

IS EDUCATION A HUMAN RIGHT?

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Abstract

Education is directly related to knowledge, and knowledge in turn is the guarantee of our development. The potential of the life we can live depends on this knowledge, its transmission to future generations and its development by them. Education is a very important part of the transmission and development of knowledge. It is no coincidence that it is in the public focus not only when we talk about prosperity, but also when we talk about dealing with hunger and disease. Does all this mean that education is a basic human right, acquired at birth?! When we talk about "rights", we should mainly strive to refrain from interfering in certain areas, not to oblige someone to act in a certain way. In the case of education, it means that it is unacceptable to take away someone's right to be educated, but it does not imply the obligation to do everything in our power to educate them. The desired degree and form of education cannot be universal. Information that is diverse in content and meaning is needed, allowing for the formation of an independent opinion. This also means eliminating the forced imposition of some theses and the prohibition of others. This article will analyze the right to education, but also describe examples of abuse through the imposition of dubious and sometimes false claims. Specifically, the "history-changing" of the Black Lives Matters movement, the green "ideology" based on claims about Global Warming, and the LGBT+ attack in schools and universities that has been observed in a number of leading universities in Western Europe and the United States.

Keywords: *Education, knowledge, human rights, ideological education, prevention.*

1. Introduction

When we talk about universal human rights, it is first of all good to think about whether and under what conditions they exist. The UNIVERSAL DECLARATION of Human Rights (UDHR) adopted by the UN is based on values professed by our, Western, civilization. But researchers point out that there are others – according to one, five (Matthew 1991), according to others – seven (Samuel 2011). The common thing is that self-determination is based on religion, history, language, ancestors, customs and institutions formed over the centuries, and not on the basis of political and economic forms. That is, there is no single, common view of life formed by philosophy, values and social relations of different civilizations.

Unique to European civilization is the combination of values that formed its core. These are Greek philosophy and rationalism, Roman law (secular power is subject to some external coercion), Christianity, the Latin language, the division between secular and spiritual power, and individualism. This does not include controversial concepts present in the UDHR such as social justice, the right to work, to recreation, to life development, education, etc.

Yet is it possible to define any universal human rights? Bell (2002) argues that there are many universal human values, starting with life itself and culminating in the maxim of treating others as we would like to be treated. Indeed, when we talk about the attitude towards life as a value, we can find common ground between different civilizations, which can give us a basis for forming universal human rights.

2. Methods

Thomas (1970) states that the degree of objectivity of science depends both on its type and on the structures, culture, and diversity of the communities that produce it. Sciences that study natural phenomena can achieve a high degree of objectivity. In social sciences, which study the cultural, social and individual development of man and human society, objectivity is possible only after clearly defining goals and values.

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That is, objectivity in science is not absolute, but conditional, it is more “a posteriori” than “a priori” and is possible only after choosing certain values and perspectives (Lozanov 2017).

This study is based on the value system and moral foundation described above that form the core of European civilization, and more specifically, that when we talk about "rights," we should strive primarily to refrain from interfering in certain areas, rather than obliging someone to act in a certain way. Applied to education, this means that it is unacceptable to take away someone's right to education, but it also does not imply an obligation to do everything in our power to educate them.

3. Discussion

3.1. The universal declaration of human rights

In the first articles of the UNIVERSAL DECLARATION of Human Rights, we can clearly recognize the beginning of the US Declaration of Independence from 1776, which states: "...that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness". To this we must add the extremely important text of Article 3 defining the right to “security of person” and Article 4 prohibiting “slavery and serfdom”. These rights are a natural extension of the values that constitute the core of European civilization, but to some extent they can be accepted as universal.

