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The international dimension of the human right to education and its reflection in the constitutional provisions

Summary

The right to education is a fundamental human right and it influences the development of human personality and dignity. People become aware of their rights and freedoms and education helps societies to overcome poverty and improve the living conditions of the poor.

The purpose of education goes beyond the materialistic approach that guarantees the access to the vocation or profession, or the acquisition of practical skills. It aims at developing moral and spiritual and dignity based on certain values. Under international law, the notion of education understood broadly includes all types and forms of the acquisition of knowledge, the practice of different skills and development of social values. However, various conventions and international rulings adopt a narrow definition of this term, restricting its meaning to formal education only. As the analysis of international legislative acts shows, there is no one universal definition of education that would be binding or uniformly applicable throughout all states. The cultural and religious diversity, the variety of languages and national traditions and diverse policies conducted in individual states confirm the conviction that formulation of such an universal definition is practically impossible, if not useless.

Thus, although a universal definition of the meaning of education would unify different approaches to it and help reconcile the competing states, such an approach does not seem a good solution, given the variety of practices and goals. And yet, soft laws adopted in international regulations have led to the formulation of four main characteristics featuring the right to education. They are: (a) accessibility, (b) sufficiency, (c) acceptability and (d) adaptivity. Each formal education, no matter its form, must show these features in order to guarantee a right to quality education to all. Taking into account the fact that the right to education is a huge tool of conscience, most states have attempted to include the right to education in their constitutions. It is also worth noting that provisions regulating the right to education adopted by developed states, even if frequently formulated very briefly, in several sentences, have been the effect of the development of international law.

Keywords: education – human rights – the human right to education – the principles of the right to education