grants, tax reductions for non-governmental organisations involved in non-formal education activities, or for each participant at training courses, free use of official buildings or training centres, etc.) and the production and distribution of non-formal education manuals and training materials; to create a library/lending service of non-formal education materials;
 - v. in parallel with the above measures, to provide support and encourage more people, in particular young people, to educate and be educated in a non-formal way ("peer education");
 - vi. to monitor the implementation of the above measures.
 8. The Assembly further recommends that the Committee of Ministers promote non-formal education in the work programme of the Council of Europe, in particular in the youth sector, and consequently that it:
 - i. study whether any legislative restrictions exist in the different member states which might hinder the development of non-formal education, and assist in the elimination of these restrictions;
 - ii. compare non-formal education activities in the different member states and publish a catalogue of "good practice";
 - iii. develop programmes of non-formal education that promote equal opportunities in co-operation with the social partners concerned and the non-governmental organisations working on these questions;
 - iv. co-ordinate its work in the field of non-formal education with that of the OECD, Unesco, the European Union and the United Nations Volunteers programme.

EUROPEAN UNION

- **The Charter of Fundamental Rights of the European Union 2000**

Article 14

Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.
2. This right includes the possibility to receive free compulsory education.
3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

- **The Decision 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning**

2. The general objective of the Lifelong Learning Programme is to contribute through lifelong learning to the development of the Community as an advanced knowledge-based society, with sustainable economic development, more and better jobs and greater social cohesion, while ensuring good protection of the environment for future generations. In particular, it aims to foster interchange, cooperation and mobility between education and training systems within the Community so that they become a world quality reference.

(...)

Lifelong learning' means all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences within a personal, civic, social and/or employment-related perspective. It includes the provision of counselling and guidance services.

II. PART C: PROVISIONS ON BASIC EDUCATION IN CONSTITUTIONS AND NATIONAL LEGISLATION

LEGAL PROVISIONS INCLUDING BASIC EDUCATION IN AFRICAN COUNTRIES

ANGOLA

A new education system, based on **Basic Education Act** (Act No. 13/01), adopted in 2001 by the National Assembly, *Lei de Base do Sistema de Educação*, was introduced in 2002. Its implementation shall be completed by 2011.

« **L'enseignement primaire est obligatoire**, unifié de 6 ans et assure la préparation pour la continuation des études. [...] L'enseignement primaire offre un enseignement général qui comprend l'Education régulière et l'Education des adultes. L'Education régulière va de la 1^{re} à la 6^{me} année à laquelle on peut accéder à partir de 6 ans. L'Education des adultes comprend l'Alphabétisation à laquelle on peut accéder à partir de 15 ans ; il est suivi de l'après alphabétisation. »

BENIN

Loi N°2003-17 portant Orientation de l'Education Nationale en République du Bénin, adopté par l'Assemblée Nationale en sa séance du 17 Octobre 2003.

Au terme de cette loi, l'enseignement primaire et le premier cycle de l'enseignement secondaire constituent **l'éducation de base** (article 14).

BOTSWANA

The Education Act (1966) provides the legal framework for the development of education in the country. The policy considers that **access to basic education is a fundamental human right**. One of the major reforms and achievements in the education system has been **to extend universal access to ten years of basic education to all** (seven-year primary education, three-year junior secondary education).

BURKINA FASO

La loi d'orientation de l'éducation, qui confirme la priorité à **l'éducation de base**, a été votée en mai 1996 par l'Assemblée des députés du peuple (ADP) et décrétée au mois de juin de la même année.

CAP VERDE

ARTICLE 73 (Constitution of 1992 amended substantially in 1999)

2. The State shall ensure without any discrimination, the **elementary education**, which shall be compulsory, universal and free of charge and whose duration shall be established by law.

CENTRAL AFRICAN REPUBLIC

La loi n° 97/014 du 10 décembre 1997 portant orientation de l'éducation, cadre juridique qui organise la politique du secteur éducatif.

L'enseignement fondamental dure dix ans et comprend deux niveaux. **L'enseignement fondamental de niveau 1** est **obligatoire** jusqu'à l'âge de 15 ans et la durée des études est de six ans.

L'enseignement secondaire : L'enseignement fondamental de niveau 2 n'est pas obligatoire et s'étend sur quatre ans.

CONGO

Loi 25-95 du 17 novembre 1995 portant sur la réorganisation du système de l'éducation au Congo.

Article 1

Toute personne a droit à l'éducation. Tout l'enseignement est placé sous la surveillance et le contrôle pédagogique de l'Etat. L'Etat veille à l'égal accès à l'enseignement et à la formation professionnelle. L'enseignement public est gratuit. **L'enseignement fondamental est obligatoire.**

ERITREA

The general objectives of the education system, as outlined in the Government's **Macro-Policy (1994)**, are:

- to educate and equip the population with the necessary skills, knowledge and culture for a self reliant and modern economy;
- to develop self-consciousness and self-motivation in the population to fight poverty, disease and all the causes of backwardness and ignorance;
- to make **basic education** available to all.

ETHIOPIA

According to the new structure of the education system, **primary education** lasts eight years (age group 7-14) and it is divided into two cycles: **basic education** (Grades I-IV) and general education (Grades V-VIII). (Source: IBE)

GHAMBIA

Constitution of the Second Republic of the Gambia adopted on 8 August 1996, entered into force in January 1997, last amended in 2001

30. Right to education

All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right -

- (a) **basic education shall** be free, compulsory and available to all;

217. Educational objectives

(2) The state shall pursue policies to ensure basic education for all citizens and shall endeavour to provide adequate resources so that such tuition for **basic education** shall be free for all citizens.

The new **basic education programme** lasts nine years divided into two cycles: lower basic (Grades I–VI) and upper basic (Grades VII–IX).

GHANA

Article 25 (The 1996 Constitution of the Republic of Ghana)

(1) All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right-

(a) **basic education** shall be free, compulsory and available to all;

Article 38

(2) The Government shall, within two years after Parliament first meets after the coming into force of this Constitution, draw up a programme for implementation within the following ten years, for the provision of free, compulsory and **universal basic education**.

The **Education Act** of 1961 established the policy of free and compulsory **primary and basic education** for all school age children:

Primary education, or the first stage of basic education, lasts six years and is compulsory. Primary education is divided into two three-year cycles: lower and upper primary. Children start attending school at the age of 6.

Secondary education is for pupils aged 12 to 19 years, including a year of compulsory national service. General secondary education consists of three years of junior secondary school-completing nine years of basic compulsory education-leading to the **Basic Education** Certificate examination.

GUINEA

L'enseignement élémentaire se poursuit durant six ans. Les enfants y sont admis à l'âge de 7 ans. L'enseignement primaire est obligatoire ; il est sanctionné par le certificat d'études primaires élémentaires (CEPE). L'éducation de base se compose de l'enseignement préscolaire et de l'enseignement élémentaire. (Source : IBE)

KENYA

Children Act 2001:

Article 7:

“Every child shall be entitled to education the provision of which shall be the responsibility of the Government and the parents.

Every child shall be entitled to free **basic education**, which shall be compulsory in accordance with Article 28 of the United Nations Convention on the Rights of the Child.

Article 8 (2):

The Minister shall make regulations giving effect to the rights of children from minority communities to give fulfilment to their culture and to practice their own language or religion”

LESOTHO

The Constitution of Lesotho (25 March 1993)

28. Provision for education

Lesotho shall endeavour to make education available to all and shall adopt policies aimed at securing that -

(e) **fundamental education** is encouraged or intensified as far as possible for those persons who have not received or completed their primary education.

LIBERIA

EDUCATION ACT 2001: importance is attached to developing an implementation strategy on achieving universal primary education:

According to the Education law (section 2.3), primary education is a fundamental right which must be available and become free and compulsory starting in 2003 for all children within the framework of Universal Primary Education.

Section 2.4 defines basic education 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. Basic education should be consistent with global parameters and dimensions that not only provide literacy, numeracy, oral expression and problem-solving abilities, but also other skills which equip human beings to be able to earn a decent living and live productive lives.”

MADAGASCAR

Loi n° 2004-004 du 26 juillet 2004 portant orientation générale du Système d'Education, d'Enseignement et de Formation à Madagascar

Article premier – L'éducation est une priorité nationale absolue, et l'enseignement est obligatoire à partir de l'âge de six ans.

Art. 27 – L'éducation non formelle comprend :

- l'Ecole infantile ;
- l'alphabétisation fonctionnelle ;
- l'Education à la citoyenneté et au civisme.

Art. 38 – L'éducation formelle comprend :

- **l'éducation fondamentale** ;
- l'enseignement secondaire ;
- la formation technique et professionnelle ;
- l'enseignement supérieur et la formation universitaire.

Art. 39 – L'éducation fondamentale est dispensée sur une durée de neuf ans et accueille les enfants à partir de l'âge de six ans.

