



## From rights to country-level action

Results of the tenth consultation of Member States

on the 1960 Convention and Recommendation

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Education is UNESCO's top priority because it is a basic human right and the foundation for peace and sustainable development. UNESCO is the United Nations' specialized agency for education, providing global and regional leadership to drive progress, strengthening the resilience and capacity of national systems to serve all learners. UNESCO also leads efforts to respond to contemporary global challenges through transformative learning, with special focus on gender equality and Africa across all actions.

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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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## Snapshot of the tenth consultation

### Why does this tenth consultation stand out?

The year 2020 marked not only the launch of the tenth consultation on the implementation of the 1960 Convention and Recommendation against Discrimination in Education, but also the sixtieth anniversary of those instruments. Sixty years has a specific significance in East Asian culture as while the Gregorian calendar counts years in an infinite sequence, sixty-year cycles, also known as Stems-and-Branches, are used for reckoning time in East Asia, where the sixtieth year completes a full cycle and opens up a new era.

It is interesting, as well as seemingly symbolic, that the tenth consultation was launched just at the start of the COVID-19 pandemic, which has clearly instigated a transitional period in how education is conceived and delivered – marking the end of one cycle and the beginning of a new one. Indeed, the pandemic has forced all countries to face an inevitable evolution in education and to reflect on how to rethink education.

### What is the tenth consultation about?

The consultation is a valuable opportunity for States to take stock of the progress made during the reporting period (2017-2020), report on the challenges the education sector faces and share interesting practices. It shows how, by implementing the provisions of the 1960 Convention and Recommendation against Discrimination in Education, States can accelerate progress towards achieving Sustainable Development Goal 4 (SDG4) – Education 2030. In addition, the unique timing of the consultation has created an opportunity for States to report on actions and measures taken to face the widespread school closures and adverse effects of the COVID-19 pandemic.

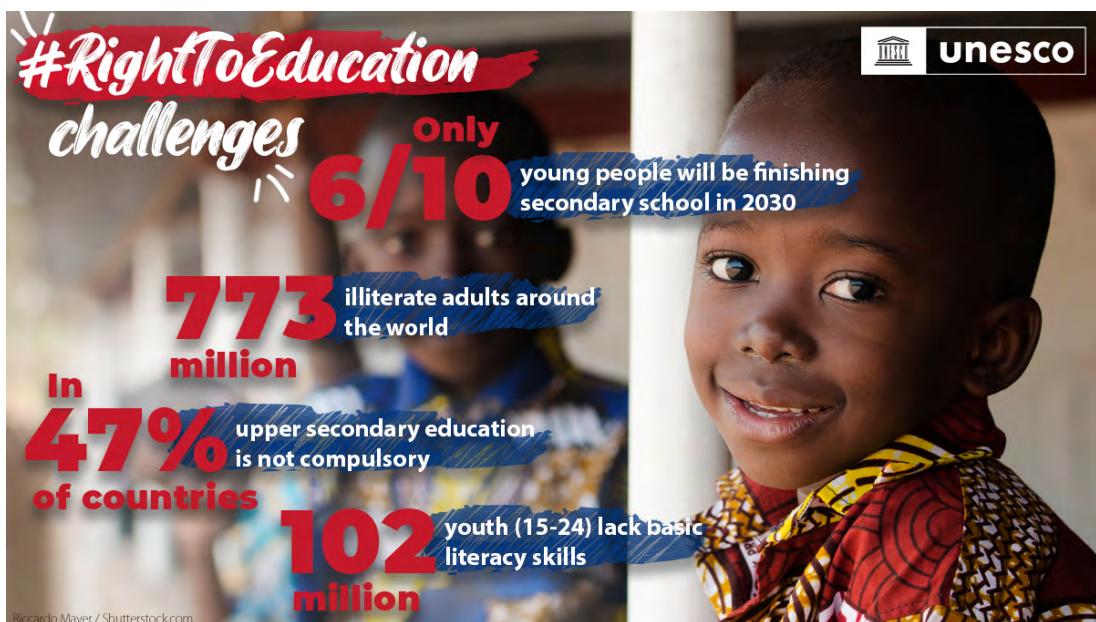
- A total of 82 reports were submitted, 81 from Member States and territories and one from an NGO
- Since the seventh consultation (2007), there has been a 47% increase in state reporting
- 86% of Member States prohibit discrimination in education in their constitution or legislation
- The provisions of the Convention have been invoked before and given effect to by courts, tribunals and/or administrative authorities in 22% of Member States
- 85% of Member States have established minimum norms and standards to ensure quality education
- 54% of Member States have reported taking measures to strengthen the social status and attractiveness of the teaching profession
- Higher education is accessible through financial incentives and scholarships in 79% of reporting Member States and is free in 33% of Member States

