

Learning Outcomes Assessments: A Human Rights Perspective

February 2013

Although the last years have seen great improvements in access to education, growing evidence indicates that millions of pupils are not acquiring the knowledge, skills, values, and attitudes necessary to meet their “basic learning needs” as stipulated in the 1990 World Declaration on Education for All.¹

As a result, there has been a growing interest in measuring and improving educational learning outcomes. The learning outcomes of an education process can be defined as the competencies, such as literacy or numeracy, but taken broadly, knowledge, attitudes, values, and skills, that learners acquire. Learning outcomes are typically measured through standardised tests, at the national or international level.

The focus on learning outcomes is not new. The last two United Nations (UN) international conference declarations on education, the 1990 Jomtien Declaration and the 2000 Dakar Framework for Action, both emphasised the improvement of learning outcomes.² More generally, the development of such tests has received increasing support from UN agencies, donors, foundations and others.³ For example, the World Bank has supported countries in collecting and reporting student achievement since the 1990s.⁴

Interest in learning outcomes assessments has gained momentum in light of the post-2015 debates. UNESCO and the Center for Universal Education at The Brookings Institution have seized this opportunity to convene a ‘Learning Metrics Task Force’ to ‘investigate the feasibility of common learning goals to inform the post-2015 global policy discourse and to help improve learning outcomes for children worldwide’.⁵ The task force intends to propose a list of learning competencies designed for global use in September 2013.

Although learning outcomes targets and assessments are intended to aid with learning challenges, they also raise a number of concerns. In particular, many assessments focus only on literacy and numeracy outcomes, and there is a lack of consensus among educationalists about what competencies should or

can be measured. This poses risks to and narrows the scope of education to the detriment of essential features, such as the learner’s emotional and social development. Furthermore, learning outcomes policies and assessments may further marginalise particular groups, exacerbating educational disparities, if specific measures are not taken to address discrimination and adapt the assessments to meet the needs of particular groups. Finally, an over-reliance on learning outcomes assessment tools may distract policy-makers from other essential aspects affecting quality beyond learning outcomes.

A human rights perspective on education policies for learning outcomes can help to ensure that learning outcomes assessments are used to promote quality education that develops the child’s ‘personalities, talents and abilities to live a full and satisfying life within society’⁶. This brief reviews three key human rights principles that should be incorporated into educational policies on learning outcomes assessments. This brief also considers how learning outcomes assessments fit into wider discussions on quality education. Finally, the brief provides recommendations to policy-makers to ensure that education policies on learning outcomes assessments adhere to human rights standards.

I. The Right to Education

The right to education is universally recognised in the Universal Declaration of Human Rights (UDHR) of 1948 and is further expressed in a number of international human rights treaties. These include the UNESCO Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), the Convention on the Rights of the Child (CRC, 1989), and the Convention on the Rights of Persons with Disabilities (CRPD, 2006).⁷ The right to education has also been incorporated into regional human rights treaties, and many States have enshrined a provision for this right in their national constitutions. These provisions have been further defined through a rich

body of practice and jurisprudence at national level. States, therefore, have clear obligations regarding the right to education.

As well as being a right in itself, the right to education is also an enabling right. Education creates the voice through which rights can be claimed and protected. ‘Education is both a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities’.⁸ However, the significance of education is not just practical. ‘A well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence’.⁹

The right to education involves more than mere access to education. Students must receive a quality education that enables their personalities, talents and abilities and to live a full and satisfying life within society. In order to achieve this and as part of their obligation to fulfil the right to education, States must ensure that education meets national minimum standards, and learning outcomes assessments are one tool to measure this. A number of UN human rights bodies and experts, including the UN Human Rights Council and the UN Special Rapporteur on the Right to Education have made strong calls for learning to be monitored.¹⁰ These learning outcomes policies should adhere to human rights standards to support quality learning for all.

a. The Aims of Education

The human rights framework sets out legal and policy standards for the right to education, which should inform educational policies on learning outcomes. Since the right to education comprises a broad range of educational aims, learning outcomes should similarly measure a broad range of learning competencies. Learning competencies are generally split between cognitive competencies (such as literacy and numeracy) and non-cognitive competencies (such as, creative, social and emotional development, including supporting the objective of peace, equality, respect for human rights, mutual understanding and tolerance).

