

Table of Contents

PART I - ACCESS TO EDUCATION

Universalizing Access to Basic Education:

UNESCO's Normative Action (<i>Kishore Singh</i>).....	10
Introduction	10
1. UNESCO's Standard-setting Instruments and Universal Access to Education.....	11
<i>a. Normative Bases</i>	11
<i>b. Reinforcing Normative Action</i>	17
2. UNESCO's Co-operation with the United Nations System and Normative Action for Universalizing Access to Education	20
<i>a. Collaboration with the Office of the High Commissioner for Human Rights and especially with the United Nations Committee on Economic, Social and Cultural Rights</i>	20
<i>b. Universalizing Access to Education as a Follow up to the Durban Declaration and Programme of Action (2001)</i>	21
<i>c. United Nations Literacy Decade: UNESCO's Action for Combating Illiteracy</i>	22
3. Universalizing Access to Basic Education: National Level Legal Measures.....	23
4. Main Challenges	24

Access to and Equality in Education (<i>Jan De Groof and Gracienne Lauwers</i>)	26
Introduction	26
<i>a. Supply</i>	27
<i>b. Demand</i>	28
<i>c. Equality</i>	28
1. Access to education for the disabled	29
<i>a. Background</i>	29
<i>b. International Conventions on the right to special education</i>	30
<i>c. Developments in National Law</i>	30
Belgium	30
Italy	31
Sweden.....	31
Spain	32
Poland	32
United Kingdom	32
Northern Ireland	34
Estonia	35
Bulgaria	35
Norway	36
USA	37
Russian Federation	38
2. Educational access for minorities, vulnerable groups and marginalised groups.....	40
<i>a. Background</i>	40
<i>b. International Conventions</i>	41
<i>c. Developments in National Law: The use of minority language in education</i>	43
Italy	44
Sweden.....	44

Spain	45
Poland	45
United Kingdom	45
Northern Ireland	46
Estonia	47
Bulgaria	47
Norway	48
USA	48
Russian Federation	50
South Africa	51
3. Access to education for women and gender equity	51
<i>a. The Legal Concept of Gender Equality</i>	51
<i>b. Developments in national law</i>	51
Italy	51
Sweden.....	52
Spain	52
Poland	52
United Kingdom	53
Northern Ireland	54
Estonia	54
Bulgaria	54
Norway	54
USA	55
4. Access to independent/non-governmental/private educational institutions.....	55
<i>a. Background</i>	55
<i>b. Developments in National Law</i>	56
Italy	56
Sweden.....	56
Spain	56
Poland	57
United Kingdom	59
Estonia	59
Bulgaria	59
Norway	60
USA	60
5. Access to higher educational institutions based on merit/capacity	60
<i>a. Background</i>	60
<i>b. International Conventions on the right to higher education</i>	61
<i>c. Policies to promote minority participation in higher education</i>	62
<i>d. Action in the European Union to promote access to higher education institutions</i>	63
Italy	63
Sweden.....	64
Spain	64
Poland	64
United Kingdom	67
Estonia	67
Bulgaria	68
Norway	68

6. Access to adult education	69
<i>a. Background</i>	69
<i>b. International Conventions</i>	69
<i>c. Developments in National Law</i>	70
Italy	70
Sweden.....	70
Spain	70
Poland	71
Bulgaria	71
Norway	71
Estonia	72
United Kingdom	72
7. Children from at-risk groups	73
Estonia	73
Bulgaria	73
United Kingdom	74
Conclusion	75
Avoiding America's Mistakes (<i>Charles Glenn</i>).....	76
1. Influence of the (Misrepresented) Swedish Experience	78
2. Other Policy Pitfalls	85

PART II - EQUALITY IN EDUCATION

UNESCO's Experience on Equality in Education (<i>Kishore Singh</i>)	90
1. UNESCO's Constitutional Mandate	90
2. UNESCO's Normative Action and Equality in Education	90
3. Right to Education for All and Equality of Opportunity	95
4. International Legal Obligations for the Right to Education	97
5. Sanctioning the Right to Education	98
6. Moral and Political Obligations undertaken by Governments	98
7. Obligation undertaken by Governments for Achieving Education for All	101
8. Application of the Equality in Education: Monitoring the Implementation of Convention against Discrimination in Education.....	102
9. Co-operation with the United Nations in Monitoring the Right to Education and Promoting the Equality of Opportunity	103
10. Vision of Education and Equality of Opportunity	106
Concluding Observations	107

Equality and Education: Some Meaningful Cases in the Italian Constitutional Jurisprudence (<i>Valerio Onida</i>)	109
---	-----

Equality in Education in a Multicultural and Multi-ethnic Society (<i>Ben Vermeulen</i>)	112
Introduction	112
1. Facts and figures	112

2. Legal framework	113
a. <i>The Constitution</i>	113
b. <i>Statute law</i>	114
c. <i>International law</i>	115
d. <i>Community law</i>	117
3. Some core issues.....	118
a. <i>The common (state) school versus a pluralist school system</i>	118
b. <i>The status of the public school</i>	119
c. <i>Forced desegregation, freedom of education and freedom of choice</i>	121
Equality in Education in a Multicultural Society (Ingo Richter)	123
1. Five Forms of Multiculturalism within the European Union	123
a. <i>Traditional Multicultural Federal States (cultural pluralism)</i>	123
b. <i>Traditional Cultural Minorities in Europe (Cultural minorities)</i>	123
c. <i>New Cultural Minorities in Europe (Immigrant Minorities)</i>	123
d. <i>Foreigners and their Minority Cultures in European Countries (Foreign cultural minorities)</i>	124
e. <i>The European Union as a Multicultural Society (EU Multiculturalism)</i>	124
2. Constitutional Approaches to the Problem of Minorities and Education.	125
a. <i>Federalism</i>	125
b. <i>Minority Rights</i>	125
c. <i>Immigrant Law</i>	125
d. <i>EU Law</i>	126
3. Multiculturalism and Equality of Education in the Public School System	126
a. <i>Access</i>	126
b. <i>Choice</i>	126
c. <i>Results</i>	127
4. Multiculturalism and Equality of Education in Private Schools	127
a. <i>Multiculturally segregated school systems.</i>	127
b. <i>Equality of education and the private schools.</i>	128
c. <i>Access and private schools</i>	128
Equality in Education: The Challenge of Multiculturalism (Ann Blair)	129
1. Introduction	129
2. Race, Education and Separatism	131
3. Race equality and schools	135
a. <i>Admissions</i>	137
b. <i>Attainment</i>	140
c. <i>Exclusions</i>	143
4. A reincarnation?.....	145
5. Conclusion.....	147
Bibliography	149

Questionnaire	152
Equality in Education and its Application by the Court:	
Austrian Country Report (<i>Walter Berka and Michael Geistlinger</i>)	154
Country Report: Equality in Education in the Flemish Community	
of Belgium (<i>Veerle Rotsaert</i>)	164
Equality in Education and its Application by the Court in European	
Perspective. Réponse Française au Questionnaire (<i>André Legrand</i>)	172
Equality in Education in Germany (<i>Hans-Peter Füssel</i>)	184
L'égalité dans l'éducation en Grèce (<i>Th. Fortsakis and D. Briolas</i>)	187
Egalité et Instruction en Italie (<i>Barbara Randazzo</i>)	209
Equality in Education in the Netherlands:	
Application of the Principle of Equality in Education within the Dutch	
Legal System (<i>Ben Vermeulen and Niels Noorlander</i>)	223
Equality in Education and its Application by the Court:	
the Norwegian Country Report (<i>Stig Klingstedt</i>)	230