MOZAMBIQUE

Law No. 6/92 of 6 May 1992 on the National Education System (NES) was passed in order to readjust the general framework of the education system, and to bring the dispositions of Law No. 4/83 of 23 March 1983 in line with the country's economic and social conditions. The law states that the NES is guided by the principle that education is "a right and duty of all citizens". The same law also guarantees **basic education** for all citizens and ensures all Mozambicans access to vocational training, establishing educational support and complementary measures to promote equality of opportunity in school access and achievement.

NIGER

Tel que le prévoit la nouvelle **Loi d'orientation du système éducatif n° 98-12** du 1 juin 1998, l'éducation formelle comprend **l'enseignement de base**, l'enseignement moyen et l'enseignement supérieur. L'enseignement de base est garantie à tous et comprend le préscolaire, le cycle de base I et le cycle de base II. Le préscolaire concerne les enfants âgés de 3 à 5/6 ans. Le cycle de base I, d'une durée de six ans, accueille les enfants âgés de 6 ou 7 ans. La durée normale de la scolarité est de six ans. La durée normale du cycle de base II est de quatre ans. L'enseignement moyen constitue le deuxième degré d'enseignement ; il est composé d'une filière d'enseignement général et d'une filière d'enseignement technique et professionnel.

NIGERIA

Act on Compulsory Free Universal Basic Education of the Republic of Nigeria (2004) provides for basic education. The Act makes a distinction between Basic Education and Universal Basic Education. The Act defines 'Basic Education' as "early childhood care and education and nine years of formal schooling". **Universal basic education** is defined in the Act as "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" (article 15 (1))

SOUTH AFRICA

Constitution of the Republic of South Africa, 1996

29. Education.--(1) Everyone has the right-

(a) to a **basic education**, including adult basic education; and

(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.

National Education Act 1996

4. The policy contemplated in section 3 shall be directed toward-

(a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 3 of the Constitution, and in terms of international conventions ratified by Parliament, and in particular the right-

(ii) of every person to **basic education** and equal access to education institutions;

SENEGAL

Loi n° 91-22 du 30 janvier 1991 ou 16 février 1991 ou 6 février 1992 d'orientation sur l'Education Nationale (différentes dates sur les sites)

Article 17

L'Éducation permanente de base, destinée à accueillir ceux qui n'ont pu fréquenter ou qui ont dû quitter, à un moment ou à un autre, les structures proprement scolaires, est organisée selon deux niveaux :

1 – À un premier niveau, elle vise à satisfaire les besoins en formation des communautés de base. Elle a pour objectifs :

- l'alphabétisation de masse ;
- l'information et la formation initiales nécessaires à l'exercice d'un métier ou d'une fonction sociale ;
- l'initiation aux techniques de mise en valeur de production, de gestion et de communication ;
- l'éducation et la formation nécessaires à l'amélioration des conditions d'existence (santé, alimentation, habitat).

2 – À un second niveau : par les écoles professionnelles, les cours du soir, les cours par correspondance, l'éducation permanente vise le recyclage, le perfectionnement et l'élévation du niveau culturel des citoyens dotés d'une formation professionnelle : elle leur permet d'actualisée et d'enrichir leurs connaissances et leur formation en vue de leur promotion sociale. Elle joue en outre un rôle d'information et d'animation dans le processus d'adaptation des profils d'emplois à l'évolution économique et de mise en place de solutions pratiques aux problèmes posés par le développement économique et social.

UGANDA

The Constitution of the Republic of Uganda, September 22, 1995

XVIII. Education Objectives.

- (i) The State shall promote free and compulsory **basic education**.

LEGAL PROVISIONS INCLUDING BASIC EDUCATION IN ASIA AND PACIFIC

ARMENIA

Article 39 (Constitution of 27 November 2005)

Everyone shall have a right to education. **Basic general education** shall be compulsory except the cases prescribed by law. The law may establish a higher level of compulsory education.

FIJI

Chap.4, Section 39 (Constitution of 1988)

(1) Every person has the right to **basic education** and to equal access to educational institutions

GEORGIA

Art 35 (Constitution 1995)

3. Pre-school education shall be guaranteed by the state. Primary education shall be compulsory. The state shall provide **basic education** at its own expense. Citizens shall have the right to receive free secondary, professional and higher education at state educational institutions in accordance with a procedure and within the framework established by law.

According to the Law on Education of 1997, in Georgia primary education is compulsory and lasts six years. Children are admitted to primary education at the age of 6. Basic secondary education (three years' duration) is provided free of charge

INDIA

Article 21 A: Constitution (Eighty-sixth Amendment) Act, 2002

“The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”

INDONESIA

According to the **Law No. 2/1989** and the **Government Regulation No. 28/1990**, **basic education** is a general education programme with a duration of nine years, i.e. six years of primary education and three years of junior secondary education. The nine-year compulsory **basic education programme** will attempt to provide education for every Indonesian aged 7-15 years.

Act on National Education System (2003):

Article 6

(1) Every seven to fifteen years old citizen shall have the right to **basic education**.

Article 17

(1) Basic education is a foundation for secondary education

(2) Primary Education takes the form of Sekolah Dasar or SD (primary schools) and Madrasah Ibtidaiyah or MI or other schools of the same level, and Sekolah Menengah Pertama or SMP (junior secondary schools) and Madrasah Tsanawiyah or MTs, or other schools of the same.

(3) The implementation of basic education set forth in verse (1) and verse (2) shall be further stipulated by government regulation.

KYRGYZSTAN

Law on Education (1992 amended in 1997)

Basic secondary education is compulsory and free of charge. Complete general secondary education is free of charge in State educational establishments.

MYANMAR

The **Myanmar Child Law** was enacted in July 1993. Chapter IV (20) states that: (a) every child shall: have the opportunity of acquiring education; have the right to acquire free **basic education** (primary level) at state schools

PHILIPPINES

Republic Act No. 9155, Governance of Basic Education Act

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right of all citizens to quality **basic education** and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level. Such education shall also include alternative learning systems for out-of-school youth and adult learners. It shall be the goal of basic education to provide them with the skills, knowledge and values they need to become caring, self-reliant, productive and patriotic citizens.”

THAILAND

In accordance with the **National Education Act B.E. 2542** enacted in August 1999, Thai people will have equal right to receive **basic education** of quality and free of charge for the duration of at least twelve years

National Education Act of B.E. 2542 (1999)

Section 16

Formal education is divided into two levels: **basic education** and higher education. **Basic education** is that provided for the 12 years before higher education. Differentiation of the levels and types of basic education shall be as prescribed in the ministerial regulations. Higher education is divided into two levels: lower-than-degree level and degree level. Differentiation or equivalence of the various levels of non-formal or informal education shall be as stipulated in the ministerial regulations.

Section 17

Compulsory education shall be for nine years, requiring children aged seven to enrol in basic education institutions until the age of 16 with the exception of those who have already completed grade 9. Criteria and methods of calculating children’s age shall be as stipulated in the ministerial regulations.

TIMOR LESTE

Section 59 (Constitution of 2002) (Education and Culture)

1. The State shall recognise and guarantee that every citizen has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory **basic education** that is free of charge in accordance with its ability and in conformity with the law.

TURKMENISTAN

According to Article 35 of the Constitution (1992), every citizen shall have the right to education. **Basic secondary education** shall be compulsory; every person shall be entitled to receive it free of charge in State educational institutions. Associations and private citizens may create private educational institutions on the basis of and in the manner defined by law. The State shall assure access to professional, secondary special, and higher education to all persons, according to their abilities.”

VIETNAM

The Law on Universal Primary Education (UPE) was adopted by the National Assembly (VIII Legislature) on 12 August 1991. Article 1 provides as follows: “The State implements the policy of **compulsory universal primary education (UPE) for all children aged 6-14.**”

LEGISLATIVE MEASURES INCLUDING BASIC EDUCATION IN ARAB STATES

JORDAN

The 1994 Education Act expanded **basic compulsory education** to ten years and introduced comprehensive and applied secondary education streams of education lasting two years

LYBIAN ARAB JAMAHIRIYA

In accordance with current legislation, the nine-year **basic (fundamental) education** programme is compulsory for all children aged 6-15. (Source: IBE)

SUDAN

The introduction of compulsory education at the **basic stage**, initially planned for 1995, was effective in 1998 (Ministry of General Education).

The 2001 Education Act is one of the most important laws in the field of education. It cancelled the education-planning Act of 1992. It stipulated in its third chapter that every Sudanese child at the age of six has the **right to basic education**.

The 2001 Education Act for planning and organisation of general education has stipulated the right to education for all children of eligible school age without discrimination of any kind. Children are admitted to basic education level at the age of six and continue for eight years. **Basic education** remains a top priority.

SYRIAN ARAB REPUBLIC

According to **Law No. 32** of 7 April 2002, **basic education** will be implemented starting from the school year 2002/03. Free and compulsory basic education will include the primary and intermediate stages. At the end of basic education, students who pass the general examination will be awarded the Basic Education Certificate.