## Where do we stand?

Over sixty years since the adoption of the 1960 Convention and Recommendation against Discrimination in Education, the state of the right to education has seen significant progress. 107 Member States ratified the Convention. While this reflects states' commitment to this basic human right, universal ratification has yet to be achieved. Several challenges continue to persist. According to available information, across the world:

- 105 countries enshrine the right to education without discrimination in education (UNESCO, Her Atlas, 2020)
- 73% of countries guarantee 9 years of compulsory primary and secondary education (GEM report, 2020)
- 52% of countries guarantee 12 years of free primary and secondary education (GEM report, 2020)
- 49% of countries guarantee 1 year of free preprimary education and in 23% of countries it is compulsory (GEM report, 2020)
- While only 4% of the poorest youth complete upper secondary school in low-income countries, 36% of the richest do. The gap is even wider in lower-middle-income countries: while only 14% of the poorest youth complete upper secondary school, 72% of the richest do (UIS UNESCO, 2019)
- The youth literacy rate (15-24) is of 91%, meaning 102 million youth still lack basic literacy skills (UIS UNESCO, 2019)
- Due to the COVID-19 pandemic, nearly 1.6 billion learners in more than 190 countries, 94% of the world's student population, were affected by the closure of educational institutions at the peak of the crisis, revealing the fragility of education systems (UNESCO, 2020)

While this data captures only some of the challenges to the right to education, it is evident that making the right to education a reality for all needs to be addressed as a matter of urgency by strengthening national legal and policy frameworks. The consultation revealed how states are adopting measures to do so.



Source: Social media pack created by UNESCO for Human Rights Day 2021

## What are the general trends in Member States and the highlights?

- There is an urgent need to **translate political commitments into legal frameworks** and to ensure **legal clarity**. In this regard, it was reported that legal reforms have made legal protection more accessible and effective.
- Measures to enhance **gender equality** have been reinforced through concerted efforts and by adopting a holistic approach in order to protect the rights of pregnant and parenting girls, challenge gender stereotypes and integrate an inclusive gender perspective into policy formulation as well as educational and professional orientation. It was reported for instance that schools must provide facilities for pregnant students to attend the medical examinations and consultations required for prenatal care.
- States revealed efforts to fulfil the **right of minorities to education** by combatting prejudices, encouraging the use and teaching of their languages and adapting the curriculum.
- Recognition of the right to education of **foreign citizens, stateless persons, refugees and asylum seekers** was reported by some States. Several innovative measures to ensure their inclusion were identified, for example allocating each refugee child a place at school while maintaining a good social mix and avoiding segregation as well as providing reception classes to bridge the period between arrival and the provision of a final study place.
- With regard to levels of education, reports show that **early childhood care and education** is being given increased attention. It was reported that parents are being encouraged through awareness-raising activities to send their children to pre-primary education. Across the **primary, secondary and higher education** levels, indirect costs have been addressed by partially or entirely covering the cost of schoolbooks, transport and accommodation as well as by ensuring that children are not excluded from extracurricular activities.
- In mostly developed countries, **lifelong learning** is provided in a variety of ways, most of which focus on ensuring the development of skills, including digital skills, in accordance with the needs of the economy, although a few States also reported on the development of social, artistic and cultural skills. Recognition of prior learning and credit transfer systems were also reported.
- While several measures on quality education were highlighted, the measures regarding **digital education** stand out. Through the establishment of distance learning solutions, the training of teachers in digital education and the development of strategies to ensure a child-safe online environment, State reports reflect the increasing need to address this mode of delivering education.

