

Ms. Sawsan Zaher - Attorney, Adalah – the Legal Centre for Arab Minority Rights in Israel – Israel (concluding remarks)

Yes. Thank you very much.

Actually, I added some of the comments that I wanted previously to add in the written submissions but I will not go over them again. But I wanted to conclude with three comments. Three short comments.

The first one is that I would like to remind that there is a very important principle that should also be taken into consideration when we talk about human rights, the right to education and any other right which is the principle of the best interest of the child. What should be also taken into consideration is especially when sometimes there [cannot] be a conflict between implementing the right to education as a human right and the best interest of the child. And this should be also taken into consideration also in the spirit of the draft recommendation.

My second comment, actually, goes to the result or to the risk of not making this draft recommendation stronger, because I think as you heard from all the experts and speakers which I think all of us in this room are experts. Most of us said and have commented that the language of the draft recommendation is a bit weak and it should be strengthened. Now the right to education is included in Article 13 in the ICESR which is the strongest language among all the international instruments. It is stronger than the one that is mentioned in the CRC and it is stronger than in CERD and it is stronger even than the Article 26 in the UNDHR. Therefore, the scope of the right to education mentioned in the draft recommendation should comply with article 13 and it doesn't meanwhile this phase. So the risk of not strengthening the language in the draft might lead to very high risk which states might later come and argue when they are reporting and using the tool of the reporting mechanism to the Committee of the Economic and Social Rights that if the general recommendations are interpreting the right to education even for minorities this weak way which is weaker than Article 13 then why should we comply with article 13 and this might bring a risk to the implementation and fulfilment and exhausting of the right to education.

My third point is that I am very happy that the first session was regarding to the right to education because generally when we talk about minorities and general human rights the right spoken are mostly the classic liberal rights and therefore I am happy that the first session was regarding a social and economic right. And I would recommend the next meeting to include more social and economic rights which are also very important for the minorities such as the right to health and other rights.

And on this I conclude, thank you very much for this enriching two days.