Human rights treaties outline the aims of education, which are most developed in Article 29 of the Convention on the Rights of the Child (see box).¹¹ Education must enable individuals to develop their ‘personalities, talents and abilities and to live a full and satisfying life within society’¹². The right to

education, therefore, encompasses a broad and comprehensive understanding of education. These aims must be imbedded in the curriculum and teaching methods, and therefore should be integrated into assessments that measure learning. Furthermore, assessments must reflect an appropriate balance between all dimensions of the aims of education.¹³

The Aims of Education

Convention on the Rights of the Child (1989)

Article 29.1:

States Parties agree that the education of the child shall be directed to:

- (a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

The aims of education are further promoted by the UN Special Rapporteur on the Right to Education, who has underlined that the ‘assessment of students’ performance must be comprehensive in looking into quality in all fields of education, including, *a priori*, knowledge and understanding of human rights principles and values; competencies and skills in technical and vocational education and training; as well as knowledge and skills in mathematical and scientific literacy and languages’.¹⁴

While these aims of education are broad in scope, States must ensure that children acquire essential life skills before leaving school.¹⁵ As a means of providing education to a population with limited resources, some States may focus education policies on setting learning targets to achieve ‘basic skills’. However, according to international law, these ‘[b]asic skills include not only literacy and numeracy but also life

skills, such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life'.¹⁶

Recommendations to support the aims of education

States must ensure that:

- 1) Learning outcomes assessments support the aims of education and enable learners to develop their personalities, talents and abilities to live a full and satisfying life within society;
- 2) Learning targets and assessments cover a broad range of learning competencies, including both cognitive and non-cognitive;
- 3) Learning outcomes targets and assessments that focus on 'basic skills' incorporate the full list of aims of education, as set out in the Convention on the Rights of the Child, Article 29.

international level leave out unique aspects of national or regional curricula'²⁰, and this must be avoided.

Recommendations to support the principle of adaptability

States must ensure that:

- 1) Curricula, teaching methods and learning outcomes assessments are adapted to the national and local context and environment with consideration towards cultural specificities;
- 2) Learning outcomes assessments evolve over time and reflect the changing needs of society;
- 3) Multi-country or international initiatives and programmes to develop learning outcomes assessment tools consider how these tools should be adapted.

b. The Principle of Adaptability

The right to education encompasses four inter-related and essential elements, often referred to as the 4As –Availability, Accessibility, Acceptability, and Adaptability. The principle of Adaptability means that 'education has to be flexible so that it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings'.¹⁷ Therefore, if curricula and teaching methods are adapted to local and cultural environments, then the learning outcomes targets and assessments must similarly mirror this notion and should be designed in a way that does not undermine local and national specificities. Furthermore, learning outcomes must evolve over time to reflect the changing needs of societies.

The Jomtien Declaration likewise affirms that '[t]he scope of basic learning needs and how they should be met varies with individual countries and cultures and inevitably, changes with the passage of time'.¹⁸ UNESCO further notes that 'even skills as basic as literacy and numeracy can be conceived and taught in quite varied ways and thus run the risk of misrepresentation by culturally insensitive assessment'.¹⁹ A study commissioned for the Learning Metrics Task Force similarly highlights that 'assessments that are standardised at a regional or

c. Equality and Non-Discrimination

Equality and non-discrimination are core human rights principles.²¹ States have an obligation to pay particular attention to the effect of their policies on vulnerable groups when implementing the right to education. Human rights law sets strict standards regarding equality and non-discrimination, whether the discrimination is intentional or not. Any policy that contributes to discrimination in education, even indirectly, would be a violation of the right to education.²² As a result, States must ensure that learning outcomes assessments are designed and adapted in a way that does not disproportionately affect any particular group.

States must therefore ensure that learning outcomes assessments are non-discriminatory in content and process and ensure that these processes do not create extreme disparities in educational opportunity. This means that States must provide different targets and assessments or make arrangements to adapt targets and assessments to meet the specific needs of some vulnerable groups, in particular people with special learning needs, migrants and out of school children. States must also ensure that the learning targets derive from a relevant curriculum that is culturally and gender sensitive. The language of learning outcomes assessments, both in terms of the national language of the overall test and the specific wording within the test, should meet the needs of the learner in a non-discriminatory manner.

States must also consider how the results of learning outcomes assessments are used. Assessments of

student performance may result in parents favouring 'high performing' schools and reinforce stigmatisation of schools in poorer areas.²³ Although parents have the right to choose the schooling for their children, learning outcomes that reflect extreme disparities in performance between schools can result in this unwanted side effect. States must be accountable and transparent regarding the learning outcomes assessment processes and results. However, States should develop plans for addressing the impact of learning outcomes assessments that focus on improving teaching and learning and eliminating disparities in between schools.