### Free and compulsory education as reported by Member States

Pre-primary education	41%
Primary education	94%
Secondary education	68%

## What are the main emerging and ongoing challenges?

Each State faces its own unique challenges that are often context-specific; however, some general trends have emerged from this consultation. As the previous consultation had already revealed, **inclusion** is the most difficult to achieve due to the multiple barriers faced by **vulnerable groups** and the **rigidity** of the system, making it difficult for States to respond to individual needs.

States also related difficulties in meeting their political commitment to SDG4 and the Education 2030 Framework for Action with regard to providing **free and compulsory education**.

Ensuring the **quality** of education through motivated, qualified and sufficiently remunerated **teaching staff**, relevant **curricula content**, safe learning **environments** as well as adequate **regulation** of the private sector were also common challenges raised.

Last but not least, the **COVID-19 pandemic**, which had an unprecedented impact on education, accentuated disparities notably due to lack of connectivity and the digital divide, revealed the lack of preparedness of education systems and teachers in emergency situations, and led to significant inequalities in and loss of learning, in addition to affecting the learners' wellbeing.

## How can we move forward?

Findings of the tenth consultation and UNESCO's work on the right to education, allow to draw on promising practices as well as lessons learnt to elaborate concrete actions to advance in the full realization of the right to education:

Actions for States:

- **Ensuring legal clarity and using legislation as a policy lever to better enforce the right to education:** States need to ensure the full alignment of national frameworks with international human rights law. This requires ensuring the overall consistency within legal texts and between laws and policies as well as adopting policy measures to fully implement legislations covering the right to education.
- **Fostering synergies for holistic quality education to ensure equal opportunities for all:** States should adopt a holistic and sector-wide approach to education by ensuring close collaboration between relevant ministries. In addition, inclusion must be at that heart of all educational measures to cater to the traits of each individual.
- **Strengthening governance through effective planning, monitoring and evaluation for educational resilience:** Addressing educational resilience at all levels and through all types of education is required. States should also reinforce monitoring and evaluation through a participatory, periodic and disaggregated approach, as well as allocate maximum available resources to education.

Actions at the international level:

- **International and regional cooperation and increased funding:** States should share knowledge, experiences, promising practices and resources as well as increase the share of international development aid directed towards global education.

Action for all actors:

- **Raising awareness and advocating for the right to education:** Efforts should be taken to make the right to education better known to all, including through the mobilization of actors at all levels of society to advocate and contribute to this right. Laws and policies on education must be also easily accessible and available to all.
- **Further reflections on the evolution of the right to education:** Examining how the right to education could be further placed within a lifelong learning perspective and further clarify how this right can respond to new challenges and trends.

## I. Introduction

### 1. Global context, renewed challenges

The year 2020 marked a turning point for education worldwide. As is often the case with crises, the impact of the pandemic on education amplified the difficulties, revealed existing weaknesses, and brought the unpreparedness and lack of resilience of national education systems to the fore. The crisis disrupted education worldwide in an unforeseeable way, with millions of children being unable to access schools for months. Complementary measures such as distance learning often proved inefficient and even discriminatory for vulnerable and disadvantaged children, exacerbating existing inequalities. As estimated by the UNESCO 2020 Global Education Monitoring Report, about 40% of low and lower-middle income countries have been unable to support disadvantaged learners during school shutdowns.

