



THE UNIVERSAL PERIODIC REVIEW (UPR) PROCESS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS (OHCHR) WORKING DOCUMENT

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situation in their respective countries and to fulfill their human rights obligations. As one of the main features of the Council, the UPR has been designed to ensure equal treatment for every country while their human rights situation is being assessed.

The UPR was established when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. Based on cooperation, such process allowed the review of the Human Rights records in the 193 UN member States by the end of October 2011. Currently, no other mechanism of this kind exists. The UPR is one of the key elements of the Council which reminds States of their responsibility to fully respect and implement all Human Rights and fundamental freedoms. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

In this process, OIEC will focus on reviewing the articles regarding the right to education, non-discrimination in the field of education, and freedom of teaching.

I. THE UN TEXTS BACKING OUR ACTION, AND TO WHICH WE CAN REFER WHEN CALLING FOR THE ENFORCEMENT BY THE SIGNATORY STATES

Universal Declaration of Human Rights (UDHR)

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.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(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;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, 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;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Convention against Discrimination in education, 1960

Article 1

1. For the purposes of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:
 - (a) Of depriving any person or group of persons of access to education of any type or at any level;
 - (b) Of limiting any person or group of persons to education of an inferior standard;
 - (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
 - (d) Of inflicting on any person or group of persons conditions which are in-compatible with the dignity of man.
2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

(...)

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 5

1. The States Parties to this Convention agree that:

(...)

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

(...)

II. OIEC'S OBSERVATION AND PROPOSAL MATRIX
(To be comprehensively and extensively completed)

COUNTRY:

SIGNED AND RATIFIED MECHANISMS

1. UDHR YES NO
2. ICESCR YES NO

FIGURES OF CATHOLIC EDUCATION

Number of pupils attending Catholic schools (Give the figure in absolute figures, as well as the percentage of the overall number of pupils attending school in your home country)

Primary Education:

Secondary Education:

Higher Education:

WHAT ARE THE RELATIONSHIPS BETWEEN CATHOLIC EDUCATION AND THE STATE LIKE IN YOUR COUNTRY?

WHAT ARE THE MOST OUTSTANDING PROPOSALS OF CATHOLIC EDUCATION CONCERNING EDUCATION FOR ALL, AND SPECIFICALLY IN FAVOR OF THE POOREST, PEOPLE WITH SPECIFIC NEEDS AND MINORITIES?

WHAT RECOMMENDATIONS CATHOLIC EDUCATION CAN MAKE IN FAVOUR OF THE RIGHT TO EDUCATION AND OF THE FREEDOM OF TEACGING IN YOUR COUNTRY ?

III. ADDITIONNAL QUESTIONNAIRE RELATED TO THE SECOND CYCLE OF UPR OF NAMIBIA

With regard to UPR of Namibia in January 2016 (2nd Cycle – 24th session), many recommendations were made to Namibia in the field of education, as present on the list of recommendations below.

COULD YOU PROVIDE INFORMATION ABOUT THE EFFECTIVENESS OF THE IMPLEMENTATION OF EACH RECOMMENDATION? / COULD YOU INDICATE WHAT ACTIONS THE GOVERNMENT OF NAMIBIA HAS ALREADY BEEN ENGAGED TO IMPLEMENT EACH OF THESE RECOMMENDATIONS? COULD YOU INDICATE THE AREAS OF IMPROVEMENT OF RIGHT TO EDUCATION? (Complete the last column of the table below)

Right or area: 25. Right to education			
Recommendations supported by Namibia	Progress made in the implementation of recommendations according to government of Namibia (These responses is taking from the Mid-term progress report of namibia's government on the implementation of the universal periodic review recommendations accepted by Namibia in January 2016)	Your assessment/comments on level of implementation	Do you have any recommendation for the next session of UPR?
137.200 Take the necessary measures to guarantee the right to schooling for all children (Algeria);	<i>R93 « This recommendation enjoys Namibia's support. Government provides free education from primary to secondary education. In some community schools, children from poor families benefit under the school feeding programme. The school feeding programme is a government initiative to keep children at school through the provision of free food. Government is also in the process of providing free sanitary pads to school girls to enable them to attend school during their menstrual periods. »</i>		

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<p>137.202 Continue efforts to achieve universal primary education in line with the vision of the National Plan of “Education for all” (Sri Lanka); Source of position: A/HRC/32/4/Add.1 - Para. 13</p>	<p><i>R94 & 95 : « This recommendation enjoys Namibia’s support. Government provides free education from primary to secondary education. In some community schools, children from poor families benefit under the school feeding programme. The school feeding programme is a government initiative to keep children at school through the provision of free food. Government is also in the process of providing free sanitary pads to school girls to enable them to attend school during their menstrual periods. »</i></p>		

