

What happens if States do not fulfil obligations?

International human rights instruments have established a solid normative framework for the right to education. This is not an empty declaration of intent as its provisions are legally binding. All countries in the world have ratified at least one treaty covering certain aspects of the right to education. This means that all States are held to account, through legal mechanisms.

- **Enforcement of the right to education:** At international level, human rights mechanisms exist to deal with individual complaints and settle right to education breaches this way.
- **Justiciability of the right to education:** Where their right to education has been violated, citizens must be able to have legal recourse before the law courts or administrative tribunals.

What are the major challenges to ensure the right to education?



Providing free and compulsory education to all

Less than 1 in 5 countries legally guarantee 12 years of free and compulsory education. Through technical assistance, UNESCO supports States to adopt legislation in line with SDG4 and the right to education requirements.



Eliminating inequalities and disparities in education

In sub-Saharan Africa, only 65 of the poorest children for every 100 of the richest go to school. UNESCO supports the development of more inclusive, rights-based and gender-sensitive policies, and encourages teachers to adopt inclusive teaching approaches.



Privatization and its impact on the right to education

States need to strike a balance between educational freedom and ensuring everyone receives a quality education. UNESCO encourages States to reinforce regulatory frameworks regarding private institutions.



Quality imperatives and valuing the teaching profession

200 million young people leave school without the skills they need to thrive. UNESCO encourages States to reinforce minimum education standards and seeks to promote the rights of the teaching profession.



Migration and displacement

In 2016, 3.5 million school age refugees had 0 days of school. UNESCO advocates for inclusive and suitable education systems for refugees, ensuring the right to education for those forced to flee their country.



Financing of education

The Education 2030 Agenda requires States to allocate at least 4-6 per cent of GDP and/or at least 15-20 per cent of public expenditure to education. UNESCO promotes the idea that education is the best investment a country can make.

UNESCO Education Sector

Education is UNESCO's top priority because it is a basic human right and the foundation on which to build peace and drive sustainable development. UNESCO is the United Nations' specialized agency for education and the Education Sector provides global and regional leadership in education, strengthens national education systems and responds to contemporary global challenges through education with a special focus on gender equality and Africa.

The Global Education 2030 Agenda

UNESCO, as the United Nations' specialized agency for education, is entrusted to lead and coordinate the Education 2030 Agenda, which is part of a global movement to eradicate poverty through 17 Sustainable Development Goals by 2030. Education, essential to achieve all of these goals, has its own dedicated Goal 4, which aims to *"ensure inclusive and equitable quality education and promote lifelong learning opportunities for all."* The Education 2030 Framework for Action provides guidance for the implementation of this ambitious goal and commitments.



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UNESCO and the right to education

Education is a fundamental human right of every woman, man and child. For UNESCO, this right is an absolute priority and at the heart of its global mission to ensure equal access to quality education for everyone.



Education
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Why is education a fundamental human right?

The right to education is a human right and indispensable for the exercise of other human rights.

→ Quality education aims to ensure the development of a fully-rounded human being. It empowers people to seek the fulfilment of all their human rights.

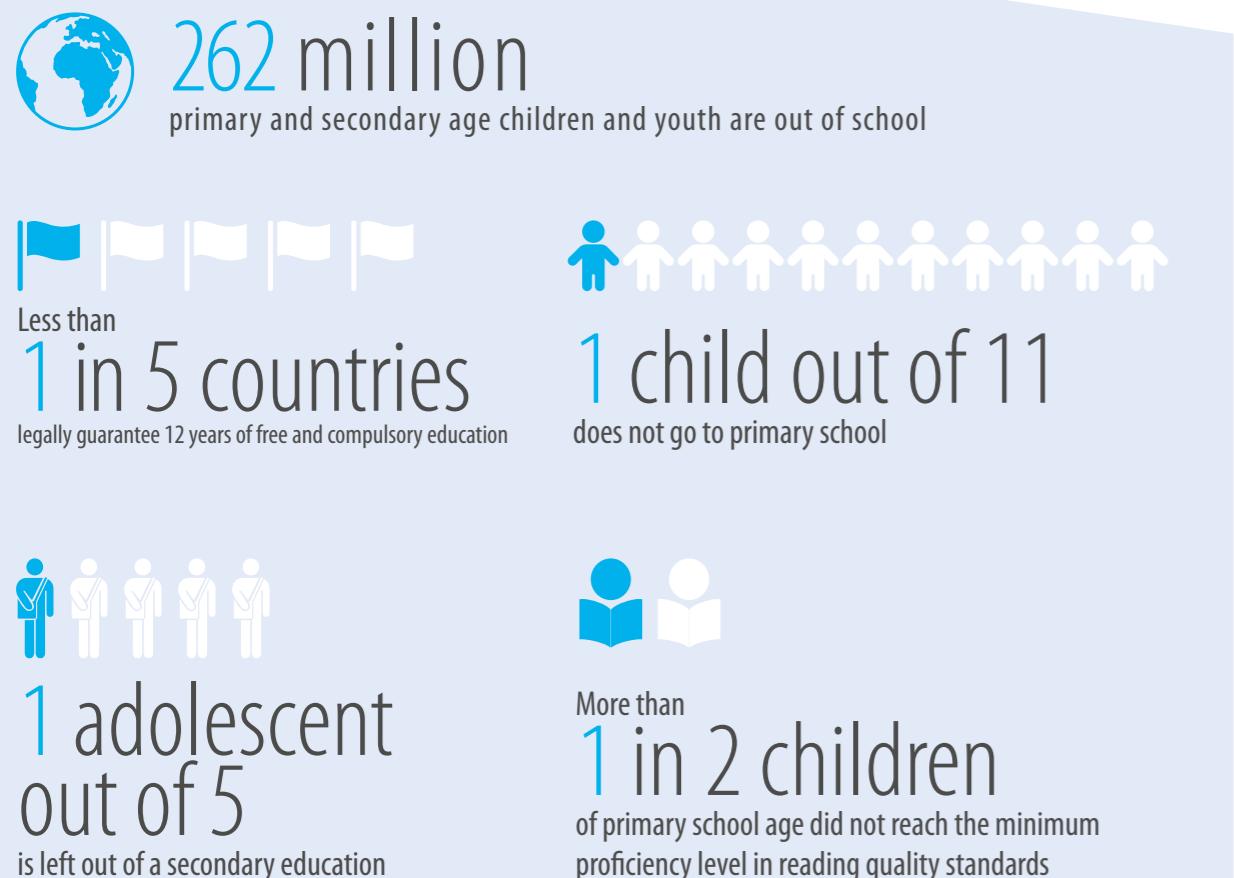
→ It is one of the most powerful tools in lifting socially excluded children and adults out of poverty and into society. UNESCO data shows that if all adults completed secondary education,

