



## Right to Education: Problems of Implementation Under Conditions of Modernization in Russia Higher School

L.V. Ten, Candidate of Juridical Sciences, Professor  
Altai Akademy of Law and Economy

656000  
Russia, Barnaul, Komsomolsky, 86  
Phone: (3852) 24-48-08  
Email: adm@aael.altai.ru

### Annotation

The article deals with the research of the right to education as a natural, integral, fundamental and absolute human right. The author has analyzed the practice of higher school modernization from the point of view of its implementation and come to the conclusion that higher education management system should be reformed taking into account market conditions in education and the role of education relations subjects in solving the problem of higher school organization economic mechanism quality.

**Key words:** right to education, higher school, modernization, quality of education, market of educational services, organizational economic mechanism of higher school functioning

Any modern society recognizes the right to education as one of integral, fundamental, indisputable and absolute human rights, enshrined in Constitutions of all countries and admitted by global community in Article 26 of the Universal Declaration of Human Rights: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups". [1]. These principles are stated in Article 43 of the Russian Federation Constitution and thus correspond to responsibilities of the state "to recognize, to observe and to protect human and civil rights and liberties".

Being a derivative from individual human qualities and needs for perfection the right to education belongs to integral, natural and inviolable human rights. The state should not interfere into human rights and liberties but provide the conditions for them to be fully implemented. The right to education cannot be limited no matter what jurisdiction the human being belongs to. Neither can it be limited by another's will even if the choice of a person to get a professional education does not correlate to economic needs of the state, job placement or technological goals of an employer. Inadmissibility to deprive the citizen from the right to education is stated in the imperative norm of Article 22 of the Russian Federation Constitution. Motivation to get education should be legally independent for any subject, including the state, if it does not suppose activities that

contradict the federal law except the cases when foundations of the constitutional system, morality, health, individual rights and interests, country defense and state security need to be protected [2].

Despite the fact that constitutional and legal principles and norms act directly they turned to be declarative by nature in many respects due to objective and subjective reasons, which prevented them from being implemented. Under the conditions of planned economy Soviet system of higher professional education was aimed exceptionally at training a certain number of specialists that the country needed. As a result it failed to support demands of more than 50% people who wanted to get higher education.

The lack of strict licensing the system of non-free (paid) education, which was introduced in 1992, resulted in an uncontrolled increase and a strong growth of undergraduates as well as pseudo-higher schools. This happened in the period when school financing was considerably reduced while the teaching staff, educational area and other infrastructure elements, which were in great demands for state higher schools during pre-Perestroika period remained the same. At the same time non-state higher schools could easily do without the most important elements of educational activities. More than 50% of non-state higher schools and their branches were established by state higher schools not because they wanted to contribute into training such popular professionals as lawyers and economists but to get profit. As a result the decrease in professional training quality, which started in the Soviet period due to conservative methods, forms of education and mass unreceptiveness of the command economy to innovative approaches, has speeded up. Liberal voluntary measures undertaken by the state in 1990-s discredited the idea of non-free (paid) and private education and thus the content of right to education that supposed an alternative and high quality came down.

Consequently in contrast with other countries paid schools in Russia did not improve the level of education but made it worse. All over the world non-state higher schools proved to be an effective form to attract investments and a competitive means to implement the right to a high quality education.

Today the state policy witnesses a transition from liberal voluntarism to a strict administrative regulation. Ministry of Science and Education makes an effort to smooth out negative effects of its own activities and takes bureaucratic measures that are not typical of an intellectual

sphere. The aim of the measures is to reduce the number of higher schools, students' enrollment and faculty staff. According to S.I.Ozhegov's "Russian Language Dictionary" monitoring of higher schools effectiveness can be defined as: "a red tape, negligence to the essence of the matter for the sake of formality" [3]

Evidently, such a policy returns a Russian higher school to its starting points when it was not able to meet education needs. This contradicts global education development trends. According to the European Union statistics the number of students in EU countries has doubled during 20 years. During the post war the number of the first year students in developing countries has increased by a multiple of 100 [4]. The increase of social demand for higher education could be compared to a social explosion when all states tried to meet the rapidly growing demand.

No matter how noble the intentions might be no restriction of human rights that contradicts the Constitution of Russia and prevents from meeting natural human needs for self-development and human thought can be approved. It was possible to apply such restrictions when the issues of higher education system were considered on the bases of bylaws and administrative law relations rather than by federal legislations.

Nowadays the Ministry of Science and Education license, certificates, accredits and monitors effectiveness of higher schools by means its own regulations. No doubt such a situation is rather disputable. Yet under the circumstances of market and rule of law all subjects of civil law including higher schools and their students should be protected from voluntary interference of the authorities. It is quite obvious that no administrative body is allowed to restrict the implementation of the constitution right to education, which is the ultimate power of the federal legislation (Article 1 of the RF Constitution).

