



THE HUMAN RIGHT TO EDUCATION

Position Paper

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This Position Paper is based on the outcome of the 2019 Human Rights Social Forum, Geneva. Participants included Mrs. Maire Lynch, Ms. Shiobaun McGee (Ireland), Sr. Elena Cerdeiras (Spain), Sr. Cynthia Mathew, Sr. Janet Palafox and Sr. Cecilia O'Dwyer (NGO Office)

"Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. ... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms." This text from Article 26 of the Universal Declaration of Human Rights is further developed in the 2030 Sustainable Development Agenda Goal No 4: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all".

Education is not only a human right but also a multiplier and transformative right. It is a powerful tool in the empowerment of people and the breaking down of cycles of exclusion. It is the main infrastructure of development in any country. Although we say that education is key, it is only one part of a student's life. Governments must put in place social support for families and there needs to be an understanding of education as part of a larger system.

At the 2019 Human Rights Council Social Forum the need for Civil Society and other stakeholders, along with Member States, to achieve the right to education and to leave no one behind was highlighted. The crisis we face is not a global education crisis but a crisis of inequality. In this respect **education for a more inclusive, sustainable, just and peaceful society** is needed - an education fit for the future.

Who are being left behind?

Education is a human right and the right to education must be a living reality for all. However, despite considerable progress being made, UNICEF¹ provides staggering data on those being left behind:

- In 2017 there are 262M children and youth aged 6-17 that are out of school
- There are 1.8 billion children in the world - the highest ever rate. 12 million of these children will never see the inside of school and 2 out of 3 are girls.
- In 2015, 617M primary and secondary school age children were not achieving minimum proficiency levels in reading and mathematics (more than 50%). About two thirds of these children were attending schools but were not learning or have dropped out of school.
- 27 million children in conflict areas are unable to attend school.
- 3.7 million Refugee children are out of school.
- Globally one third of young people go to university but only 3% of refugees reach university level.
- There are 750 million illiterate adults in the world.

¹ UNICEF and UN Secretary General's Special Report: Progress on Sustainable Development Goals

There are more who are left behind but the lack of disaggregated data within countries, regionally and globally makes other groups invisible. We need disaggregated data to reveal the accurate situation of those who are left behind.

- Indigenous children and youth

Indigenous peoples continue to experience severe challenges with education. They tend to have lower enrolment rates, higher dropout rates, higher absenteeism rates, higher repetition rates, lower literacy rates and poorer educational outcomes compared to non-indigenous students. Indigenous women and girls usually have limited access to formal education.

- Children and youth with disability

The first in-depth analysis of available data for 49 countries published by UNESCO in 2018 verifies that persons with disabilities are less likely to ever attend school, more likely to be out of school and that they tend to have fewer years of education than persons without disabilities. However, it does not show the full picture due to lack of available and globally comparable data.

- Children who are homeless or living on the streets

UNICEF states around there are about 100 million children living on the streets but there are no accurate data available. They are invisible and usually not part of any country's household survey. However due to their situation, low school attendance is common with many children struggling to stay in formal education due to attendance requirements, routine and discipline especially when most children on the streets often need to work.

- Lesbian, Gay, Bisexual, Transgender and Queer - LGBTQ children and youth

There are no aggregated global data available for students who identify as LGBTQ. In a number of countries it is still a criminal offence to be in a same-sex relationship.

- Children from travelling communities

The Travelling Community fears losing their children when they are educated and resist efforts to have them in school.

The reasons that young people are not in education

There are various factors and reasons that hinder children from accessing education but mostly are connected to poverty. They are either unable to register in school due to lack of legal documents (birth certificate, etc.) or move regularly due to lack of secure housing. Some young people need to work to support their family or lack the resources (uniform, books, access to technology) required to properly engage in education. Often those who live in irregular neighborhood also have to deal with gang violence.

Health issues ranging from lack of vaccinations, physical disabilities to serious illnesses like HIV/Aids could also exclude them especially in communities that do not have facilities to

accommodate them or there are still stigma attached to them. This is also the case among young pregnant mothers or child brides.

Youth and children like those living on the streets also suffer discrimination from other children and have little support from family and teachers. Unpublished surveys and anecdotal evidence reports that young LGBTQ students experience discrimination, abuse and bullying in schools, at home and in their communities. Aside from discrimination, cultural barriers and being stereotyped for not having the ability, especially for indigenous and migrants children, could also discourage school attendance. Many children and youth find schools an unsafe place for them.

It is important to remember that even when education is established in “advanced” countries there may be barriers to their students’ engagement.

The role of Government

Each government has the responsibility for the education of its population and make education available for every child. Each government must endeavor to develop effective global education through legislation, policies and adequate finance. Policies have to be implemented in ways that ensure that *quality education* is offered. The right systems are not always in place - even in developed countries.

Governments have to finance education adequately and if they are not spending at least 4% of their GDP as agreed² on education, they violate human rights. Universal primary education is a crucial and necessary step for a high-quality education, not merely a destination.

Malala Yousafzai said that just 8 days of military spending (2018 - \$1.8 trillion) every year is the equivalent of offering every child in the world access to 12 years of education (\$39B). According to the United Nations, governments need to provide free quality education up to 16 years of age and after this it is up to each country to determine the education offered.