While the Sustainable Development Agenda sets out a transformative and universal vision of education, with SDG4 urging States to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all by 2030, the world was already, before the COVID-19 crisis, far off course for achieving international commitments to education. Once the crisis arose, despite the various approaches deployed to address the disruption of education and mitigate the effects of interruption of educational services, the impact on educational inequalities proved to be severe. The implications for the right to education are particularly serious, therefore, for the most vulnerable children and their families. Beyond this, the long-term effects of the crisis are yet to be measured, with the likely result that the progress made over the past years will stall.

Countries with well-developed and well-funded public school systems to some extent faced the same struggles as less developed countries. This shows that the problem is not only one of economic resources but of the education system itself, which is not sufficiently prepared for, or resilient enough to withstand, disruptive events such as the current crisis or future new pandemics, climate change-related natural disasters or armed conflicts. As highlighted by the United Nations Special Rapporteur on the right to education in her *Report on the impact of the COVID-19 crisis on the right to education*<sup>1</sup>, the innovative measures taken could never have been expected to compensate for the global lack of preparedness for a crisis of this magnitude. Past failure to build strong and resilient education systems has opened the way to a dramatic impact on the most vulnerable, to which no hastily adopted temporary measure could fully respond.

While seen as a huge challenge, this also represents a great opportunity for governments to learn from this dramatic experience to improve their education systems.

### 2. The need to accelerate progress and avoid any type of regression

The tenth consultation was conducted in precisely this context, and reveals the difficulties faced by countries in implementing the provisions of the 1960 Convention and Recommendation against Discrimination in Education (referred to here as the “1960 Convention” and the “1960 Recommendation”, respectively).

<sup>1</sup> Available at: <https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/COVID19.aspx> (Accessed 15 April 2021.)

The specific purpose of these instruments, recognized as a cornerstone of the Education 2030 Agenda, is not only the elimination of discrimination in education, but also the adoption of concrete measures aimed at promoting equality of opportunities and treatment in this field. They deal comprehensively with the right to education, and the Convention is the only legally binding instrument entirely devoted to this right.

As a fundamental and enabling right, the right to education is one of the key principles underpinning Education 2030 – one important feature being that it is rights-based and views the full enjoyment of human rights as key to achieving sustainable development. Its scope reflects the multidimensional nature of the right to education, as the content of the legal obligations underpinning the right to education is aligned with the education targets of SDG4. To fulfil the right to education, countries must ensure universal and equal access to inclusive and equitable quality education and learning. This commitment provides a valuable opportunity to stress the role of education as a main driver of development, and its contribution to achieving the other SDGs.

However, as a political agenda, Education 2030 does not in itself create legal obligations. The absence of national legal provisions to ensure the SDG4 targets are fully achieved may undermine the achievement of the education agenda. Conversely, the adoption of a strong legal environment underpinning national policies and strategies would contribute significantly to fulfilling the right to inclusive quality education for all. For the effective implementation of Education 2030, States are expected to commit politically to setting up solid national legal and policy frameworks that lay the foundations and create the conditions for delivering sustainable, free, quality education.

Emphasis needs to be placed on States' legal obligations to guarantee government accountability, and to ensure that the international normative framework translates into concrete action and effectively supports efforts towards meeting SDG4; the right to education provides a strong legal framework and basis for assisting countries in implementing the education agenda.

To support the development paradigm shift by adding legal accountability to political commitment, helping to build stronger momentum and boost national efforts to achieve SDG4, the focus should be on human rights principles, for instance those relating to non-retrogression and the requirement to allocate the maximum available resources, while giving more prominence to legal obligations and their interpretation.