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<p>137.203 Continue to develop its National Safe School Framework to provide a safe environment for students to receive a good education that is free from harassment, aggression and bullying (Singapore);</p>	<p><i>R114 et R120 : « This recommendation enjoys Namibia's support. The Education Act of 2001 provides for measures aimed at providing a safe environment for students to receive a good education that is free from harassment, aggression and bullying. Moreover, the National Safe School Framework (NSSF) was developed by the Ministry of Education, Arts and Culture. The framework is a comprehensive document that provides a vision and guiding principles for building safe and supportive school communities, centered on the wellbeing of learners and educators. It identifies seven standards to help Namibian schools to create conducive teaching and learning environments. School safety must be balanced with the overall mission of schooling, which is to promote the holistic wellbeing of learners and educators through mutual care and support, while championing academic excellence, civic values and healthy lifestyles for children and educators. Racism, tribalism and discrimination are all forms of violence against each other and the framework seeks to create a culture of care and tolerance within the school. »</i></p>		

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137.204 That Namibia's education policies which were designed for inclusivity, be evaluated by the Government for effectiveness in relation to access and affordability for minority cultural groups (Fiji);	<i>R115 : « This recommendation enjoys Namibia's support. All Namibians have access to education as this is a constitutional right. They are specific policies in place that caters for learners with disabilities and minority ethnic groups. The Education Act of 2001 is in the process of being repealed and replaced by a new Act. The new Act is expected to build on the 2001 Act and cater for all groups irrespective of their social status or cultural affiliations »</i>		
137.205 Ensure equal access to education for all children (Portugal);	<i>R116 & R222 : « This recommendation enjoys Namibia's support. See response to R115. » above</i>		
137.206 Continue its efforts to ensure the right to education for all people (Myanmar);	<i>R117 : « This recommendation enjoys Namibia's support. See response to R115. » above</i>		
137.201 Consolidate efforts made to ensure access to education for all citizens without discrimination (Egypt);	<i>R94 : « This recommendation enjoys Namibia's support. Government provides free education from primary to secondary education. In some community schools, children from poor families benefit under the school feeding programme. The school feeding programme is a government initiative to keep children at school through the provision of free food. Government is also in the process of providing free sanitary pads to school girls to enable them to attend school during their menstrual periods. »</i>		

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137.31 Ratify the UNESCO Convention on discrimination in education (Tunisia);			
137.218 Facilitate the access of ethnic minority group children to education for instance by allowing them to attend school in their traditional dress or by providing them with free school uniforms (Austria);	<i>R86 et R119 : « This recommendation enjoys Namibia's support. There is no policy that prohibits learners from wearing their indigenous attire throughout their school career. In the regions where there is a higher concentration of IP's there are no restrictions. It may depend on the school principal, but there is no legal framework which prohibits learners from wearing their traditional attire. Learners from different religious backgrounds (e.g. Muslim) are allowed to wear their religious attire. »</i>		

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<p>Continue with the projects and programs for the protection of indigenous communities, particularly in the field of education of their children. (Venezuela (Bolivarian Republic of)</p>	<p><i>R88 : « This recommendation enjoys Namibia's support. The government continues to ensure that children from marginalized communities have access to education and other services. There are currently 14 mobile schools in Kunene Regions with a total of 46 teachers and 1328 learners. Every unit has at least 1 teacher (please see attached statistics for 2015). Regions are monitoring and evaluating the mobile unit. The schools are being visited by regional inspectors, and training has been done for the teachers on the new curriculum. The mobile units are part of the regional planning. There are 5 schools in Nyae-Nyae village in Tsumkwe that cater specifically for San learners who are taught in Ju/'hoansi (San language). »</i></p>		

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<p>Continue to strengthen educational system and ensure equal access of disabled children to education. (Lao People's Democratic Republic)</p>	<p><i>R118 : « This recommendation enjoys Namibia's support. With the support from UNICEF, the Ministry has commissioned a rapid analysis to examine the needs and barriers that hamper the full participation of children with disabilities and special education needs in Namibia. the following challenges among others were identified:</i></p> <ul style="list-style-type: none"> • <i>Lack of knowledge on disability and practical skills among teachers, principals and hostel staff to teach children with disabilities in special and inclusive settings;</i> • <i>Lack of disability friendly infrastructure in and around schools, classrooms and in hostels;</i> • <i>Lack of supporting technology to address the specialized needs of the learners.</i> <p><i>In an attempt to address the challenges mentioned above, the Ministry has developed strategies to address the lack of capacity amongst teachers, principals and educators. Resource and inclusive schools have already been contacted to list their needs to draft a plan for the procurement thereof. Government intends to make former special schools to become resource schools, with teachers trained in the different disabilities and equipped to teach learners with specialized needs, thus leading the implementation of inclusive education. »</i></p>		

DO YOU HAVE ANY COMMENT OR RECOMMENDATIONS FOR THE GOVERNMENT OF NAMIBIA ON OTHER ASPECTS OF THAT ISSUE OF THE RIGHT TO EDUCATION?

DO YOU HAVE ANY QUESTIONS FOR THE GOVERNMENT OF NAMIBIA ON THAT ISSUE OF THE RIGHT TO EDUCATION?

Please, send the matrix back to Christine Ngo Wenang : n_wenang@yahoo.fr

by copying

Philippe Richard: secretaire.general@oiecinternational.com ; 00 33 (0)6 63 58 69 22

Michel Bertet: bertetmichel@gmail.com