TUNISIA

Loi d'orientation de l'éducation et de l'enseignement scolaire (Loi No. 2002-80 du 23 juillet 2002)

Article 20

L'enseignement de base est obligatoire tant que l'élève est capable de poursuivre normalement ses études, selon la réglementation en vigueur.

L'école veille, en collaboration avec les parents, à ce que l'interruption de la scolarité avant la fin de l'enseignement de base soit de nature d'exception.

Article 22

La **durée de l'enseignement de base** est de neuf (9) ans répartie en deux cycles complémentaires :- le cycle primaire, d'une durée de six (6) ans, a pour objectif de doter l'apprenant des instruments d'acquisition du savoir des mécanismes fondamentaux de l'expression orale et écrite, de la lecture et du calcul; et de contribuer au développement de son esprit, de son intelligence pratique, de sa sensibilité artistique et de ses potentialités physiques et manuelles,

ainsi qu'à son éducation aux valeurs de citoyenneté et aux exigences du vivre ensemble. - le cycle préparatoire, d'une durée de trois (3) ans, a pour objectif de doter l'élève des compétences de communication dans la langue nationale et dans deux langues étrangères, et de lui faire acquérir les connaissances et les aptitudes requises dans les domaines des mathématiques des sciences, de la technologie des arts et des sciences humaines, et ce afin qu'il poursuive ses études dans le cursus suivant ou qu'il intègre les filières de la formation professionnelle ou enfin qu'il s'insère dans la société.

YEMEN :

Basic education in Yemen is comprised of grade 1 to 9 and is based on the National Constitution of 1994 (article 53) and Education Law (1992). The articles of the General Education Law indicate that education is a basic human right for all citizens. The Law emphasizes the State's responsibility to provide basic education of good quality for all Yemeni children in the age of 6 to 14 years.

**LEGAL PROVISIONS INCLUDING BASIC EDUCATION
IN LATIN AMERICA AND THE CARIBBEAN**

ARGENTINA

With the ratification of Act No. 24.195, article 10 extends **compulsory education to 10 years** (from the beginning of primary education, at 5 years of age, through the 9 years of **general basic education**), and article 39 guarantees that education shall be free: "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 special regimes ...".

Ley N° 26.206- 2006

Ley De Educación Nacional

Artículo 11.- Los fines y objetivos de la política educativa nacional son:

(...) l) Fortalecer la centralidad de la lectura y la escritura, como condiciones básicas para la educación a lo largo de toda la vida, la construcción de una ciudadanía responsable y la libre circulación del conocimiento.

Artículo 26.- La Educación Primaria es obligatoria y constituye una unidad pedagógica y organizativa destinada a la formación de los/as niños/as a partir de los seis (6) años de edad.

Artículo 27.- La Educación Primaria tiene por finalidad proporcionar una formación integral, básica y común y sus objetivos son:

- a) Garantizar a todos/as los/as niños/as el acceso a un conjunto de saberes comunes que les permitan participar de manera plena y acorde a su edad en la vida familiar, escolar y comunitaria.
- b) Ofrecer las condiciones necesarias para un desarrollo integral de la infancia en todas sus dimensiones.
- c) Brindar oportunidades equitativas a todos/as los/as niños/as para el aprendizaje de saberes significativos en los diversos campos del conocimiento, en especial la lengua y la comunicación, las ciencias sociales, la matemática, las ciencias naturales y el medio ambiente, las lenguas extranjeras, el arte y la cultura y la capacidad de aplicarlos en situaciones de la vida cotidiana.

BOLIVIA

Ley 2026 "Código del niño, niña y adolescente" 27 October 1999

DERECHO A LA EDUCACIÓN, A LA CULTURA Y AL ESPARCIMIENTO

CAPITULO I

DERECHO A LA EDUCACIÓN

Artículo 115° (Deber del Estado)

El Estado tiene el deber de asegurar a todo niño, niña y adolescente:

1. La educación primaria obligatoria y gratuita, inclusive para aquellos que no tuvieron acceso a ella en la edad adecuada, asegurando su escolarización, especialmente en el area rural;
2. La progresiva ampliación gratuita de la cobertura en la educación secundaria;
3. La enseñanza especial integrada, dentro de la modalidad regular, para niños, niñas y adolescentes con dificultades especiales de aprendizaje;
4. La creación, atención y mantenimiento de centros de educación pre-escolar necesarios y suficientes para atender los requerimientos de niños y niñas de cuatro a seis años de edad;
5. La posibilidad de acceso a los niveles más elevados de enseñanza, investigación y creación artística en igualdad de condiciones;

6. La oferta de enseñanza regular, adecuada a las condiciones del adolescente trabajador, otorgándole facilidades para su ingreso al sistema educativo;
7. La atención del educando en la enseñanza primaria a través de programas complementarios dotándole de material didáctico escolar, transporte, alimentación y asistencia médica;
8. La asistencia regular de niños, niñas y adolescentes a la escuela, a través de los órganos correspondientes y junto a los padres o responsables;
9. Adoptar mecanismos efectivos para evitar la deserción escolar.

BRAZIL

Art. 208 of the Constitution of 1988

- §0 The State's duty towards education shall be effectuated through the guarantees of:
- I. free, compulsory **elementary education**, including assurance that it will be offered gratuitously for all who did not have access to it at the proper age;
 - II. Progressive universalization of gratuitous secondary school education;

LEY DARCY RIBEIRO N° 9.394 de 1996

Art. 5° El acceso a la **enseñanza fundamental** es derecho público subjetivo, pudiendo cualquier ciudadano, grupo de ciudadanos, asociación comunitaria, organización sindical, entidad de clase u otra legalmente constituida, y, aún, el Ministerio Público, accionar al Poder Público para exigirlo.

CAPÍTULO II

De la Educación Básica

SECCIÓN I

De las Disposiciones Generales

Art. 22. La **educación básica** tiene por finalidad desarrollar al educando, asegurarle la formación común indispensable para el ejercicio de la ciudadanía y proporcionarle medios para avanzar en el trabajo y en estudios posteriores.

SECCIÓN II

De la Educación Infantil

Art. 29. La educación infantil, primera etapa de la **educación básica**, tiene como finalidad el desarrollo integral del niño hasta seis años de edad, en sus aspectos físico, psicológico, intelectual y social, complementando la acción de la familia y de la sociedad

SECCIÓN III

De la Enseñanza fundamental

Art. 32. La enseñanza fundamental, con duración mínima de ocho años, obligatoria y gratuita en la escuela pública, tendrá por objetivo la formación básica del ciudadano, mediante:

- I – el desarrollo de la capacidad de aprender, teniendo como medios básicos el pleno dominio de la lectura, de la escritura y del cálculo;
- II – la comprensión del ambiente natural y social, del sistema político, de la tecnología, de las artes y de los valores en que se fundamenta la sociedad;

III – el desarrollo de la capacidad de aprendizaje, teniendo en vista la adquisición de conocimientos y habilidades y la formación de actitudes y valores;

IV – el fortalecimiento de los vínculos de familia, de los lazos de solidaridad humana y de tolerancia recíproca en que se asienta la vida social.

SECCIÓN IV

De la Enseñanza Media

Art. 35. La enseñanza media, etapa final de la **educación básica**, con duración mínima de tres años, tendrá como finalidades:

I – la consolidación y profundización de los conocimientos adquiridos en la enseñanza fundamental, posibilitando el proseguimiento de estudios;

II – la preparación básica para el trabajo y la ciudadanía del educando, para continuar aprendiendo, de modo de ser capaz de adaptarse con flexibilidad a nuevas condiciones de ocupación o perfeccionamiento posteriores;

III – el perfeccionamiento del educando como ser humano, incluyendo la formación ética y el desarrollo de la autonomía intelectual y del pensamiento crítico;

IV – la comprensión de los fundamentos científico-tecnológicos de los procesos productivos, relacionando la teoría con la práctica, en la enseñanza de cada disciplina.

SECCIÓN V

De la Educación de Jóvenes y Adultos

Art. 37. La educación de jóvenes y adultos será destinada a aquellos que no tuvieron acceso o continuidad de estudios en la **enseñanza fundamental** y media en la edad propia.

§ 1º Los sistemas de enseñanza asegurarán gratuitamente a los jóvenes y a los adultos, que no pudieron efectuar los estudios en la edad regular, oportunidades educativas apropiadas, consideradas las características del alumnado, sus intereses, condiciones de vida y de trabajo, mediante cursos y exámenes.

§ 2º El Poder Público facilitará y estimulará el acceso y la permanencia del trabajador en la escuela, mediante acciones integradas y complementarias entre sí

In 2006, Fund for the Development and Maintenance of **Basic Education** (FUNDEB) has been approved and the bill does include support for day care centres:

A Emenda Constitucional N° 53 que criou o **Fundeb** – Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação - aprovada em 06 de dezembro de 2006, tem por objetivo proporcionar a elevação e uma nova distribuição dos investimentos em educação.

