

## **HUMR5140, Take-home exam autumn 2011**

**3 Oct- 7 Oct 12.00 am (Submission in Fronter)**

The *right to education* is protected, in different ways and with different focus, by several international human rights instruments, such as:

- Universal Declaration of Human Rights, Art. 26
- International Covenant on Economic, Social and Cultural Rights, Art. 13
- Convention on the Elimination of All Forms of Racial Discrimination, Art. 5.e.v
- Convention on the Elimination of All Forms of Discrimination against Women, Art. 10
- Convention on the Rights of the Child, Art. 28
- Convention on the Rights of Persons with Disabilities, Art. 24
- European Convention on Human Rights, Additional Protocol 1, Art. 2
- American Declaration of the Rights and Duties of Man, Art. XII
- African Charter on Human and Peoples' Rights, Art. 17

Consequently, several human rights bodies (treaty bodies, regional mechanisms, the Human Rights Council) are competent to monitor State implementation and compliance with the right to education.

Respond to question 1, and respond to *either* question 2 *or* question 3:

1. Discuss advantages and disadvantages with the proliferation of substantive provisions and supervisory mechanisms concerning, essentially, the same human right.
2. Choose one of the provisions listed above. Analyse the content of the provision, and describe and evaluate the mechanisms that exist on the international level for supervision of State compliance with that particular provision. Include an assessment of whether the provision you have chosen can be characterised as “universal”.
3. Oxana is 7 years old, and she lives in the country Arcadia. She is going to begin school this autumn. She sits in a wheelchair following a car accident when she was a little girl, which left her paralysed from the waist down. The only school in her village is an old building where it is impossible to enter with a wheelchair, and the local authorities consider that it is too expensive to make necessary adjustments to the building. They have offered her two options instead: either that a teacher should be designated to carry her, without the

wheelchair, into her classroom in the morning and out of the classroom in the afternoon, or that she goes to an accessible school in a larger town 250 kilometers away, which means that she could only be home during week-ends. Oxana's parents think that this must be a violation of Oxana's right to education. They have brought a case before domestic courts, but they lost in the final instance on grounds based on domestic law. The parents are aware that Arcadia has not ratified any human rights convention other than the International Covenant on Civil and Political Rights, including the Optional Protocols. They consider bringing the case to the UN Human Rights Committee, but they only want to do that if this could be effective in the sense that it will help Oxana to get access to her local school in her wheelchair. They come to you to ask whether you think that Article 26 of the Covenant may be violated, and whether you would recommend them to bring a case to the Committee. What do you respond? Provide reasons for your response.