

Response to Special Rapporteur's call for contributions on the right to education, advances and challenges from UNESCO International Institute for Higher Education in Latin America and the Caribbean (UNESCO-IESALC)

Background

1. As the only institute of the UN system specialising in higher education improvement, UNESCO-IESALC offers its contribution to the Special Rapporteur's request for information on the right to education based on a large-scale project focusing on the **right to higher education in regional and global perspective**.¹
2. To inform this work, UNESCO-IESALC has convened closed consultations with over 80 specialists on the right to higher education, working in partnership with UNESCO field offices in Abuja, Bangkok and Beirut as well as the Section of Education Policy and the Section of Inclusion and Gender Equality at UNESCO HQ.
3. During 2022, eight consultation meetings were organised: one for each of the five UNESCO world regions and three thematic sessions on disability, refugees and forcibly displaced people, and rethinking the concept of 'merit'.² A ninth consultation meeting on gender will take place at the end of January 2023.
4. The consultations have brought together higher education scholars, practitioners and advocates, senior institutional administrators, policymakers, and students/youth representatives from all world regions, representing multiple geographic, professional and conceptual perspectives.
5. Informed by participants' inputs at the consultations and the written briefing notes they produced, this response contributes to the Special Rapporteur's forthcoming report by:
 - Highlighting the current status of the right to higher education around the world
 - Identifying current challenges and opportunities for the realisation of the right to higher education across different contexts
6. The following pages provide a short summary from each consultation, offering the Special Rapporteur insights from specific regional or thematic perspectives. Brief conclusions and key takeaways are noted at the end of this response.

¹ <https://www.iesalc.unesco.org/en/the-right-to-higher-education/>

² These themes were selected based on key issues emerging from earlier research undertaken by UNESCO-IESALC and UNESCO Section of Education Policy, published at <https://unesdoc.unesco.org/ark:/48223/pf0000381750> and <https://unesdoc.unesco.org/ark:/48223/pf0000382335>

Africa regional consultation

7. Financing higher education is a key issue in granting the right to higher education in Africa. Insufficient resources to support students and higher education institutions (HEIs) impact the feasibility of funding suitable facilities and infrastructure. Financing is often supported by international donors, whose aims may differ from students' and institutions' needs. In some countries, student loans exist, but the schemes are not always fully functioning.
8. Public funding for higher education is insufficient, and fees and private higher education have proliferated. In this sense, the right to higher education must be accompanied by quality assurance and standards and ideally be cost-free for all. Given the difficulty of attaining free higher education, focusing on groups such as refugees, poor families, and women are viable alternatives to promote access.
9. Quality is a key concern in the region. Assuring programme quality means updating courses that are not fit for purpose and finding different ways to accredit learning and higher education credentials. Higher education should help students think about working in more flexible and entrepreneurial ways, also considering the recognition of prior and informal learning that could be helpful to providing new pathways to the labour market. Quality in the teaching and learning process recognises the importance of meeting the growing volume of students and the constant changes required for skill formation.
10. Not all social groups in the region support higher education and there are biases against women in some countries. Sexual harassment of those women who make it into higher education is also an important issue to be addressed.

Arab States regional consultation

11. The lack of resources is the biggest challenge to achieving the right to higher education in the Arab States. This includes institutional and individual financial support, and physical and technological infrastructure. Although some states are performing well in macroeconomic terms, conflict, environmental, economic, and social instability have greatly limited some countries' ability to repair the deteriorating state of higher education, let alone sustain further developments.
12. The high cost of higher education in certain countries has been linked to higher outbound mobility of students to countries with more affordable, accessible higher education. This migration can generate brain drain that could have long-term consequences for human capital development in the region
13. Qualification frameworks should be better aligned internationally to support student mobility, especially for those students facing conflict who could join or transfer to a HEI in a country where they can find safety. Refugees and forcibly displaced people are important equity deserving groups in this region with many countries hosting youth and students from Syria and Palestine.

14. There is a strong presence of private actors in the region, although their legitimacy and impact are questioned given governments' limitations on regulating the private sector. Some governments have opted for public-private collaborations to increase enrolment in higher education, especially for programmes of high demand in the labour market.
15. The impact of the Covid-19 pandemic has made existing technology challenges more visible. Higher education needs to be more relevant and fit for purpose, whether through expansion of technical and vocational provision or by reinforcing links between higher education and its communities. This could also address dropout rates.