Second, a new law has been passed to lower the entry age into primary school from 7 to 6 years:

LEY N° 11.274, DE 6 DE FEBRERO DE 2006

Art. 3º. Cambio del art. 32 de la Ley Darcy Ribeiro de 1996

Art. 32. La **enseñanza fundamental** obligatoria, con duración mínima de nueve años, gratuita en la escuela pública, ensañada a partir de seis años de edad tendrá por objetivo la formación básica del ciudadano, mediante

Therefore, early childhood education in Brazil now concerns those who are between 0-5 years.

CHILE

Constitution of 1980

(10) The right to education. The objective of education is the complete development of the individual in the various stages of his life. Parents have the preferential right and duty to educate their children. The State shall provide special protection for the exercise of this right. **Basic education** is mandatory; to that effect, the State must finance a gratuitous system designed to ensure access thereto by the entire population. The State must ensure the development of education at all levels

El 7 de mayo del 2003, el Presidente de la República promulgó la Reforma Constitucional que establece la enseñanza media obligatoria y gratuita, entregando al Estado la responsabilidad de garantizar el acceso a este nivel educacional para todos los chilenos hasta los 21 años de edad. De este modo, el Gobierno busca lograr que los niños, niñas y jóvenes tengan un mínimo de 12 años de escolaridad.

El Nivel de **Educación Básica** tiene como propósito que todos los niños y niñas alcancen los objetivos fundamentales propuestos por el currículo nacional para los distintos niveles de la enseñanza básica.

Es obligatorio dentro del sistema nacional de educación regular y comprende ocho grados de estudio, de 1° a 8° básico, desde los 6-7 a los 13-14 años de edad. A su vez, se divide en dos ciclos de cuatro años cada uno. En el primer ciclo (de 1° a 4° básico), se tratan los siguientes subsectores de aprendizaje: Lenguaje y Comunicación, Educación Matemática, Comprensión del Medio Natural, Social y Cultural, Educación Tecnológica, Educación Artística, Educación Física y Orientación. En el segundo ciclo (de 5° a 8° año) se tratan los mismos subsectores de aprendizaje, y además se agrega Idioma Extranjero (inglés).

LEY N° 18.962

LEY ORGANICA CONSTITUCIONAL DE ENSEÑANZA

TITULO I

(Artículos 12-22)

Requisitos Mínimos de la Enseñanza Básica y Media y Normas Objetivas para velar por su cumplimiento.

Artículo 12.- La enseñanza básica tendrá como objetivos generales lograr que los educandos al egresar, sean capaces de:

- a) Comprender la realidad en su dimensión personal, social, natural y trascendente, y desarrollar sus potencialidades físicas, afectivas e intelectuales de acuerdo a su edad;
- b) Pensar en forma creativa, original, reflexiva, rigurosa y crítica, y tener espíritu de iniciativa individual, de acuerdo a sus posibilidades;
- c) Desempeñarse en su vida de manera responsable, mediante una adecuada formación espiritual, moral y cívica de acuerdo a los valores propios de nuestra cultura;
- d) Participar en la vida de la comunidad conciente de sus deberes y derechos, y prepararse para ser ciudadanos, y
- e) Proseguir estudios de nivel medio, de acuerdo con sus aptitudes y expectativas.

Artículo 13.- Para lograr los objetivos generales señalados en el artículo anterior, los alumnos de la **enseñanza básica** deberán alcanzar los siguientes requisitos mínimos de egreso:

- a) Saber leer y escribir; expresarse correctamente en el idioma castellano en forma oral y escrita, y ser capaz de apreciar otros modos de comunicación;
- b) Dominar las operaciones aritméticas fundamentales y conocer los principios de las matemáticas básicas y sus nociones complementarias esenciales;
- c) Desarrollar su sentido patrio y conocer la historia y geografía de Chile con la profundidad que corresponde a este nivel;
- d) Conocer y practicar sus deberes y derechos respecto de la comunidad, en forma concreta y aplicada a la realidad que el educando y su familia viven;
- e) Conocer las nociones elementales de las ciencias naturales y sociales: comprender y valorar la importancia del medio ambiente, y
- f) Tomar conciencia de la importancia de participar activamente en expresiones de la cultura relacionadas con el arte, la ciencia y la tecnología, y de obtener un desarrollo físico armónico.

Objetivos Fundamentales y Contenidos Mínimos Obligatorios de la Educación Básica Actualización 2002

Objetivos Fundamentales

Son las competencias que los alumnos deben lograr en los distintos períodos de su escolarización, para cumplir con los fines y objetivos generales y requisitos de egreso de la **Enseñanza Básica**.

Contenidos Mínimos Obligatorios

Son los conocimientos específicos y prácticas para lograr destrezas y actitudes que los establecimientos deben obligatoriamente enseñar, cultivar y promover para cumplir los objetivos fundamentales establecidos para cada nivel.

17. Las disposiciones de la LOCE y el concepto mismo de Objetivos Fundamentales permiten distinguir dos clases de Objetivos: a) Aquellos que miran a la formación general del estudiante y, que por su propia naturaleza, trascienden a un sector o subsector específico del currículum escolar. Se denomina **Objetivos Fundamentales Transversales** a esta clase de objetivos que hacen referencia a las finalidades generales de la enseñanza y son asumidos por el establecimiento en la definición de su proyecto educativo y en sus planes y programas de estudio.

b) Aquellos que se dirigen específicamente al logro de competencias en determinados dominios del saber y del desarrollo personal. Se denomina **Objetivos Fundamentales Verticales** a aquellos que se aplican a determinados cursos y niveles, y cuyo logro demanda aprendizajes y experiencias vinculadas a ámbitos disciplinarios específicos del currículum de la Educación Básica.

Objetivos Fundamentales Transversales

1. Los Objetivos Fundamentales Transversales tienen un carácter comprensivo y general orientado al desarrollo personal, y a la conducta moral y social de los alumnos, y deben perseguirse en las actividades educativas realizadas durante el proceso de la Educación General Básica.

2. El programa común de formación general y personal de la educación chilena debe tener una identidad formativa que promueva valores e ideales nacionalmente compartidos.

En este sentido, la Comisión Nacional de Modernización de la Educación coincidió en un conjunto de finalidades fundamentales, de carácter ético valórico, que deben orientar el currículum. En efecto, en su Informe señala que el programa común de formación personal:

... *“debe ofrecer a todos los chilenos la posibilidad de desarrollar plenamente todas las potencialidades y su capacidad para aprender a lo largo de la vida, dotándolos de un carácter moral cifrado en el desarrollo personal de la libertad; en la conciencia de la dignidad humana y de los derechos y deberes esenciales que emanan de la naturaleza del ser humano; en el sentido de la trascendencia personal, el respeto al otro, la vida solidaria en sociedad y el respeto a la*

naturaleza; en el amor a la verdad, a la justicia y a la belleza; en el sentido de convivencia democrática, el espíritu emprendedor y el sentimiento de la nación y de la patria, de su identidad y tradiciones.”

3. Teniendo en consideración lo propuesto por la Comisión Nacional de Modernización de la Educación y lo establecido en el artículo 2° de la Ley Orgánica Constitucional de Enseñanza, se estableció el siguiente principio orientador para formular los Objetivos Fundamentales Transversales:

La educación chilena busca estimular el desarrollo pleno de todas las personas, promover su encuentro respetando su diversidad, y, sobre esta base, formarlas tanto dentro de valores que revisten de sentido ético a la existencia personal, como en la disposición para participar y aportar, conforme a su edad y madurez, en una convivencia regida por la verdad, la justicia y la paz.

Objetivos Fundamentales Verticales

1. Los OF-CMO de tipo vertical se ordenan en un formato técnico llamado Matriz Curricular Básica (MCB). La estructura de la MCB se funda en la necesidad de seleccionar y organizar los OF-CMO, estableciendo puntos de articulación, de una parte, entre la estructura del saber y los tipos de aprendizaje que debieran lograrse a lo largo de la progresión de cursos; y, de otra, entre el interés general del Estado y el interés particular de cada establecimiento en torno de las características de la formación que debe ser entregada al alumno.

2. En sentido amplio, la MCB debe apreciarse como un instrumento diseñado para asegurar y, a la vez, regular la libertad que la ley reconoce a cada establecimiento para decidir su propio plan y programas de estudio. La MCB también sirve de base para elaborar los planes y programas de carácter indicativo que el Ministerio de Educación debe poner a disposición de las escuelas que resuelvan no elaborarlos ellas mismas.

3. Los componentes estructurales de la MCB son:

- los sectores y los subsectores de aprendizaje,
- los ciclos y subciclos de aprendizaje,
- los niveles educacionales,
- los objetivos fundamentales,
- los contenidos mínimos,
- la ponderación de los subsectores de aprendizaje.