States must identify and take measures to redress discrimination, including de facto discrimination, affecting learning outcomes targets and assessments and monitor the impacts of policy decisions that may affect marginalised groups. This can be achieved by disaggregating the data from learning outcomes assessments by the relevant grounds of discrimination (e.g., level of income, ethnic origin, gender, etc.), which will help to identify and support disadvantaged groups and assist policy-makers in devising plans to address discrimination.

Recommendations to support non-discrimination

States must ensure that:

- 1) Steps are taken to prevent and address discrimination, including de facto discrimination, in their learning outcomes policies;
- 2) Learning outcomes assessments are designed so that vulnerable groups are not adversely affected, which includes adapting the content and processes to meet the needs of vulnerable groups;
- 3) Plans are developed to address the impacts of assessment results to improve teaching and learning and to prevent disparities educational opportunities for learners;
- 4) The impacts of learning outcomes assessments are monitored, particularly concerning vulnerable groups, and disaggregated data is collect from the assessments.

II. The Right to Quality Education: Beyond Learning Outcomes Assessments

The human rights legal framework embraces a comprehensive understanding of quality education. Although learning outcomes assessments are a valuable tool for measuring the quality of education, these assessments are not and should not be the only determinant or indicator of quality education. The Convention on the Rights of the Child confirms that every child has the right to receive an education of good quality, which requires 'a focus on the quality of the learning environments, of teaching and learning processes and materials, and of learning outputs'.²⁴ The UN Special Rapporteur on the Right to Education has further promoted a holistic approach to ensuring quality education through a conceptual framework that comprises:

- (i) a minimum level of student acquisition of knowledge, values, skills and competencies;
- (ii) adequate school infrastructure, facilities and environment;
- (iii) a well-qualified teaching force;
- (iv) a school that is open to the participation of all, particularly students, their parents and the community.²⁵

According to the human rights framework, learning outcomes are therefore considered one element amongst others that contribute towards the quality of education. This perspective is further expressed in the Dakar Framework for Action, which outlines eight conditions for successful education:

- (1) healthy, well-nourished and motivated students;
- (2) well-trained teachers and active learning techniques;
- (3) adequate facilities and learning materials;
- (4) a relevant curriculum that can be taught and learned in a local language and builds upon the knowledge and experience of the teachers and learners;
- (5) an environment that not only encourages learning but is welcoming, gender-sensitive, healthy and safe;
- (6) a clear definition and accurate assessment of learning outcomes, including knowledge, skills, attitudes and values;
- (7) participatory governance and management; and
- (8) respect for and engagement with local communities and cultures.²⁶

The Dakar Framework further specifies that '[a]ssessment of learning should include an evaluation of environments, processes and outcomes'.²⁷ Measuring the quality of education thus demands much more than only assessing outcomes. It also requires reviewing these elements referred to

as 'processes' and 'environments', such as the school infrastructure, teaching methods and materials, a relevant curriculum, and other factors. These processes and environments may largely constitute determinants of learning outcomes, i.e. better environments and processes should theoretically lead to better learning outcomes. Well-designed learning outcomes targets and assessments may help to capture some of these dimensions. However, this is not automatic, and therefore States should monitor these processes and environments outside of learning outcomes assessments.

The right to education demands that there is more to quality education than achieving a high level of learning outcomes. Human rights law states that a good quality education is not only one that achieves certain learning objectives, but also one that follows a *process* whereby the child is placed at the centre. This entails that the learning experience should be not simply a means to achieve certain outcomes but also an end in itself, which has intrinsic worth.²⁸

III. Conclusions

Learning is an important aspect of the right to quality education. A number of UN human rights bodies have called for better utilisation of learning outcomes targets and assessments. However, learning targets and assessments should be developed in accordance with human rights standards. States must ensure that learning outcomes targets and assessments support a broad and comprehensive range of learning competencies, are adapted to the local, national and cultural specificities, are designed and adapted in a way that does not disproportionately affect vulnerable groups, and form part of holistic approach to address the quality of education.

States are under pressure to ensure improvements to the quality of education, and many States face significant resource constraints. Although learning outcomes initiatives should be encouraged, resources should not be diverted from the delivery of learning, such as providing access to free and compulsory primary education. Learning outcomes assessments should be developed so that these programmes enhance learning without taking valuable resources from other essential aspects of the right to education.

