

## TALKING POINTS FOR THE PRESS CONFERENCE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION ON HIS VISIT TO GERMANY

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Vernor Muñoz, Special Rapporteur of the Commission on Human Rights on the right to education, has concluded a mission to Germany that lasted from 13 to 21 February 2006. The mission took place at the invitation of the Government.

The purpose of the mission was to consider how Germany endeavours to implement the right to education, the measures taken for its successful realization and the obstacles encountered, both at the national and international level.

During his visit, the Special Rapporteur met with the Federal Minister of Education and Research and the Minister of State at the Federal Chancellery and Commissioner of the Federal Government for Migration, Refugees and Integration, as well as with senior officials of the Federal Ministries of Education, Science and Research; Family, Youth and Sports; Foreign Affairs and the Standing Conference of the Ministers of Education and Cultural Affairs of the Landers. The Special Rapporteur held a meeting with members of the Federal Parliament. In the course of the visit, the Special Rapporteur also met with the Commissioner of the Land Brandenburg for National and International Affairs; and representatives of the Ministries of Education of Land Brandenburg and Land Berlin, as well as the Minister of Education and Senior Officials of the Ministries of Education of Land Bayern.

The Special Rapporteur held meetings with representatives of United Nations agencies and several non-governmental organizations. He also met with teachers, parents and students; trade-unions; journalists and academics. The Special Rapporteur visited pre-schools education facilities, Grundschule (primary schools), Hauptschule, Gesamtschule, Förderschule and Gymnasium, as well as a centre and school for children with cerebral palsy, in Berlin, Potsdam, Munich, Cologne and Bonn.

Several key issues were addressed during the course of the mission, including the impact of the German federal system, taking into account the effects of the reunification, on a coherent and uniformed education policy. The federal system should also be considered in the context of the demanding and integrated European policies and globalization. He also discussed the assessment of the German education reform in light of the results of the Programme for International Student Assessment (PISA) and PIRLS; as well as the paradigm shift on migration to be seen in conjunction with demographic changes and socio-economic factors.

Following the conclusion of his mission, the Special Rapporteur discussed his preliminary observations with the Federal Minister of Education and Research and senior officials of the Ministry of Education and Research. He acknowledged the traditional specificity of the German educational system and noted with interest the Government's initiatives adopted in the aftermath of the publication of the PISA results, as well as earlier initiatives which were part of an ongoing debate on education policies. He acknowledges the commitment of the Government and other stakeholders to ensure that education policies take into consideration the education challenges the country has to face. During his visit, the Special Rapporteur was able to assess the commitment of the authorities either at the federal level as well as the landers' level to tackle the effects of the PISA results.

The Special Rapporteur noted, however, the need to strengthen the rights-based approach to education which should lead to considering education a right and not only an economic and social service. He believes that strengthening the integration of the right to education into the Government's policies would strengthen crucial elements of its current strategies, not only with regard to equal access to education but also to the equal quality and appropriateness of the education provided.

A reinforced rights-based approach to education would ensure that the education processes and structures are non-discriminatory, therefore instrumental for social equal opportunities. Although the Special Rapporteur is aware that education policies are not expected to resolve all general social problems and challenges, he also believes that the education system should, to the extent possible, offer a conducive environment to help breaking the cycles of poverty and social disadvantages, thus promoting equal chances for all. This is particularly true within the context of the demographic changes in the country and the paradigm shift on migration. Education should thus be the vector of a full inclusion of disadvantaged groups, such as socially disadvantaged persons, migrants, refugees, undocumented persons, Roma people and persons with disabilities within the education system and the society as a whole.

The testimonies gathered by the Special Rapporteur seem to point out that present social and education asymmetries may tend to perpetuate.

The current state of debate seems to point to the fact that measures taken to react to PISA may fail to take into account wider systemic and structure related issues such as the relationship between new educational approaches centred on quality education for all and the emphasis on the needs and the requirements of pupils both as unique individuals and as citizens. The current state of sensitivity over the structure must be overcome in order to facilitate the search for comprehensive, effective and equitable educational models that take into account the demographic, economic and social development of Germany both in European and globalized context. The testimonies gathered by the Special Rapporteur seem also to indicate that merely fixing or supplementing current education policies would not eliminate the root causes for the disparities and the problems shown by educational international comparative surveys. However, everything points to the fact that major German educational research and scientific well renowned institutions are well aware of the fundamental issues at stake and are poised to tackle the subject without preconceived views.

Whatever course the debate on the education system will take, specific preliminary measures ought to be contemplated in connection with the following issues:

- Withdraw the reservation to the Convention on the Rights of the Child in order to ensure equal education opportunities to all children regardless of their conditions and status;
- The inclusion of free of charge pre-school education (kindergarden) as part of the educational system and incorporating cognitive skills construction, creativity and overall child development;
- The Special Rapporteur also highlighted the critical role of education professionals in promoting the right to education. Education policies cannot be fully delivered without more teachers appropriately trained not only as specialists on specific themes but also as pedagogues also able to transmit learning processes;

- The advisability of postponing the age for taking the decision of orienting the pupils towards specific secondary education schooling tracks as a means of enhancing inclusion and language skills acquisitions opportunities;
- Promotion of living human rights culture in school through the inclusion of human rights as integral part of teachers' training and continuing education and skims and in school curricula;
- The need to approach educational policies taking into account the overall social and economic realities in the country, as well as the European and globalized context.
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The Special Rapporteur will report on his mission to the Commission on Human Rights at its sixty-third session in 2007.

The Special Rapporteur is an independent expert appointed by the United Nations Commission on Human Rights to help States, and others, promote and protect the right to education. For further information on the mandate of the Special Rapporteur and copies of available reports, please consult the website of the Office of the High Commissioner for Human Rights. (<http://www.ohchr.org>).