COLOMBIA

Constitution of 1991

ARTICULO 67. La educación es un derecho de la persona y un servicio público que tiene una función social; con ella se busca el acceso al conocimiento, a la ciencia, a la técnica, y a los demás bienes y valores de la cultura. La educación formará al colombiano en el respeto a los derechos humanos, a la paz y a la democracia; y en la práctica del trabajo y la recreación, para el mejoramiento cultural, científico, tecnológico y para la protección del ambiente. El Estado, la sociedad y la familia son responsables de la educación, que será obligatoria entre los cinco y los quince años de edad y que comprenderá como mínimo, un año de preescolar y nueve de educación básica. La educación será gratuita en las instituciones del Estado, sin perjuicio del cobro de derechos académicos a quienes puedan sufragarlos

Ley General de Educación 1994

Artículo 11°.- Niveles de la educación formal. La educación formal a que se refiere la presente Ley, se organizará en tres (3) niveles:

- a) El preescolar que comprenderá mínimo un grado obligatorio;

- b) La **educación básica** con una duración de nueve (9) grados que se desarrollará en dos ciclos: La educación básica primaria de cinco (5) grados y la educación básica secundaria de cuatro (4) grados, y
- c) La educación media con una duración de dos (2) grados

Educación básica

Artículo 19°.- *Definición y duración.* La educación básica obligatoria corresponde a la identificada en el artículo 356 de la Constitución Política como educación primaria y secundaria; comprende nueve (9) grados y se estructurara en torno a un currículo común, conformado por las áreas fundamentales del conocimiento y de la actividad humana.

Artículo 20°.- *Objetivos generales de la educación básica.* Son objetivos generales de la educación básica:

- a) Propiciar una formación general mediante el acceso, de manera crítica y creativa, al conocimiento científico, tecnológico, artístico y humanístico y de sus relaciones con la vida social y con la naturaleza, de manera tal que prepare al educando para los niveles superiores del proceso educativo y para su vinculación con la sociedad y el trabajo;
- b) Desarrollar las habilidades comunicativas para leer, comprender, escribir, escuchar, hablar y expresarse correctamente;
- c) Ampliar y profundizar en el razonamiento lógico y analítico para la interpretación y solución de los problemas de la ciencia, la tecnología y de la vida cotidiana;
- d) Propiciar el conocimiento y comprensión de la realidad nacional para consolidar los valores propios de la nacionalidad colombiana tales como la solidaridad, la tolerancia, la democracia, la justicia, la convivencia social, la cooperación y la ayuda mutua;
- e) Fomentar el interés y el desarrollo de actitudes hacia la práctica investigativa; y
- f) Propiciar la formación social, ética, moral y demás valores del desarrollo humano.

COSTA RICA

Art.78 (Constitution of 1949)

(1) Preschool and **general basic education** are **obligatory**. These and diversified education in the public system are free and supported by the Nation.

DOMINICAN REPUBLIC

Constitution of 1966

(16) Freedom of education. **Elementary education** shall be compulsory. It is the duty of the State to furnish a basic education to all inhabitants of the national territory and to take the necessary steps to eliminate illiteracy. Both elementary and secondary education, as well as that offered in agricultural, vocational, art, commercial, manual arts, and home economics schools, shall be free.

Ley Orgánica de Educación de la República Dominicana, 1997

Art. 1.- La presente ley garantiza el derecho de todos los habitantes del país a la educación. Regula, en el campo educativo, la labor del Estado y de sus organismos descentralizados y la de los particulares que recibieren autorización o reconocimiento oficial a los estudios que imparten. Esta ley, además, encauza la participación de los distintos sectores en el proceso educativo nacional.

La educación es un derecho permanente e irrenunciable del ser humano. Para hacer efectivo su cumplimiento, cada persona tiene derecho a una educación integral que le permita el desarrollo de su propia individualidad y la realización de una actividad socialmente útil; adecuada a su vocación y dentro de las exigencias del interés nacional o local, sin ningún tipo de discriminación por razón de raza, de sexo, de credo, de posición económica y social o de cualquiera otra naturaleza;

Art 4. m. Los estudiantes tienen derecho a recibir una educación apropiada y gratuita, incluyendo a los superdotados, a los afectados físicos y a los alumnos con problemas de aprendizaje, los cuales deberán recibir una educación especial

ECUADOR

Constitution of 1998

Art. 67.- La educación pública será laica en todos sus niveles; obligatoria hasta el **nivel básico**, y gratuita hasta el bachillerato o su equivalente. En los establecimientos públicos se proporcionarán, sin costo, servicios de carácter social a quienes los necesiten. Los estudiantes en situación de extrema pobreza recibirán subsidios específicos.

El Estado garantizará la libertad de enseñanza y cátedra; desechará todo tipo de discriminación; reconocerá a los padres el derecho a escoger para sus hijos una educación acorde con sus principios y creencias; prohibirá la propaganda y proselitismo político en los planteles educativos; promoverá la equidad de género, propiciará la coeducación.

El Estado formulará planes y programas de educación permanente para erradicar el analfabetismo y fortalecerá prioritariamente la educación en las zonas rural y de frontera.

EL SALVADOR

Constitution of 1983

Art.56: All inhabitants of the Republic have the right and the duty to receive a simple and **basic education** that will train them to perform as useful citizens. The State shall promote the formation of special education centers. When imparted by the State, simple, basic and special education shall be free.

Ley General de Educacion, 1998:

Free and compulsory **basic education**: “Art. 5. - La Educación Parvularia y Básica es obligatoria y juntamente con la Especial será gratuita cuando la imparta el Estado. »

HONDURAS

Constitution of 1982

Art.153: The State has the obligation 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.

Art.171 Public education shall be free, and **basic education** shall also be compulsory and completely at the expense of the State. The State shall set up the necessary compulsory mechanisms accordingly to make these provisions effective.

MEXICO

LEY GENERAL DE EDUCACION 2003

ARTICULO 37.- La educación de tipo **básico** está compuesta por el nivel preescolar, el de primaria y el de secundaria. La educación preescolar no constituye requisito previo a la primaria.

ARTICULO 38.- La **educación básica**, en sus tres niveles, tendrá las adaptaciones requeridas para responder a las características lingüísticas y culturales de cada uno de los diversos grupos indígenas del país, así como de la población rural dispersa y grupos migratorios.

ARTICULO 41.- La educación especial está destinada a individuos con discapacidades transitorias o definitivas, así como a aquellos con aptitudes sobresalientes. Atenderá a los educandos de manera adecuada a sus propias condiciones, con equidad social.

Tratándose de menores de edad con discapacidades, esta educación propiciará su integración a los planteles de educación básica regular, mediante la aplicación de métodos, técnicas y materiales específicos. Para quienes no logren esa integración, esta educación procurará la satisfacción de necesidades básicas de aprendizaje para la autónoma convivencia social y productiva, para lo cual se elaborarán programas y materiales de apoyo didácticos necesarios. ¹

Esta educación incluye orientación a los padres o tutores, así como también a los maestros y personal de escuelas de educación básica regular que integren a alumnos con necesidades especiales de educación.

ARTICULO 43.- La educación para adultos está destinada a individuos de quince años o más que no hayan cursado o concluido la educación básica y comprende, entre otras, la alfabetización, la educación primaria y la secundaria, así como la formación para el trabajo, con las particularidades adecuadas a dicha población. Esta educación se apoyará en la solidaridad social

PANAMA

Constitution of 1972

ARTICULO 91- La educación oficial es gratuita en todos los niveles pre-universitarios. Es obligatorio el primer nivel de enseñanza o **educación básica general**.

La gratuidad implica para el Estado proporcionar al educando todos los útiles necesarios para su aprendizaje mientras complete su educación básica general.

La gratuidad de la educación no impide el establecimiento de un derecho de matrícula pagada en los niveles no obligatorios ».

PARAGUAY

Constitution of 1992

Art.73 - The right to education and its goals

Everyone has the right to a comprehensive, permanent educational system, conceived as a process within the cultural context of the community. The elimination of illiteracy and the implementation of job training programs are permanent objectives of the educational system.

Ley General de Educación (n° 1.264), 26 May 1998.

“**Artículo 1º.** - Todo habitante de la República tiene derecho a una educación integral y permanente que, como sistema y proceso, se realizará en el contexto de la cultura de la comunidad.

PERU

Ley General de Educación N° 28044:

Artículo 3º.- La educación como derecho

La educación es un derecho fundamental de la persona y de la sociedad. El Estado garantiza el ejercicio del derecho a una educación integral y de calidad para todos y la universalización de la

Educación Básica. La sociedad tiene la responsabilidad de contribuir a la educación y el derecho a participar en su desarrollo.

VENEZUELA

Constitution of 1999

Art.103: 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. Education is obligatory in all its levels, from the maternal level up to the intermediate diversified level. That imparted in the institutions of the State is free of charge up to the university pre-grade. For that purpose, the State will make a priority investment, in conformity with the recommendations of the Organization of the United Nations. The State will create and support institutions and services sufficiently endowed in order to ensure access, permanence and culmination in the educational system.