Human rights standards apply directly to the States that use learning outcomes assessments to measure learning progress, but they also apply to States that financially support education in developing countries. Generally, donor States have a duty to take action, separately and jointly through international

cooperation, to fulfil the right to education of persons within their territories and extraterritorially, or outside of their borders.²⁹ Therefore, donor States have an obligation to support the development of learning outcomes assessments, which can be costly, and ensure that the conditions of their support comply with human rights standards.

Regardless of the methods used by States to implement learning outcomes policies, the assessment results must be carefully considered to ensure the impacts support the right to quality education and do not undermine human rights obligations. Therefore, there are limitations to their utility, as they should be used as one tool amongst many to gauge learning progress.

ABOUT THE RIGHT TO EDUCATION PROJECT

The Right to Education Project (RTE) promotes mobilisation and accountability on the right to education and builds bridges between the disciplines of human rights, development and education. RTE is housed at ActionAid International and is supported by Amnesty International, the Global Campaign for Education and Save the Children.

Website: www.right-to-education.org

 **RIGHTtoEDUCATION project**
promoting mobilisation and legal accountability

¹ Article 1.

² Goal 6.

³ Kate Anderson Simons, "Discussion Paper 1: Multi-country Assessments of Learning (Draft)", Learning Metrics Task Force, June 2012, p. 2.

⁴ World Bank Independent Evaluation Group, *From Schooling Access to Learning Outcomes: An Unfinished Agenda*, The World Bank (Washington, D.C., 2006), p. 33. More generally, the development of such tests has received increasing support from UN agencies, donors, foundations and others (Kate Anderson Simons, "Discussion Paper 1: Multi-country Assessments of Learning (Draft)", Learning Metrics Task Force, June 2012, p. 2.

⁵ Learning Metrics Task Force, "Proposed Competencies for Learning Outcomes: Early Childhood, Primary and Post-Primary", Draft for consultation, July 2012.

⁶ CRC General Comment 1, para. 2.

⁷ For a more comprehensive list, see <http://www.right-to-education.org/node/1079>

⁸ CESCR General Comment 13, para 1.

⁹ Ibid.

¹⁰ UN Commission on Human Rights, Human Rights Resolution 2005/21: The Right to Education, 15 April 2005, E/CN.4/RES/2005/21, para. 7; UN Human Rights Council, Resolution 8/4: The right to Education, 18 June 2008, A/HRC/8/L.5, para 7; UN Human Rights Council, Resolution 20/7, 16 July 2012, A/HRC/RES/20/7, para. 4. For the UN Special Rapporteur on the Right to Education, see A/HRC/20/21, para. 88. For the treaty bodies, see CERD/C/VNM/CO/10-14, para. 14; CRC/C/15/ADD.198, para. 43; CRC/C/THA/CO/3-4, paras. 68-69; CRC/C/15/ADD.188, para. 47; CRC/C/KOR/CO/3-4, para. 63; CERD/C/IRL/CO/3-4, para. 13; CEDAW/C/MLT/CO/4, para. 31.

¹¹ CRC/C/15/ADD.192 (CRC, 2002), para. 42.

¹² CRC General Comment 1, para.2.

¹³ CRC/GC/2001/1, para. 12. Education must provide “*not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.*” (CRC/GC/2001/1, para. 9.)

¹⁴ A/HRC/20/21, para. 74.

¹⁵ CRC General Comment 1, para. 9.

¹⁶ Ibid.

¹⁷ E/C.12/1999/10, para. 6. See also CRC/GC/2001/1, para. 22.

¹⁸ Article 1.

¹⁹ UNESCO, *The quality Imperative* EFA Global Monitoring Report 2005, p. 32.

²⁰ Kate Anderson Simons, “Discussion Paper 1: Multi-country Assessments of Learning (Draft)”, Learning Metrics Task Force, June 2012, p. 23.

²¹ See e.g. CESCR General Comment 20.

²² E/C.12/GC/20, para. 10.

²³ A/HRC/20/21, para. 84

²⁴ CRC/GC/2001/1, para. 22.

²⁵ A/HRC/20/21, para. 21.

²⁶ Dakar Framework Expanded Commentary, para. 44.

²⁷ Dakar Framework Expanded Commentary, para. 68.

²⁸ UNESCO, *Education for All by 2015: Will we make it?*, EFA Global Monitoring Report 2008, p. 30.

²⁹ Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011), principle 28.