

Prisoners on Prison Education *UN Special Rapporteur on Education*

THE SPECIAL RAPPORTEUR ON EDUCATION SEEKS TO HEAR FROM PEOPLE IN OR FORMERLY IN DETENTION ON THEIR EXPERIENCE AND VIEWS ON THE RIGHT TO EDUCATION IN DETENTION

The Special Rapporteur on Education, Mr. Vernor Muñoz Villalobos (Costa Rica), has chosen to present to the United Nations Human Rights Council a report on the right to education for people in detention. The report is to be presented in June 2009. The aim is to clarify the content of the right to education in places of detention, to identify those with the principle responsibility for its implementation and to highlight the most notable challenges faced in that implementation. It also seeks to gather examples of innovative approaches to date, lessons learnt and to offer recommendations as to how implementation might be improved.

The Special Rapporteur wishes to hear from men, women and children in or previously in detention from all global regions, including those with disabilities and those without; from different races, religions, cultures and sexual orientation; from those in closed and/or open institutions; those who have chosen not to or have been unable to undertake educational programmes (formal and/or informal) and those currently enrolled; and from those with little or high levels of education.

If you are or have been in detention and wish to express your views or detail your experiences on the provision of the right to education in detention, the Special Rapporteur would welcome hearing from you. Please send your comments and all relevant information by way of postal mail to:

Special Rapporteur on the Right to Education
P.O. Box 1245-1007
Centro Colon, Costa Rica

or by e mail to: vernormu@yahoo.es

Alternatively, if you are in a position to distribute this request for information to people in detention, the Special Rapporteur expresses his gratitude and thanks in advance.

It is requested that comments are returned no later than
31 January, 2009.

BACKGROUND INFORMATION ON THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION

A Special Rapporteur is an independent expert appointed by the United Nations Human Rights Council. S/he is usually called upon to examine, monitor, advise and publicly report back on human rights situations in specific countries or on a specific human rights theme. Mandate-holders serve in their personal capacity and do not receive salaries or any other financial compensation for their work. This independent status of the mandate-holders is crucial in order to be able to fulfil their functions impartially.

The mandate of the Special Rapporteur on the right to education was established in 1998 and has been renewed regularly since that date, most recently in 2008. His specific role is to:

[g]ather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations, civil society, including non-governmental organizations, and other concerned stakeholders, on the realisation of the right to education on and obstacles limiting effective access to education, and to make recommendations on appropriate measures to promote and protect the right to education.

The right to education was first formally pronounced in the 1948 Universal Declaration of Human Rights. Its article 26 stated:

Everyone has the right to education... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

Since that date, the human right to education has been reiterated numerous times, particularly in United Nations human rights treaties. Its meaning and content has been developed over the years, and it is now generally recognized that Governments have the responsibility to ensure that education in all its forms and at all levels should exhibit the following interrelated and essential features: a) availability; b) accessibility; c) acceptability; and d) adaptability. The aim of the Special Rapporteur is to contribute towards the recognition, respect, protection and fulfilment of these responsibilities.

As with many Special Rapporteurs, Mr. Vernor Muñoz Villalobos organizes his work around three main activities:

a) Thematic reports to the Human Rights Council: Each year, he focuses on a specific theme of his mandate. Topics addressed to date include the right to education of girls, the right to education for people with disabilities and the right to education in emergency situations. His thematic focus for 2009 is the right to education for people in detention.

b) Country visits: The purpose of country visits is to investigate the situation of the right to education at the national level. During the visits, normally two a year, the Special Rapporteur interacts, amongst others, with governmental and non-governmental actors, including parliamentarians, members of the judiciary, academics, the media and other members of civil society. After each ‘mission’ he presents a report to the Human Rights Council which analyzes the situation of that country vis-à-vis the concerns of the mandate, and offers recommendations to the Government and other relevant parties to improve that situation.

c) Communication with Governments: The Special Rapporteur seeks credible and reliable information on specific allegations of human rights violations on the right to education from a variety of sources, including Governments, non-governmental and specialised agencies, United Nations bodies and individuals. Upon receipt of this information he may decide to address the concerned Governments, and request their comments and observations on the case. These communications together with the replies of the Governments concerned are compiled every year in a report submitted to the Human Rights Council.