The law will guarantee equal attention to the persons with special needs or with disabilities and to those who are deprived of their freedom or who lack the basic conditions for their incorporation and permanence in the educational system

LEGAL PROVISIONS INCLUDING BASIC EDUCATION IN NORTH AMERICA AND WESTERN EUROPE

ANDORRA

Loi qualifiée d'éducation 1993 :

Tout le monde a droit à une **éducation de base** et à accéder aux niveaux supérieurs de l'enseignement.

L'**éducation de base** est obligatoire et gratuite, et se fait extensive aux adultes. La scolarité est obligatoire entre 6 et 16 ans ; les enfants pourront être scolarisés à partir de 3 ans.

BELGIUM

- French community:

Le Décret-Missions adopté en 1997 définit les missions assignées à l'enseignement obligatoire.

Quatre objectifs généraux pour l'enseignement obligatoire :

- promouvoir la confiance en soi et le développement de la personne de chacun des élèves;
- amener tous les élèves à s'approprier des savoirs et à acquérir des compétences qui les rendent aptes à apprendre toute leur vie et à prendre une place active dans la vie économique, sociale et culturelle;
- préparer tous les élèves à être des citoyens responsables, capables de contribuer au développement d'une société démocratique, solidaire, pluraliste et ouverte aux autres cultures;
- assurer à tous les élèves des chances égales d'émancipation sociale.

- Dutch community

The Law of 29 June 1983 prescribes that minors, Belgians and foreigners alike, are subject to compulsory school attendance for a period of 12 years, starting in the school year during which the child reaches the age of 6 and ending at the end of the school year during which the youngster reaches the age of 18 (Dewaele, e.a., 1985; TORB, 1995).

A Circular Letter of 2002 made it clear that the period of compulsory education stops at the age of 18. Anyone who is 18 and who has consequently attained majority, cannot be compelled to stay at school until the end of the school year.

DENMARK

According to the Danish Constitution (1953), all children of compulsory education age have a right to free education in the Folkeskole¹⁹.

¹⁹ Municipal basic school offering 9 years of comprehensive primary and lower secondary education, an optional pre-school and a supplementary optional 10th year

The Folkeskole is centrally regulated by the **Act on the Folkeskole of 2005** that lays down the framework of the Danish comprehensive primary and lower secondary school system, which stretches from the 0th (pre-school) to the 10th form level.

The Act indicates

- the structure and organisation: "The Folkeskole shall comprise a one-year pre-school class, a nine-year basic (primary and lower secondary) school and a one-year 10th form"; "the Folkeskole is a municipal matter. It shall be the responsibility of the municipal council to ensure all children in the municipality free education in the Folkeskole. The municipal council shall lay down the targets and framework of the activities of the schools within the provisions of this Act";

- the content of the school: "The content of the teaching shall be selected and organised so that it gives the pupils a possibility of absorption, a general view and a feeling of coherence. The teaching shall enable the pupils to acquire the forms of cognition and working methods of the individual subjects. The pupils shall - in an interaction with this - have the opportunity to practise and develop the acquired knowledge and skills through the instruction in interdisciplinary topics and issues."

The further education system is regulated by the 'Act on vocationally oriented basic and advanced education for adults (the further education system)' from May 2000. According to this act, the overall aim is to 'enable adults to improve both their occupational and personal competency through basic as well as advanced education. In the contents and organisation of the programmes, account must be taken of the adult participants' work and life experience and of their possibilities to combine education and work.' The further education system comprises basic education for adults and further education for adults taken at three advanced levels of education.

FINLAND

Constitution of 2000

Section 16 Educational rights

(1) Everyone has the right to **basic education** free of charge. Provisions on the duty to receive education are laid down by an Act.

Education is considered to be one of the fundamental rights of all citizens. Firstly, provisions concerning fundamental educational rights guarantee everyone (not just Finnish citizens) the right to free basic education; the provisions also specify compulsory education. Basic and compulsory education are stipulated in more detail in the **Basic Education Act**:

Basic education is a nine-year general education. Basic education is free and gives everyone who completes it the same right to further education. The purpose of basic education is to give the pupils knowledge and skills necessary in life, and to give everyone an equal educational foundation. Other goals include supporting the development of pupils as human beings, and their growth into ethically responsible members of society, and the promotion of learning and equality in society.

Generally, compulsory education is provided in primary schools. Primary school comprises years 1-9 and is intended for the whole age group (7-16 years old). During the first six years the education is provided by the class teacher, who teaches all or most subjects. During the last three years separate subjects are usually taught by different subject teachers.

Basic education is also available for adults, and is provided by general upper secondary schools for adults and adult education centres.

Basic education is governed by the Basic Education Act (628/1998) and Basic Education Decree (852/1998) and the Government Decree on the General National Objectives and Distribution of Lesson Hours in Basic Education (1435/2001). These regulations stipulate such matters as the core subjects taught to all pupils, and the distribution of teaching hours between various subjects. The core subjects taught to all pupils in the basic education syllabus are the mother tongue and literature (Finnish or Swedish), the other official language, one foreign language, environmental studies, health education, religion or ethics, history, social studies, mathematics, physics, chemistry, biology, geography, physical education, music, art and crafts, and home economics. Guidance counselling must also be provided for students. In addition, optional subjects are taught, which are determined locally by local authorities and schools.

The National Board of Education decides on the goals and main content of basic education by setting the national core curriculum, guidelines that govern all the education providers. The national core curriculum defines not only the goals and main content of the various subjects but also so-called cross-curricular themes, which are themes that integrate upbringing and education. The cross-curricular themes help to respond to the educational challenges of the time. The national core curriculum provides rules on such issues as special needs education, student welfare, student evaluation, and co-operation between the home and school. The latest guidelines for the National core curriculum for basic education were issued in 2004.

Education providers draw up local municipality-specific or school-specific curricula based on the guidelines for the national core curriculum and legislation. The curriculum guides the school's practical teaching and educational work. Parents have the opportunity to participate in drawing up the school's curriculum and in determining educational objectives.

Characteristics of basic education:

- teaching, text books and teaching materials, school transport and school meals are free
- a nine-year comprehensive curriculum for the whole age group
- teaching is provided by schools near the home
- no degree; a final certificate will be given for completing the syllabus
- provides the necessary prerequisites for all upper secondary education
- almost all children in Finland complete comprehensive school
- dropping out of school and repeating years are rare
- learning outcomes are excellent when compared internationally
- basic education includes a one-year long voluntary pre-primary education in a school or day-care centre
- pupils who have completed basic education are eligible for voluntary additional education (grade 10) that lasts one year.
- local authorities can also provide voluntary morning and afternoon activities for pupils in basic education

FRANCE

Code de l'Education (2000)

Article L121-1

(Loi n° 2005-380 du 23 avril 2005 art. 5, art. 6 Journal Officiel du 24 avril 2005)

Les écoles, les collèges, les lycées et les établissements d'enseignement supérieur sont chargés de transmettre et de faire acquérir connaissances et méthodes de travail. Ils contribuent à favoriser la mixité et l'égalité entre les hommes et les femmes, notamment en matière d'orientation. Ils assurent une formation à la connaissance et au respect des droits de la personne ainsi qu'à la compréhension des situations concrètes qui y portent atteinte. Ils dispensent une formation adaptée dans ses contenus et ses méthodes aux évolutions économiques, sociales et culturelles du pays et de son environnement européen et international

Article L321-2

(Loi n° 2005-380 du 23 avril 2005 art. 24 Journal Officiel du 24 avril 2005)

Sans rendre obligatoire l'apprentissage précoce de la lecture ou de l'écriture, la formation qui est dispensée dans les classes enfantines et les écoles maternelles favorise l'éveil de la personnalité des enfants. Elle tend à prévenir des difficultés scolaires, à dépister les handicaps et à compenser les inégalités. La mission éducative de l'école maternelle comporte une première approche des outils de base de la connaissance, prépare les enfants aux apprentissages fondamentaux dispensés à l'école élémentaire et leur apprend les principes de la vie en société.

L'Etat affecte le personnel enseignant nécessaire à ces activités éducatives.

Article L321-3

(Loi n° 2005-380 du 23 avril 2005 art. 25, art. 26 Journal Officiel du 24 avril 2005)

La formation primaire dispensée dans les **écoles élémentaires** suit un programme unique réparti sur les cycles mentionnés à l'article L. 321-1 ; la période initiale peut être organisée sur une durée variable.

Cette formation assure l'acquisition des **instruments fondamentaux de la connaissance** : expression orale ou écrite, lecture, calcul ; elle suscite le développement de l'intelligence, de la sensibilité artistique, des aptitudes manuelles, physiques et sportives. Elle offre un premier apprentissage d'une langue vivante étrangère et une initiation aux arts plastiques et musicaux. Elle assure conjointement avec la famille l'éducation morale et offre un enseignement d'éducation civique qui comporte obligatoirement l'apprentissage de l'hymne national et de son histoire.