#### These statutes include the following statements:

a) according to the enrollment rules the undergraduates who have not got a minimum passing score at CT (Centralized Testing) are not affiliated;

b) the equal civil right to free education is violated when the Ministry of Education reduces the number of budget support students in certain fields of training independently on the number of applicants; this also refers to non-state higher school institutions;

c) the right of citizens to choose a higher school they want to study at is restricted because state higher school institutions are offered various preferences and thus Article 8 of the RF Constitution that provides equal forms of property and WTO rules, which do not allow to discriminate higher schools and offer them preferences on the bases of their foundation is violated;

d) criteria indicators 5 and 6 of effectiveness monitoring seem to be unlawful since they keep higher schools to focus on profiting while all Russian colleges have a status of non-commercial institutions aimed at humanitarian results. It is justified by the fact that higher schools with accredited education programmes have been found non-effective;

e) higher schools and commercial sector are taxed equally while the former have not the same rights as corporate business has. Thus economic independence and resource potential of colleges and universities are limited and as a result they do not meet increasing market and consumers requirements.

The monitoring that currently takes place does not solve the quality issue, which is urgent not only for the higher education institutions that were found non-effective. It is impossible to solve the problem by having mechanically reduced the number of higher schools and put obstacles on the way to higher education. These are other more substantial measures which are taken by the government so that to improve resource support of state institutions and financial position of faculty and students. Wages and salary rise is very important but it will not itself lead to the renovation of educational process. Students' scholarship can and needs to be increased, but the rise of scholarship will not itself make the studies more activity.

State grants and education innovations implemented within the frame of the national project are extremely urgent and important. However the lack of motivation to the final outcome when money but not innovation becomes the objective itself can result in destruction of the achieved success.

Under the condition of the current system a high level of financing will not give a positive result since the requirements for education have increased considerably. The money will be thrown away because it is impossible for the whole country to live according to the market economy law while education still keeps to the laws of the Soviet period.

We can certainly be proud of our yesterday's accomplishment and the traditions of Russian fundamental humanitarian education established in the Soviet period. But to conserve what used to be the best is to lag behind rather than to go ahead.

Reality, richness of content and stability of the right to education considerably depend on the way the management system is appropriate to the relationship in education sphere.

Fundamental reforms in economy and society were not accompanied by the adequate changes in education aimed to satisfy the needs of both an individual and a society for education. These needs were imposed by a considerable growth in science and technical information as well as a wide access to education. Quality management cannot be the prerogative of state bodies only. The task of the state is to create such a system of economic relationship that would provide a relevant quality; the final consumer, i.e. the person who gets education, would be the main QC check. The state should regulate rather than to produce services [5].

The present day education management system, as well as the Soviet one, is characterized by a high degree of centralization, uniformity of higher educational institutions and a lack of motive to self development. The most sufficient drawbacks in the present day education management systems are:

a) monopolism and a lack of self-government in higher schools;

- b) technocratic and administrative manipulation approach to a professional education development;
- c) exclusively economic pragmatism and purely utilitarian approach;
- d) ignoring the market reality in professional education.

Command-administrative system that was rejected when economy was being reformed has been preserved in education. More over in recent years commanding functions of education management bodies have considerably increased and the vertical of power has strengthened. Such renovations and State Standards, licensing, attestation and accreditation are resided in the hands of a single department that acts as a monopolist. All the innovations turned to be nothing but a petty instrument to regulate higher school vital activity and to manipulate on education services market. This has not improved the system of education but has resulted in the growth of bureaucracy willfulness. Such measure as Centralized Testing, testing the permanent knowledge, state exams and competitions that are nothing but a concealed form of distribution system and hierarchy of higher education institutions can result in still greater strengthening of administrative rather than economic means and will contribute into suppression of self-independence and civilized competition on education services market.

Many academicians claim that education cannot be a product or a service. This idea does not allow identifying the role of the state in education correctly and does not correspond to the postulation statement that labour force is a product and qualification which were acquired while training. If the qualification is acquired on the compensatory basis it becomes the object of trade on labour market.

Informational society that Russia is entering, changes the role of education in social and economic development. Knowledge, skills, innovations, initiative and enterprise become the main sources of profit and power of development. An old paradigm of labour cost, which did not take into account fundamental role of information and education in economy, is substituted by an information theory of value and human resources. In information society knowledge and intelligence turn into the main capital that makes relationships in education a part of economic relations. Being intellectual in nature education activity is being implemented in the form of services and goods. [6].

If education is recognized as a field of economic activities and has all features characteristics of market it will lead to substantial changes in management system.

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