As discussed earlier, the pandemic highlighted the importance of solid national legal and policy frameworks that provide the conditions for the delivery and sustainability of free, inclusive and quality education in all contexts. Guidance tools such as the *Guidelines to strengthen the right to education in national frameworks*<sup>2</sup> have been published by UNESCO to assist the review of national frameworks and ensure full alignment to advance the education agenda. The findings of the tenth consultation, and the challenges and lacunae reported, will be particularly important in reviewing the right to education and supporting UNESCO's Member States.

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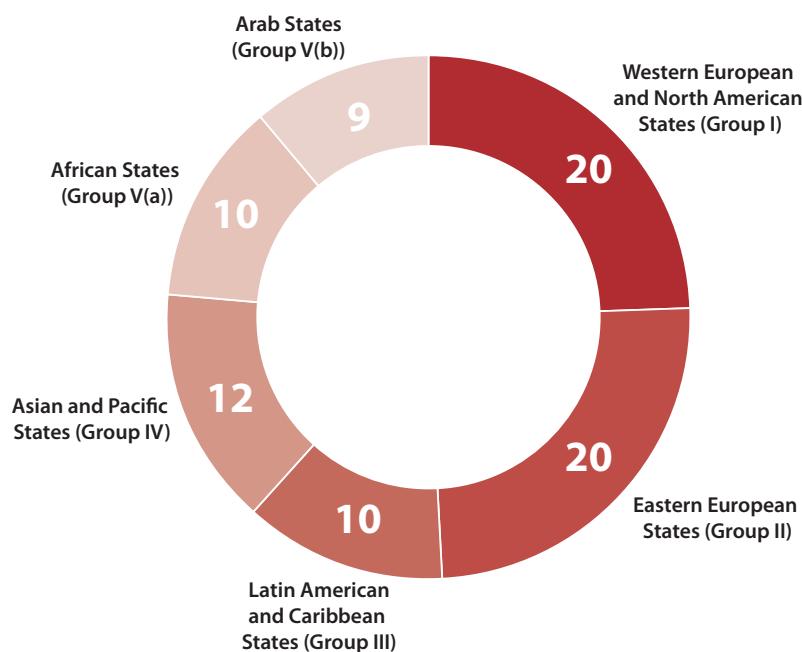
<sup>2</sup> Available at: <https://unesdoc.unesco.org/ark:/48223/pf000375352> (Accessed 15 April 2021.)

### 3. Background to the tenth consultation

Monitoring of the right to education in the context of Education 2030 and the Sustainable Development Agenda is key to identifying gaps in country implementation, which is even more important in times of crisis. Emphasizing States' legal obligations will ensure that the objectives and targets are genuinely implemented. Monitoring of the 1960 Convention and Recommendation – which comprehensively cover the right to education – provides a great opportunity to identify key measures taken at country level and responses deployed to advance the agenda despite the difficulties faced. Under Article VIII of the Constitution of UNESCO, Member States are required to submit periodic reports on the legislative and administrative provisions they have adopted and on other measures taken to implement UNESCO's conventions and recommendations. In accordance with UNESCO's procedures, the frequency for submitting such reports has been set at four-year intervals. The purpose of reporting is to illustrate the steps taken to implement the instruments, the progress made, and the difficulties encountered by Member States.

Since the adoption of these instruments by the General Conference of UNESCO, nine Member State consultations have been conducted on the measures taken for the implementation of the 1960 Convention and Recommendation. Each of the consultations led to a global report containing the results of the consultation being submitted to UNESCO's governing bodies. The **tenth consultation, covering the period 2017-2020**, was launched in 2020 by the Director-General of UNESCO. This followed the Executive Board's adoption of specific *Guidelines for the Preparation of Reports by Member States on the Application of the 1960 Convention and Recommendation against Discrimination in Education*<sup>3</sup>, developed by the Secretariat with the aim of encouraging Member States to provide the most detailed information possible.

**Figure 1: Regional distribution of country reports for the 10th consultation**



<sup>3</sup> Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000372685> [Accessed 15 April 2021.]