To get to the case of education, let us examine and compare the approach in the first (ending with article 21) and second (beginning with article 22) parts of the UNIVERSAL DECLARATION of Human Rights. Let us also note that this is a document from 1948, which is part of our recent history, and what is written reflects a new concept of human rights. This concept places a priori restrictions on what government can do. It requires setting limits on government intervention and protecting citizens from oppression by the rulers. In other words, it assumes that human rights are freedoms from state control and interference, such as the rights to life, liberty, and the pursuit of happiness. With Article 22 and after it, the idea of freedom from state control radically changes towards claims on the State, which it can satisfy only through proactive actions (Roger 2017). Specifically in this direction is Article 26, which states:

"Everyone has the right to education. Education shall be free, at least in the primary and secondary stages. Primary education shall be compulsory...";

The meaning of freedom from state interference is that it cannot prevent those who wish to be educated. This entry is exactly the opposite – it charges the State with educating everyone. Moreover, it defines primary and secondary education as mandatory. Can a right be mandatory? And assuming that it is the State's duty to educate everyone, don't we attribute to it the right to use its repressive instruments to fulfill this requirement?! And since Article 1 also states that "All human beings are born free and equal in dignity and rights" why is the right not to be educated taken away? Paragraph 3 of Article 26 states that: “Parents have the right, with priority, to choose the type of education their children will receive”, which means that the choice of no education or of receiving non-traditional education is confronted with the mandatory nature of paragraph 1 of this article. To this we add the requirement that education be free, which only means that it will be paid for by everyone, through their taxes. So regardless of whether or not they want education for their children, and whether they even have any, people will pay – again imposing an obligation on the State to collect and distribute, which is contrary to the spirit of the UNIVERSAL DECLARATION set out at the beginning. Finally, let us dwell on the goal set, namely "Education should be directed towards ... carrying out the activities of the United Nations for the maintenance of peace". Here again, we are not talking about a right, but an obligation that is imposed on every educator and recipient to cooperate with the UN. Furthermore, this requirement directly contradicts previous articles of the Declaration, such as Article 2, which states that: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as ... political or other opinion...", in particular opinions different from those of the UN!

3.2. Education – A right or an obligation

It has already been noted that according to the UDHR, the contradiction of “rights” that are “obligatory” appears. Let us delve deeper into this difficult-to-explain contradiction. From a legal point of view, a Right is an opportunity for behavior permitted and guaranteed by the state. That is, the State must guarantee the legal entity the opportunity to determine its own behavior. The key word here is opportunity, or more precisely, a person has a guaranteed right to a certain behavior, but what actions he will take to realize this right are left entirely to his personal discretion (Kolev 2005). Therefore, it is entirely up to the individual whether to take advantage of this right or not.

Obligation is the opposite of right. It, the obligation, requires specific behavior from a legal subject. That is, the individual does not have the right to independently judge whether to fulfill the obligation or not, and in case of non-fulfillment he is subject to a sanction (Kolev 2005).

In this way, the UDHR actually takes away the right of the individual (and his parents) declared in it and replaces it with an obligation, the failure to fulfill which will lead to a sanction, that is, a type of repression by the State.

Since the UNIVERSAL DECLARATION requires that education be compulsory, it is to some extent expected to be free. Not so obvious, but practically inevitable, is that compulsory education cannot but be unified. But the Declaration itself speaks of each man as a person, that is, carrying a certain individuality. Imposing a general model for how a person should develop their personality is also deeply controversial. Educational psychology has long known that different learners have different educational needs, both within a specific program and as a holistic approach (Sternberg 2009). At the same time, the question of why we assume that the State knows better what is important and what is not for the personal growth of the individual remains open. Formally, the Declaration states that parents can choose for themselves, but the requirement for free education practically eliminates the entire private sector, in particular competing educational philosophies and techniques. Another negative of this requirement is that the system is supported by money collected from taxes, and not by money paid by users of the service. The problem with the repressive nature of this type of financing has already been noted. But it also creates an additional and very significant problem, namely that there is no feedback on the results of this education.

3.3. Education – Personal responsibility

The preamble to the Universal Declaration of Human Responsibilities (UDHResp.) of 1998 states that people "...are capable of free, but also responsible, choices..." and further that "...given that both the human search for meaning and the human capacity to make choices freely and responsibly are essentially 'infinite', i.e. their horizons extend infinitely, the dignity of the human being is correspondingly 'infinite'...". Two things become very clear from this text: first, that each man is personally responsible for the choices he makes, and second, that the choices that an individual can make are infinitely many.