Asia and the Pacific regional consultation

16. In Asia and the Pacific, there is a rising awareness of higher education as a right, but in practice, it is not a reality. While higher education is widely seen as a public good, equitable access remains uneven.
17. Rising social demand for access has mainly been related with the notion that higher education serves as a driver of economic development and employment. As such, policies in most countries highlight the role of higher education in creating competitive human capital for the labour market. Competition is a determining factor, resulting in rigid, highly bureaucratic admission mechanisms that have limited access to students from equity deserving groups.
18. Higher education expansion has been led by private sector actors. This has restricted access to students whose academic and professional expectations do not match market demand. Increasing public HEIs' capacity to deliver quality higher education to more students is a necessary step. However, for such initiatives to work in the region, quality assurance mechanisms should be strengthened.
19. Governments have increased the financial aid available to students from marginalised backgrounds. However, in some cases this has resulted in unexpected limitations, such as highly bureaucratic processes and further marginalisation and penalisation for those unable to demonstrate financial need.
20. Digitalising higher education processes is important, but technology has had limited impact where infrastructure is lacking and in rural or conflict-affected areas. It is also crucial to consider barriers to higher education systems due to war and conflict. International cooperation is needed to rebuild collapsed systems and to secure the recognition of degrees of refugees and forcibly displaced people due, especially women.

Europe and North America regional consultation

21. Most countries in Europe and North America have focused on tackling access to higher education, while completion has not been considered with the same importance. There are gaps in understanding why students do not complete their studies and in generating relevant policy responses.

22. The lack of data means that solutions to these issues are being developed based on assumptions rather than evidence. HEIs need to understand and respond to the needs of students, acknowledging their different starting points to provide adequate support. There is a clear need to involve students and raise awareness of the right to higher education.
23. Although there are different programmes and services students can benefit from as right holders (such as been taught in their own language, accessing different programmes or accommodations due to a disability, or studying in higher education beyond university education), many do not know how to access to them.
24. Higher education systems in the region are highly stratified, promoted to some extent by adherence to global rankings. While some institutions have supported initiatives such as quotas and scholarships to increase student diversity, stratification can generate competition among higher achievers from minority backgrounds. While diversity is necessary, it should be paired with horizontal structures and quality assurance mechanisms, so no student is subjected to a second-tier experience of higher education.
25. The impact of declining public funding, increased privatisation, and growing student debt (which is becoming larger and normalised) must be emphasised. The lack of public funding has also affected the quality of higher education provision and the capacity of HEIs to offer places for everyone.

Latin America and the Caribbean regional consultation

26. Access to higher education in the region has increased considerably in recent decades. However, it is still unequal: student success and completion of studies continue to be significant challenges, especially for equity deserving groups such as students who are low-income, rural dwellers, Afro-descendants, and Indigenous people.
27. Financing recurs as one of the main challenges in guaranteeing the right to higher education. However, how governments should provide funding represents a point of divergence. Calls for governments to invest in public universities to provide free public higher education are countered by suggestions that governments prioritise equity deserving students. A graduate tax and the creation of state-sponsored accounts to support the future higher education costs of children are other options that could support the right to higher education.
28. Quality is also a key aspect of guaranteeing the right to higher education. Access to higher education without quality only reproduces societal inequalities. Although neglected, interculturality is an important component of quality, given that higher education benefits from diversity.
29. As university studies may not be for everyone, higher education systems should offer a variety of educational paths. Enhancing the focus of this strategy might require students to be better informed to make better provisions for their future.

30. The importance of primary and secondary education should not be overlooked. Better quality at the earlier levels of education is important, as this significantly impacts students' ability to access, continue and graduate from higher education. Inequality at these earlier levels is exacerbated in higher education, resulting in more significant societal disparities.

Disability thematic consultation

31. Higher education systems are ill-prepared for students with disabilities. This is evidenced by the low participation rates of people with disabilities in higher education and the requirement for students to adapt to higher education structures rather than the structures to the student. Lacking in many national and higher education contexts is a sense of belonging for students with disabilities in the spaces they participate in.
32. The notion of disability must be broadened by shifting from a medical to a human rights approach. The right to higher education needs to be inclusive and available for all people, including those with disabilities. This implies supporting students according to their needs and promoting cultural understanding to reverse the belief that people with disabilities cannot reach higher education.
33. Legislative structures exist and are a necessary but insufficient condition for guaranteeing the right to higher education. Most nations have ratified the United Nations Convention on the Rights of Persons with Disabilities but still fail to improve access to higher education. Most commonly, states delegate this function to the HEIs. In turn, HEIs tend to focus on people with disabilities according to their financial capacities, which means a reduction in the academic offer for disabled students. Access also needs to be promoted, financed, and monitored by the state. The promotion of appropriate online environments, student management systems, and campus accommodation are possible mechanisms.
34. Financial support is crucial, particularly for disabled student support offices, which are typically underfunded. Hearing the voices and increasing the representation of the disabled in institutional and political settings and at different levels in the higher education community is crucial. The right to higher education will be improved by promoting participation in the decision-making process for people with disabilities.