IRELAND

A National Educational Welfare Board has been established to oversee the enactment of the provisions of the Education (Welfare) Act, 2000.

The Education (Welfare) Act provides "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 recognised schools, the compulsory attendance of certain children at recognised 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 ..." (Education [Welfare] Act, 2000).

PORTUGAL

Constitution of 1976

Article 74 Education

(1) Everyone has the right to education with safeguard of the right to equal opportunities of access to and success in schooling.

(2) Education contributes to overcome economic, social, and cultural imbalances, to enable citizens to participate on a democratic basis in a free society and to promote mutual understanding, tolerance, and a spirit of solidarity.

(3) In the implementation of its educational policy it is a State duty to:

- a) Ensure compulsory and free universal **basic education**;
- b) Institute a public system of pre-school education;
- c) Ensure permanent education and abolish illiteracy;

Legislation restructuring the curriculum in 2001 (Decree-Law No. 6/01, of 18 January, amended by Decree-Law No. 209/02, of 17 October) establishes organisational guidelines for the new syllabi for *ensino básico*. The Decree-Law No. 74/04, of 26th March, defines the guiding principles of the organisation and management of the curriculum and the assessment of learning at the level of *ensino secundário*.

In *ensino básico* three new, non-disciplinary, curricular areas are emphasised – the área de projecto, *estudo acompanhado* and civics - besides compulsory experimental science teaching, more investment in modern language learning, artistic education and education for citizenship. In addition, the core curriculum in the areas of mother tongue and mathematics was reinforced.

Schooling covers *ensino básico*, *ensino secundário* and higher education.

Pupils who successfully complete their *ensino básico* have the right to a diploma and proceed with their studies in *ensino secundário*.

SPAIN

Constitution of 1978

Artículo 27

4. La **enseñanza básica** es obligatoria y gratuita

Ley Orgánica Reguladora del Derecho a la Educación

En ella se reconoce el derecho de todos los españoles a una **educación básica** y gratuita, sin que puedan existir discriminaciones de ningún tipo.

Ley Orgánica de Ordenación General del Sistema Educativo

En su Título Preliminar se define la enseñanza básica contemplada en el artículo 27.4 de la Constitución Española de 1974, determinándose su duración en diez años, desde los 6 hasta los 16

La Ley garantiza que la formación de todos los alumnos tenga un contenido común, a la vez que se favorece y posibilita un amplio ejercicio de las competencias autonómicas en materia educativa. Además, introduce el concepto de ‘necesidades educativas especiales’ y refuerza los principios de normalización e integración formulados en la Ley sobre Integración Social de los Minusválidos de 1982

SWITZERLAND

Constitution of 1999

Art. 19 Droit à un enseignement de base

Le droit à un enseignement de base suffisant et gratuit est garanti.

Art. 62 Instruction publique

Les cantons pourvoient à un enseignement de base suffisant ouvert à tous les enfants. Cet enseignement est obligatoire et placé sous la direction ou la surveillance des autorités publiques. Il est gratuit dans les écoles publiques.

LEGAL PROVISIONS INCLUDING BASIC EDUCATION IN EASTERN AND CENTRAL EUROPE

BELARUS

The Education Act was adopted on 29 October 1991.

One of the Act's most important articles defining the contents of education and training is article 16, which is devoted to general secondary education. In particular, it states that general secondary education is the central unit of the continuous education system and that its object is to develop all the creative possibilities of the individual through the assimilation of knowledge relating to the main areas of life, the acquisition of essential mental and physical work habits, and the forming of aesthetic tastes and moral principles, combined with the requisite level of physical development. According to the Act, the general secondary education system includes the following cycles: **elementary, basic and secondary** (eleven or twelve years of study, ages 6 to 17 or 18), which can exist separately or as part of a basic or secondary school. Education begins at age 6 or later in the light of medical indications and with the consent of the parents. The year 1 syllabus can be taught in kindergarten. The State, as represented by the relevant executive organs, defines a set of minimum standards for the contents of general secondary education, including a list of compulsory subjects and an indication of the minimum amount of tuition in each subject. School curricula, syllabi and textbooks take account of differences in students' interests and capabilities. Individual syllabi, extra-mural activities and optional subjects are introduced with a view to meeting students' individual needs and developing their creative abilities, and schools, gymnasiums and lyceums offering in-depth study of specific subjects are established. Orphan children attend secondary SGE attached to children's homes, including family-type homes, or boarding schools with all expenses covered by the State. Basic and secondary schooling ends with final examinations, basic-school leavers receiving an attestation and secondary-school leavers a certificate according to their examination results. Together with the certificate, graduates of secondary schools, gymnasium or lyceum who have achieved excellent results are awarded a gold or silver medal or a special mention for excellence in a particular subject.

BOSNIA & HERZEGOVINA

The first State level law was adopted in 2003: Framework Law on Primary and Secondary Education in Bosnia and Herzegovina which defines the common core standards of education of the whole of B&H, and it affirms the equal right to education for all. By 2003, education in B&H was organized on the principle of obligatory eight-year schooling. The Framework law introduced the obligatory nine-year education.

BULGARIA

Public Education Act (1991)

Basic education (class 1 through class 8) includes primary school (class 1 through class 4) and lower secondary school (class 5 to class 8). This type of education may be obtained in state-maintained, municipal and private schools. Within the framework of the same educational level, additional professional qualifications may also be acquired by vocational and technical programs after finishing class 6, 7 and 8. On successful completion of class 4, a Forth-class Leaving Certificate is issued and on successful completion of class 8 – a Certificate of Completed Basic Education

Basic education issues, with its two stages – primary and pre-secondary are provided for in the National Education Act (NEA) – 1991, art. 22 (1, 2, 3), art. 23 (1, 2, 3, 4) and the Level of education, General education minimum and Curriculum Act (1999) art. 2, 3 (1, 2, 3), art. 5, art. 6 par.1, 2.

Those who completed **basic education** are entitled to continue their education to the next educational degree, vocational education, as well as to practice professions, which require basic education (art. 6, par. 4).

Being considerably independent the basic level of education marks certain completeness in pupils' education. In this respect the principal aims of education can be stipulated as: providing the necessary level of literacy and sequence of education, forming initial knowledge and skills in pupils in the initial stage and basic skills and knowledge throughout the whole course of basic education, creating a system of values and relations, interests and needs, developing their abilities as the basis for further education into the next level of secondary general or vocational school as well as fulfillment in social practice in areas which require completed basic education if pupils do not continue into the next educational level.

Basic education aims also to facilitate vocational orientation of pupils.

School education in the Republic of Bulgaria is compulsory by the age of 16. It begins at the age of seven, when children are enrolled as first-grade pupils. Children at the age of six can also be enrolled as first-grade pupils, if their physical and mental behaviour, on judgment of their parents or trustees, allows it. Since the 2003/2004 school year, children's training in preparatory groups with kindergartens or preparatory classes to schools has become compulsory as their parents or trustees are exempt from payment of fees.

CZECH REPUBLIC

The basic principles governing the provision of education are contained in the Charter of Fundamental Rights and Freedoms, which is a part of the Constitution (1992). The Charter says that the "care of children and their education is the right of parents. Children have the right to be brought up and cared for by their parents". (Article 32, paragraph 4)

Article 33 says: "Everybody is entitled to education. The period of compulsory schooling is set down in law. Citizens have the right to free education at **basic and secondary schools**, and, depending on individual ability and the means available to society, also in higher education institutions. Non-state schools may be established only under conditions laid down by law. These schools may provide education for payment".

The Education Act defines the basic aims and principles of education, as these were not included in the School Act until now. In comparison with the previous approach, more attention is paid to the education process than to the educational institutions. The Act increases permeability within

the education system, as it makes the education pathways more transparent and introduces the possibility to recognise the previous education. It strengthens the inclusion of pupils with special educational needs and equality in the access to education. Free education at public schools is extended to the final year of pre-school education. The school organising bodies of all kinds have the same rights and responsibilities.

ESTONIA

The Education Act (1992) defines the different levels of education, including **basic education**, the principles of organisation of the education system, the forms of study, management of the education system, compulsory school attendance, and also determines the types of educational institutions. The Basic Schools and Upper Secondary Schools Act determines the legal status and organisation of the management of a basic school *põhikool* in state or municipal ownership, also the organisation of schooling and education at school.

Education is compulsory for school-age children to the extent specified by law and free of charge in state and local government general education schools. A child is at the age of compulsory school attendance if he or she is seven years old on 1 October of the current year and a student is at the age of compulsory school attendance until the acquisition of basic education (until end of the 9th class) or until he or she is 17 years old. Secondary education in public comprehensive secondary (state and municipal) schools is also free of tuition fees. The provision of education is supervised by the state. In order to make education accessible, the state and local governments must maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law. Operation of schools grounded on the private capital of physical or legal entities is regulated by the Private Schools Act.