Let us begin with the first, namely, that each person bears personal responsibility for the choices he makes, or, more honestly, that each person bears special responsibility for the success or failure of his own life, in particular whether he wants to receive a given education and what it should be. This personal responsibility is directly related to self-interest, recognized as a powerful driving force. According to the UDHR, the individual has the right to develop his or her personality and self-realization, that is, to pursue his or her own self-interest. This action is often discredited as being equated with selfishness and perceived as hindering the common good. In fact, self-interest combined with personal responsibility is an effective tool for enhancing personal well-being, thereby contributing to the public good (Perloff 1987). It is precisely our self-interest and responsibility for the success or failure of our lives that can determine our desire for education. Therefore, we cannot assume that education can be forced upon us. Let us look at the second conclusion that the Declaration of Human Responsibilities emphasizes – diversity. It clearly shows that even if we decide to educate ourselves, the need for knowledge that we require is infinitely different, as are the methods by which we obtain that knowledge.

3.4. What kind of education do we need

Knowing what your interests are and being able to take responsibility is also something that can be learned. It should naturally start with parents and continue later, possibly in school. The education system in most countries today does not offer such training, in fact, it seems to teach us the exact opposite. We are successful in school if we get high grades, which directly depends on the teachers and the curriculum. But studying subjects to get high grades is far from guaranteeing that we have learned what we will need later in life. Even less does it guarantee that we will be successful, let alone happy.

- Does knowledge gained at school provide skills for a successful life?

Most of the information and knowledge you get in school will not be useful to us in real life. But to be successful (according to the school's understanding) we have to learn it, whether we like it or not. Besides not benefiting us, this process creates a habit – of doing things we don't like but not thinking about it. Going out into the field of life with this habit, we may do work we don't like but still not think about it. The result would range from dissatisfaction to unhappiness.

Of course, there are also students who do not follow this path, they are more creative and free-thinking and are not liked by the education system, respectively they are not "successful". But unlike the "successful" ones, they do not make an effort to learn things that do not interest them and concentrate on what they like, which is a prerequisite for doing this even after they finish their education (or even not finishing it).

- Does lack of education mean the end of a successful life?

Of course, here we must first define a successful life. If we assume that happiness is the best indicator, we will encounter a serious difficulty, because it is arduous to objectify and is too individual. Success is usually understood as material and/or power advancement. It is often said that millionaires are

"school underachievers" and examples of Steve Jobs and Jim Carrey are given, thereby emphasizing the idea that success in school does not always mean success in life. The assumption is that those "excluded" from the educational process have encountered real life earlier and have started doing what they like, while the rest of the school, making an effort to be successful in this system, do not have time to think about life's problems, that is, school graduates leave unprepared for real life.

There is probably a lot of truth in this statement, but what do the statistics show? If we assume that the most successful (according to the above criterion) people are the billionaires, rated by Forbes magazine as influential, and the participants in Davos, then we will see that quite a few of them have higher education and cognitive abilities – about 31% of the self-made billionaires and 71% of the influential men, 58% of the influential women, and 55% of the participants in Davos have attended elite schools around the world (Wai 2014).

This shows that education should not be underestimated. Indeed, from the perspective of self-made billionaires, the percentage is not so impressive, but it is still almost one in three, while among influential men and women, the superiority of the educated is obvious. Moreover, this is usually a very limited group of children. Here comes one of the most serious challenges for education – how to develop some without hurting others. One of the keys here is to encourage not only critical thinking, but also risk-taking.

- Does education stimulate critical thinking?

Students are different and one of the differences is to what extent they are able to think and ask critical questions to the teacher or, respectively, blindly follow the tasks and instructions. It is natural that not all of them can demonstrate critical thinking, initiative, leadership, etc. And every risk potentially leads to failure. Education should show that failure is a part of life and we should not be afraid of it, but we should be persistent in our realization. Something that is more or less not observed today. Quite the opposite - the grading system rather pushes us to be afraid of making a mistake that will get us a lower grade.

The three issues examined are far from exhausting the issues of education, but they provide some general direction for further reflection on whether education should be a right or an obligation. From the point of view of it being a "Right", it should be up to the student (or his parents) to choose the education that they believe will best prepare him for real life. For example, if parents have discovered leadership qualities in their child, the ability to think critically, etc., they should direct them in one direction. Conversely, if, for example, they see abilities for constant and monotonous work, they should direct them in another direction. But do these different training systems exist? Given the mandatory nature of education, such profiling is extremely difficult, if not impossible.

