

Ms. Mona Zulficar - Member of the Advisory Committee of the Human Rights Council

Thank you Madam Chair, and for your swift leadership of this forum. I know Gay McDougall is not here, and I already thanked her. But I wish to put on the record also my appreciation of the very important work that she has presented as well.

We have all agreed by consensus that inclusive and quality education is not only a human rights but is a condition precedent for the effective enjoyment and exercise of all other human rights.

I would like to add that at a time of global financial and economic crisis which is unprecedented, it is always important to remember that inclusive and quality education is also an engine for development, for social cohesion, stability and security of individuals and communities. So the priority given to inclusive and quality education should not be impaired by the global financial crisis when resources are scarce and conflicts are much easier to occur, conflicts of interests.

We have also reached consensus that we would like these recommendations to be output oriented and action oriented in order to help re-enforce implementation of the existing universal and regional human rights instruments. And as a matter of fact, implementation at the national level are various plans and laws and constitutions providing for the right to education for all.

So my next two comments will focus on implementation mechanisms. The document the draft recommendation has mentioned in a couple of places for special measures and affirmative action under core principles. And I would like to recommend that this should be given a more important priority and should be explicitly clarified as an important part of the duties of the state to provide equal access and to provide especially vulnerable groups minority communities with equal access. We have a situation where people are underprivileged and cannot even if they get the same level of education, or the same level of facilities they are already underprivileged and suffering.

So we need to give them preference, we need to give them preferential treatment. We need to give them special treatment to enable them, to bridge the gap and to empower them, to exercise equal rights and in this case because in many countries, when we plead for special measures and affirmative action we are challenged that this is against the principle of equality.

I would recommend that we clearly and explicitly say, that affirmative action is not against the principle of equality but is an instrument for achieving equality and justice for underprivileged and vulnerable groups and minority communities. In this also connection I would like to say that the document should emphasize the principle of equality of opportunities to education and the document has already emphasized equal right to education and non-discrimination. Those tend to be more protective and defensive while equality of opportunity is more pro-active and provides legal basis for special measures, preferential treatment of minority communities who need those kinds of support, special and exceptional support. In order to be able to enjoy their equal rights.

The second comment that I would like to make in order to enhance implementation is suggest to national governments to consider issuing a law on equal opportunity and anti-discrimination. Several countries have already done that and this is not going to be an ordinary law like all the other laws that suffer from lack of implementation because experience tells us that this is a different type of law. It is a law that provides monitoring mechanisms not only for the purpose of investigating complaints or holding authorities accountable because they have not implemented their obligations, or governments or any responsible authorities. It is a special law that provides mechanisms in the positive sense and that because, commissions for example, equal opportunity commissions, are empowered to discuss plans for eliminating discrimination over a period of time and resources that must be made available and then they monitor implementation of those plans. So it enables, it induces change in the positive sense that normally is required in minority and vulnerable group situations where resources are scarce. Where there is cultural bias that needs to be death with in a special way and over time. If the plans are not implemented then accountability comes in. So I am recommending that this be put as a proposal in our recommendations and that also we consider developing or updating model law to help governments, to help national human rights institutions and NGOs working in that direction.

Thank you very much.