globally the number of poor people could be reduced by more than half.

→ It narrows the gender gap for girls and women. A UN study showed that each year of schooling reduces the probability of infant mortality by 5 to 10 per cent.

For this human right to work there must be equality of opportunity, universal access, and enforceable and monitored quality standards.

The global picture



What does the right to education entail?

- **Primary education** that is free, compulsory and universal

- **Secondary education**, including technical and vocational, that is generally available, accessible to all and progressively free

- **Higher education**, accessible to all on the basis of individual capacity and progressively free

- **Fundamental education** for individuals who have not completed education

- **Professional training** opportunities

- **Equal quality** of education through minimum standards

- Quality teaching and supplies for **teachers**

- Adequate **fellowship system** and **material condition** for teaching staff

- Freedom of **choice**



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How is the right to education ensured?

The right to education is established by two means - **normative international instruments** and **political commitments** by governments. A solid international framework of conventions and treaties exist to protect the right to education and States that sign up to them agree to **respect, protect and fulfil** this right.

Major international instruments

The right to education is enshrined in the Universal Declaration of Human Rights adopted in 1948. Article 26 states that: "Everyone has the right to education."

Entitlement to education at various levels as a right is laid down in the UNESCO Convention against Discrimination in Education (1960).

The Convention is the first legally binding international instrument developing extensively the right to education.

This convention is recognized as a cornerstone of the Education 2030 Agenda.

Among the UN human rights treaties:

- In 1966, Article 13 of the International Covenant on Economic, Social and Cultural Rights reaffirmed everyone's right to education and recalled the entitlements to education at various levels.

- In 1989, Articles 28 and 29 of the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990).

- The Convention on the Rights of Persons with Disabilities (2006).

Other human rights instruments interpret education rights in a way that takes into account the specific needs of groups of people in vulnerable situations. They include:

- The Convention on the Elimination of All forms of Discrimination against Women (1979).

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

- The Convention on the Rights of Persons with Disabilities (2006).

How does UNESCO work to ensure the right to education?

UNESCO develops, monitors and promotes education norms and standards to guarantee the right to education at country level and advance the aims of the Education 2030 Agenda. UNESCO's Strategy on normative action (2015-2021) encourages Member States to use standard-setting instruments as a strategic tool to achieve Sustainable Development Goal 4 (SDG4). Specifically, it works to ensure States' legal obligations are reflected in national legal frameworks and translated into concrete policies. It does this by:

Monitoring the implementation of the right to education at country level

Supporting States to establish solid national frameworks

Maintaining a global Observatory on the right to education

Advocating on the right to education principles and legal obligations through research and studies on key issues

Enhancing capacities, reporting mechanisms and awareness on key challenges

Developing partnerships and networks around key issues

How is the right to education monitored and enforced by UNESCO?

- UNESCO's Constitution requires Member States to report on measures to implement standard-setting instruments at country level through regular consultations.

- Through the dedicated online Observatory, UNESCO takes stock of the implementation of the right to education in 195 Member States.

- Based on its monitoring work, UNESCO provides technical assistance and policy advice to Member States that seek to review, develop, improve and reform their legal and policy frameworks.