3.5. Distortion of the education

Education is not protected from the intrusion of distorted information and even from ideologizing that would shape certain thinking and behavior. Its mandatory nature hides the risk of mass instillation of a given worldview. The problem was well known to those who studied under communist regimes in Eastern Europe, and its effects persisted for generations. Today, a similar trend is increasingly visible in the educational systems of Western countries. The distortion of history by the ideology of Black Lives Matters, the imposition of scientifically unproven but politically justified blame for climate change by the ideology of environmentalism, the erasure of biology by the LGBT+ ideology are specific threats that are gaining strength.

Tabel (Tabel 2010) explores how an active minority imposes ideological and political dictates on a passive majority. Adding the authority and power of the teacher over the student, the "asymmetry of choice" can take on monstrous proportions.

- In the 1970s, the so-called "Critical Race Theory" (CRT) began to take shape in the United States, which set itself the goal of reconsidering history (and not only) from the perspective of race. This began as scientific papers and university assignments, which in principle was good for science. The problem comes from the fact that science is actually giving way to activism, which is taking over universities and later schools, in the form of curricula that teach distorted to false history. In practice, historical interpretation is replaced by ideology (Murray 2023). In addition to distorting the curriculum, psychological pressure is also being exerted on students and teachers. Some schools are introducing a program on ethical issues of "counter-genocide" against white Christians, and some teachers are accused of "killing the spirit" of black children. White students are also being tested for "hidden prejudice" (Murray 2023). The parallels with communist education are disturbing, and the results are likely to be no less damaging.

- A document adopted by the Council of Europe and popularly known as the "Istanbul Convention", in its initial definition of "Sex" changes what biology knows. The Oxford English Dictionary states that "Sex [...] is a characteristic of organisms that are specialized in producing one of two types of gametes (sex cells) – male or female" (Stevenson 2011). That is, "Sex" refers to the biological status of a person and means male or female, boys or girls, with clearly expressed anatomical and physiological dimorphism. But the doctrine enshrined here requires States that have ratified this document to introduce into education

“... measures for ... the eradication of prejudices, customs, traditions ... of stereotypical roles for women and men”. Thus, through education, the existing is destroyed in order to build something new – exactly what we observed under communism (Dimov 2025).

- The indoctrination of the thesis of "Global Warming" and the derivation of a single scientific assumption as a fact also instills a certain ideology in schools and universities. Science is a sequence of stated hypotheses, their denial, challenge, improvement, modification, and so on (Dimov 2023). This process can be introduced in schools regarding the topic of Global Warming, by examining and debating the different scientific theories. This would help students in developing their cognitive abilities. The opposite is the introduction of education subordinate to ideology.

4. Conclusions

I share the opinion published on the home page of END 2025 that "...every experience has a formative effect on the constitution of the human being, on the way a person thinks, feels and acts" and that "one of the most important contributions is in what and how we learn by improving educational processes, both in formal and informal settings." Therefore, the article aims to draw attention to some of the problems related to education as it is now. The contradiction between "right" and "obligation" creates a problem that can only be avoided with a clear distinction between the right of the individual and the obligation imposed on the state. The wording in the European Convention on Human Rights (ECHR) is considerably more precise than that in the UDHR. Article 2 of Protocol 1 to this Convention states: "No one shall be deprived of the right to education. In the performance of the functions assumed by it in the field of education and teaching, the State shall respect the right of parents to ensure that their children receive education and teaching in conformity with their religious and philosophical convictions". It is appropriate to replace the obligation with an incentive for education. This way we will not take away someone's right to be educated, but we will allow the individual and/or their parents to focus on what they consider most necessary for their own growth. The commitment that a third party has an obligation and makes an effort to provide education will also be eliminated. Positive effects will be the development of a number of alternative educational systems, the direct feedback between the user of the system and its effectiveness, and last but not least, the assumption of personal responsibility, which is the basis of a successful life. Avoiding the mandatory and unified nature of education also prevents the possibility of its indoctrination and/or politicization.

The proposed direction also has its problems and challenges. The educational system is among the most inert and the results are visible after a long period. Sharp and quick adjustments do not guarantee success, quite the opposite, which is why the State has all the controlling functions.

Stepping on the UDHR, whose first paragraph states: "All human beings are born free and equal in dignity and rights...", we can deduce a primary goal for the education system - the growth and happiness of the individual.

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