Refugees and forcibly displaced people thematic consultation

35. Guaranteeing the right to higher education mitigates the impact of displacement, supports the economic and social integration of refugees and forcibly displaced migrants in host communities, helping to break the cycle of conflict and enable peace and development.
36. Legal challenges such as the recognition of refugees' statelessness stand out as major obstacles to the right to higher education. The lack of access to documentation and, in some cases, lack of free movement in the host country after refugee status is granted are significant barriers to accessing higher education. In some cases, refugees are considered

- international students, which constitutes a financial barrier if they are charged international rate tuition fees. Even though internally displaced people are legally recognised by authorities in the host country, they still struggle to access education.
37. Financial aid enables refugees and forcibly displaced people to leave camps or affected territories. Scholarships are the most common financial mechanism. However, in most cases, aid is insufficient as students also have to support their families. TVET could be one option to speed the transition to the labour market and enable students to help their families.
 38. The recognition of qualifications is another highly bureaucratic barrier. Credential recognition is too often discretionary, which in some regions leads to a misrecognition or under-recognition of credentials since previous studies are considered inferior to the established standard in the host country. Bilateral/regional agreements could contribute to the recognition of qualifications, acting as promoters of the right to higher education when access to documentation is challenging.
 39. At an institutional level, conditional acceptance, language integration, and psychological support could be key strategies to support these students. Collaboration among governments, implementation agencies, HEIs, NGOs, and refugees themselves to guarantee the right to higher education should be promoted.

Rethinking 'merit' thematic consultation

40. The need to rethink 'merit' stems from the systemic inequalities to access and success in higher education that are based on the assessment of previous academic performance. In practice, merit has sustained, justified, and legitimised inequalities.
41. When measuring talent through examinations, results tend to reflect the socioeconomic background of the students. For example, evidence shows that access to higher education is linked to students' cognitive development at the pre-primary, primary and secondary levels, which is less favourable for students from low-income families. Students' performance is also influenced by prior education opportunities, differences in language, class/caste, race, gender, disability, etc. These aspects are not accounted for by current conceptions of merit.
42. Meritocracy is legitimised through disciplinary practices, entrenching the idea of merit and making invisible the inequalities it creates within and through higher education. In the process of accessing students' capacities, meritocracy does not acknowledge nor adapt to the different pathways and individual capacities of students that can differ from mainstream evaluation criteria for access and performance.
43. Students are seen as customers to acquire economic and employment benefits, further perpetuating inequalities legitimised through merit-based access schemes. A reconceptualization of merit should consider the principles of social justice: redistribution of resources, recognition of difference, and representation. However, social justice and equality are concepts currently unlinked from policy formulation and practice. Although

some countries have implemented good practices to expand access such as more flexibility and affirmative action, new forms of inequality continue to emerge which require adaptive responses.

Concluding remarks

44. Higher education must be embraced as a universal right for all regardless of origin, ethnicity, gender, socioeconomic status, class, language, disability and/or migratory status. This requires the traditional understanding of the right to education as relating only to school education to be revisited. A more comprehensive definition of the right to education would incorporate all levels and all types of education at all life stages, including higher education.
45. Despite significant differences across regions, the right to higher education faces critical, universal challenges:
 - Access to higher education is still unequal and student success and completion of studies continue to be significant challenges among regions and equity deserving (marginalised) groups.
 - Financing is a key issue to granting the right to higher education. However, there is no consensus on suitable financing mechanisms and little prospect of increased funding for higher education from governments.
 - The concept of 'merit' needs to be addressed. From a rights-based social justice perspective, 'merit' should better reflect students' different pathways into higher education and reward their individual capacities.
 - There are insufficient links between the different levels of education, particularly between school education and higher education. Yet, building such bridges is also a pre-requisite to fulfilling the right to higher education.
 - For refugees and forcibly displaced people, the need to be (better) recognised is vital to identify support and pathways to higher education.
 - Current legal frameworks are insufficient to grant the right to higher education for people with disabilities.
46. Addressing the myriad challenges to the right to higher education requires comprehensive multi-stakeholder action and increased public investment in higher education. Stemming from the consultations, the following specific recommendations are put forward:
 - Increase **public investment** in equity deserving (marginalised) groups if a system-wide funding increase for higher education is not currently feasible.
 - Increase **representation of students and people with disabilities** in higher

education decision-making processes

- Promote **advocacy on the right to higher education** to increase awareness among potential future students.
- Improve **regulation of the private higher education sector** to assure quality and minimise inequalities based on financial capacity.
- Create **flexible pathways** into, through, and beyond higher education using regulation as appropriate.
- Advocate for the adoption/implementation of the **Regional and Global Conventions on the Recognition of Qualifications**, which also include the recognition of prior learning and recognition of partial studies.
- Integrate and/or promote **interculturality** in higher education systems and institutions.
- Improve the **quality and quantity of data** to support evidence-informed policies on the right to higher education.
- **Rework admissions processes** to account for future potential and not only past capacity/merit.
- Improve **student support**, especially for students with disabilities.
- Campaign to overcome socio-cultural barriers/change attitudes that make it difficult for **women** and students with **disabilities** to access and complete higher education.

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