Governments need to examine if the education offered is free for its students and their families. Often the costs of uniforms, books and other extra fees are prohibitive for families even when tuition is free.

In countries that have public private partnerships for the supply of education, governments must take steps to ensure that the education offered in public and private schools are equitable. In a number of countries, the gap in the quality of education offered in underfunded public schools exacerbate inequality. [The Abidjan Principles](#), guiding principles on the human rights obligations of States to provide public education and to

² Education 2030: Incheon Declaration

regulate private involvement in education, are tools that can be applied to ensuring equitable public & private education.

Children in emergencies and conflict require special attention. Governments' commitment to the **Safe Schools Initiative** and the protection of schools from attack during armed conflict is essential. Research shows that schools are becoming deliberate targets during times of conflict, while UN guidelines advise that only deserted schools can be used by the army.

Quality Education

The current education system is not sustainable. What is meant by *quality education*? Is quality education about students succeeding in the current system or transforming the world? We can consider the four attributes of quality education listed in the [Abidjan Principles](#):

- Availability:
 - Sufficient quantity of functioning educational institutions and programmes.
 - Governments have to invest in teacher training that properly equip teachers to teach. Investment in quality teacher training reflects in quality education of students.
 - The environment and quality of school buildings can help or hinder learning and teaching. At the most basic level, governments must ensure that schools have adequate buildings, desks and chairs, teaching resources and transport.
 - Need to have clean, safe and separate toilets, with access to water and garbage disposal.
- Accessibility:
 - Schools and programmes need to be available to all children regardless of where they live, race, sex, religion and economic status.
 - Every child deserves a safe place to learn. Discrimination, sexual assault and bullying must be addressed.
 - Gender sensitive sanitation is central to ensuring a gender equitable learning environment that addresses the needs of all students, including adolescent girls. Lack of attention and access to quality menstrual hygiene management (MHM) in schools can negatively affect adolescent girls.
- Acceptability:
 - Education for students to be good citizens who can act on issues lawfully and creatively.

- Testing and assessment serves different purposes and structured to support genuine learning. Assessment used for competitive purposes can be a barrier for those who are not flourishing and they become disengaged.
 - Encouragement of critical thinking so that young people develop as independent thinkers and members of society.
 - Provide Human rights education that empowers, stimulates reflection and inspires young people to become actors of change.
 - Importance of education in empowering and developing identities among indigenous young people. Need to respect the philosophies of Indigenous people (intercultural exchange of knowledge) by including their stories, history and culture in curriculum.
- Adaptability:
 - Placing the learner at the center - education needs to be child focused preparing young people for everyday life and prepares for engagement with the world and its challenges. This includes comprehensive sex education.
 - Assessment models require review so that they test the knowledge that is relevant and benefit the learning of students.
 - Engagement with different forms of learning with education adapted to the learner. The school curriculum should develop students who are ready for the changing world.
 - Access for educators to the vast amount of research on quality education. There is so much information available but access to technology is limited.
 - Lifelong education of teachers, ensuring that they are upskilled with new developments in the field and trained to use new technologies as they emerge.
 - Vocational schools are an option different from the 'traditional' school system and sometimes there is a stigma around vocational education. Adequate investment in vocational schools with a curriculum geared to the skills needed and that is valued is important in any system of education.
 - Equitable access tertiary education is also important. The barriers to tertiary education includes high cost, lack of finance, debt and inadequate educational experience.

Careful research is required before any changes are made to the whole system and time needs to be given to this process. Changes need to reflect the enormous research around learning in order to keep up to date on intellectual and scientific knowledge. Continuing research on global and national trends is essential.

The Importance of Teachers

There is a fundamental need for societies to value education. Teaching, in some countries, is not a career that is perceived to have status. If society does not value teaching it does not value education - the value needs to be echoed in legislation, policies and finance. If

education is important and valued, governments must provide resources and pay staff well.

Providing adequate teacher training is essential if young people are to become teachers. It is important that Governments invest in teachers to be effective lifelong learners. This is an issue when countries do not support upskilling their teachers.

We call on all governments to³:

Guarantee through law and through action access to quality education for all, with attention to women and girls, persons with disabilities, older persons, indigenous peoples, those in remote rural areas or urban settlements, racial, ethnic, and religious or caste minorities, those living in poverty, migrants, refugees, displaced persons, and the LGBTQI community, ensuring and enforcing non-discriminatory and inclusive school environments;

Reflect on their individual and shared past, critically examine the present and put legislation, policies and finance in place to enable education to drive the global community to a sustainable, peaceful and equitable future;

Provide education that empowers students to become agents of change, through the understanding of their human rights and their associated responsibilities for the society in which they live and for the global community. Promote the values, skills and behaviors needed to create global citizens who will find fulfillment in a harmonious world;

Recognize that inclusivity in education does not mean that all students are in the same place, learning the same thing, with the same assessment. Governments must adapt the system to the diversity not the diversity adapting to meet the system;

Provide education that allows young people to be part of the solution to the inequalities and oppressions in our world;

Safeguard the right of faith-based schools to provide a values driven education grounded in human rights;

Ensure funding for public and private education are equitable so that no-one is left behind. Without education we are invisible.

³The Mary Ward Schools compass was used as a basis for recommendations to governments.