In **basic school**, the language of instruction may be any language; the choice of the language is made by the manager of the school

LATVIA

The constitution (1922 amended in 2005), *Satversme*, prescribes, that everyone has the right to education. The State shall ensure that everyone may acquire basic education without charge. **Basic education** is defined by the constitution to be compulsory.

The goal of the Education Law (1998) is to provide a possibility for every resident of Latvia to develop ones mental and physical potential, to become an independent personality, the member of the democratic state and society of Latvia.

According to the age and needs of the individual, educational system of Latvia provides a possibility:

- for moral, esthetical, intellectual and physical development;
- to gain skills and knowledge in humanities, social, nature and technical areas;
- to gain skills, knowledge and experience of attitude in order to take part in the life of society and state.

Starting from the 1 September 2002, pre-school education is compulsory for 5 and 6 year olds. **Basic compulsory education** lasts 9 years from age 7 till 16. It is possible to start compulsory

education a year earlier or later with the judgment of the medical commission and if the parents wish so. Acquisition of basic education is mandatory until age 18.

POLAND

The basic principles of the Polish education system are included in the School Education Act of 7 September 1991 with further amendments.

"Education in the Republic of Poland is a common welfare of the whole society; it is guided by principles contained in the Constitution of the Republic of Poland as well as by the instructions of the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights and the Convention on the Rights of the Child. Education and upbringing, respecting the Christian system of values, is based on universal ethical principles. Education and upbringing serve the developing of young people's sense of responsibility, admiration of the fatherland and respect for the Polish cultural heritage, while being open, at the same time, to values of European and world's cultures. The objective of the school is to provide each pupil with conditions necessary for his/her development and to prepare him/her for the fulfilment of family responsibilities and civil duties based on the principles of solidarity, democracy, tolerance, justice and freedom".

The basic formulated principles of the system of education are included in the first chapter of the Act:

"In particular this system should provide:

- implementation of the right of each citizen of the Republic of Poland to education and the right of children and youth to be educated and cared for;
- support of the family's educational role;
- possibility for various entities to establish and run schools and institutions;
- adjustment of the contents, methods and organisation of education to pupils' psychological and physical abilities, and the possibility of taking advantage of psychological and pedagogical support and of special forms of teaching;
- possibility for the disabled and socially maladjusted children and youth to be taught at all types of schools;
- care for the seriously disabled and socially maladjusted children and youth through individual teaching, use of individual curricula and participation in remedial classes;
- care for particularly gifted pupils;
- wide access to secondary schools;
- possibility for adults to complete general education;
- diminishing educational inequalities between particular regions of the country, and especially between urban and rural areas;
- creation of safe and hygienic conditions for pupils at schools and other institutions;
- dissemination of environmental education;
- particular care for pupils in a difficult financial situation and having poor living conditions;
- adjustment of education to the labour market needs;
- provision of career guidance to pupils.

ROMANIA

According to the Education Law (Law 84/1995), education in Romania is a national priority and pursues the free, integral and harmonious development of the human individuality, and the

development of the autonomous and creative personality (the “educational ideal”). All Romanian citizens have equal access rights to all levels and forms of education, irrespective their social and financial condition, gender, race, nationality, political or religious orientation. The state promotes the principles of democratic education and guarantees the right to differentiated education based on educational pluralism, in the benefit of the individual and of the entire society, and promotes the principles of continuous education. The fundamental principles stated by the Education Law (Law 84/1995) in the organisation and functioning of the national educational system can be summarised as follows:

- Public education is free; certain activities can be charged within the conditions of the law;

Taking the recent developments in the field of education and training, the Ministry of Education and Research has settled for the reform of compulsory education in Romania the following specific objectives:

- Establishing the age of 6 as the entrance age in primary education;
- Extending the duration of compulsory education to 10 years, ensuring for the last two years of compulsory education two educational routes: a comprehensive (general) route and, alternatively, a VET route, and
- Revision of the National Curriculum as well as of the assessment and evaluation system in order to ensure the development for each pupil of the key-competences required by the knowledge society during compulsory education.

According to these objectives, the Education Law (Law 84/1995) was amended in June 2003 and the new provisions became effective immediately: starting the school year 2003/2004 compulsory education in Romania is 10 years long and the school entry age is 6.

RUSSIAN FEDERATION

According to the Constitution (1993),
Article 43

4. The **basic general education** shall be free of charge. Parents or persons in law parents shall enable their children to receive a basic general education.

State educational standards determine the basic level of the content of education common for the whole of Russia and serve as a basis for appraising the level of learners’ training. The State educational standard for basic comprehensive education is established by the Federal law. **Basic general education** lasts for nine years. Graduates of this level may continue their education at senior high school to receive secondary (complete) general education. They may also enter an initial vocational school or non-university level higher education institutions.

SERBIA MONTENEGRO

The aims of the primary education are:

- 8) The education for respect toward the national, historical and cultural values, as well as for the recognizing the cultural and other characteristics of other nations;
- 9) The education for mutual tolerance, respect for differences, cooperation with others, respect for human rights and fundamental freedoms, and along with that the development of the abilities for life within a democratic society;

(Law on Primary Education, 2002, Article 2)

In primary education the basic structure and concept have been kept—compulsory and free education lasting eight years for pupils 7-15 years old. The process of modernization of curricula and the educational process in primary school started in 1992 and was continued later on. From the 1995/96 school year, certain innovations were applied in schools. In Serbia, these changes have been based upon a critical estimation of scope, content and complexity of curricula concerning subjects and grades, curriculum content correlation and functionality of optional instruction and extramural activities. The changes have included the reduction of school curricula and teaching time (number of lessons), as well as more logical arrangement of the contents. The curriculum has been supplemented by possible, but not compulsory, educational work: remedial, corrective educational work and preparatory teaching. Some subjects have completely been changed, while some others suffered only part reforms

SLOVENIA

New legislation regulating **basic education** was adopted in 1996. Its most important new feature is the nine-year compulsory osnovna šola (**elementary school**). Children will start school a year earlier, which will prolong compulsory education by one year. In other words, children will be required to start school at the age of 6 instead of 7.

The **Elementary School Act** determines general educational aims, regulates the right to choose between public and private schools or home schooling, defines the compulsory and extended programme and work organisation in *osnovne šole* (elementary schools), sets forth the manner and rules concerning enrolment, pupils' rights and duties, basic rules concerning the assessment and marking of učenci (pupils) and their progress to a higher grade, and the award of certificates. It also stipulates the basic rules on home schooling and basic education of adults. The new act makes mainstreaming of children with special needs possible. The nine-year *osnovna šola* (elementary school) programme will be implemented gradually; therefore the stipulations of the old Elementary School Act of 1980 and its amendments adopted in 1986 that regulate the eight-year *osnovna šola* (elementary school) programme remain in force until the last cohorts graduate from it.

Future Developments:

As stipulated by law, the nine-year elementary school curriculum is introduced gradually, starting with the 1999/2000 school year. The implementation finishes in the 2007/08 school year when the new programme will be offered in all grades and all classes of Slovene *osnovne šole* (elementary schools). This will be the end of the eight-year *osnovna šola* (elementary school).

The law lists the following goals of **basic education**:

- To provide general education to the whole population;
- To promote a well co-ordinated cognitive, emotional, spiritual and social development of individuals;
- To foster literacy and the competence to understand, communicate and express oneself in the Slovene language and, in the areas defined as ethnically mixed, also in the Italian and Hungarian language, respectively;
- To promote the awareness of individual's integrity;
- To foster the feeling of citizenship and national identity as well as the knowledge of Slovene history and culture;
- To teach about general cultural values and civilisation stemming from European tradition;

- To educate for mutual tolerance and respect for being different, willingness to co-operate, respect for human rights and basic freedoms and, consequently, develop the ability to live in a democratic society;
- To achieve internationally comparable standards of education and to acquire the knowledge necessary to continue schooling;
- To provide general and applied knowledge enabling uèenci (pupils) to face their social and natural environment independently, efficiently and creatively and to develop the capacity of critical judgement;
- To foster and preserve our own cultural tradition;
- To learn about other cultures and foreign languages;
- To enable pupils' personal development according to their abilities and the principles of personal development;
- To foster pupils' talents and teach them to understand the works of art and express themselves artistically;
- To create and promote a healthy way of life and a responsible attitude towards the natural environment.

UKRAINE

The Law on General Secondary Education adopted in 1999 introduced significant changes in the **structure, duration and content of basic and senior secondary education**, from 2001 over a period of more than ten years. The Law stipulates that elementary education will last four years and the admission age will be 6. Basic (lower secondary) education will last five years, completing the general secondary education programme. Upper secondary education will be a three-year programme mainly providing specialized training. The twelve-year programme will be compulsory for all pupils (Ministry of Education, 1999).