In compliance with the timetable for work of the Executive Board's Committee on Conventions and Recommendations on the implementation of UNESCO's standard-setting instruments, this report on the results of the implementation of the 1960 Convention and Recommendation is submitted to the 212th session of the Executive Board for transmission to the General Conference at its 41st session.

It is important to bear in mind that the 1960 Recommendation, which is monitored in conjunction with the 1960 Convention, sought to take into account the difficulties that certain Member States might experience in ratifying the Convention. Bearing in mind the differences in wording and legal scope inherent in the nature of these two categories of instrument, the content is identical. In addition, the reporting obligation laid down in Article 7 of the 1960 Convention and Paragraph VII of the 1960 Recommendation is the same. Consequently, all Member States (not only States Parties to the Convention) are expected to take part in the consultation. In order to encourage as many Member States as possible to take part and to facilitate the reporting process, the Secretariat made this new consultation available to Member States online via a dedicated platform, as it had done with the previous consultation. NGOs having official partnership status with UNESCO were also encouraged to participate in the consultation by working with the national authorities.

#### 4. Submission of Member State reports for the tenth consultation

During the tenth consultation a total of **82 reports** were received, **81 from Member States and territories and one from an NGO**. The number of reports submitted for each consultation has varied considerably, reaching a peak of 84 for the fourth consultation (1985), which was followed by a decline (see Figure 2). Nevertheless, since the seventh consultation (2007), there has been an encouraging exponential increase in State reports submitted, representing a 47% increase for the tenth consultation.

**Figure 2: Number of State reports received for the different consultations**



The 81 reports submitted by Member States and territories are broken down as follows: 20 from Western European and North American States (Group I); 20 from Eastern European States (Group II); 10 from Latin American and Caribbean States (Group III); 12 from Asian and Pacific States (Group IV); 10 from African States (Group V(a)); and 9 from Arab States (Group V(b)).

**Table 1:** States that submitted a report by region**Western European and North American States (Group I)**

Andorra, Austria, Belgium<sup>4</sup>, Cyprus, Denmark, Finland, Germany, Ireland, Italy, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey = **20 reporting States out of the 25 in the region**

**Eastern European States (Group II)**

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Czechia, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Russian Federation, Serbia, Slovakia, North Macedonia, Ukraine, Uzbekistan = **20 reporting States out of the 25 in the region**

**Latin American and Caribbean States (Group III)**

Argentina, Barbados, Brazil, Colombia, Cuba, Guatemala, Honduras, Mexico, Peru, Saint Kitts and Nevis = **10 reporting States out of the 33 in the region**

**Asian and Pacific States (Group IV)**

Australia, Brunei Darussalam, China<sup>5</sup>, Democratic People's Republic of Korea, Japan, Lao People's Democratic Republic, Micronesia (Federated States of), Mongolia, Myanmar, New Zealand, Republic of Korea, Turkmenistan = **12 reporting States out of the 44 in the region**

**African States (Group V(a))**

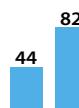
Botswana, Burkina Faso, Democratic Republic of the Congo, Equatorial Guinea, Guinea, Mauritius, Nigeria, Rwanda, Seychelles, South Africa = **10 reporting States out of the 47 in the region**

**Arab States (Group V(b))**

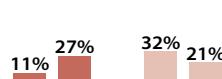
Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco, Saudi Arabia = **9 reporting States out of the 19 in the region**

**Figure 3:** Reporting differences over the years**44 vs 82**

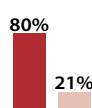
For the 1st consultation, 44 reports were received while for the 10th consultation, 82 reports were received

**2007 vs 2020**

Over the years, the number of **Asian and Pacific States** reporting to the consultation **more than doubled**, while the number of **African States** reporting dropped by a third

**80% vs 21%**

For the 10th consultation, while 80% of **Eastern European States** and **Western European and North American States** sent reports, only 21% of **African States** have sent reports

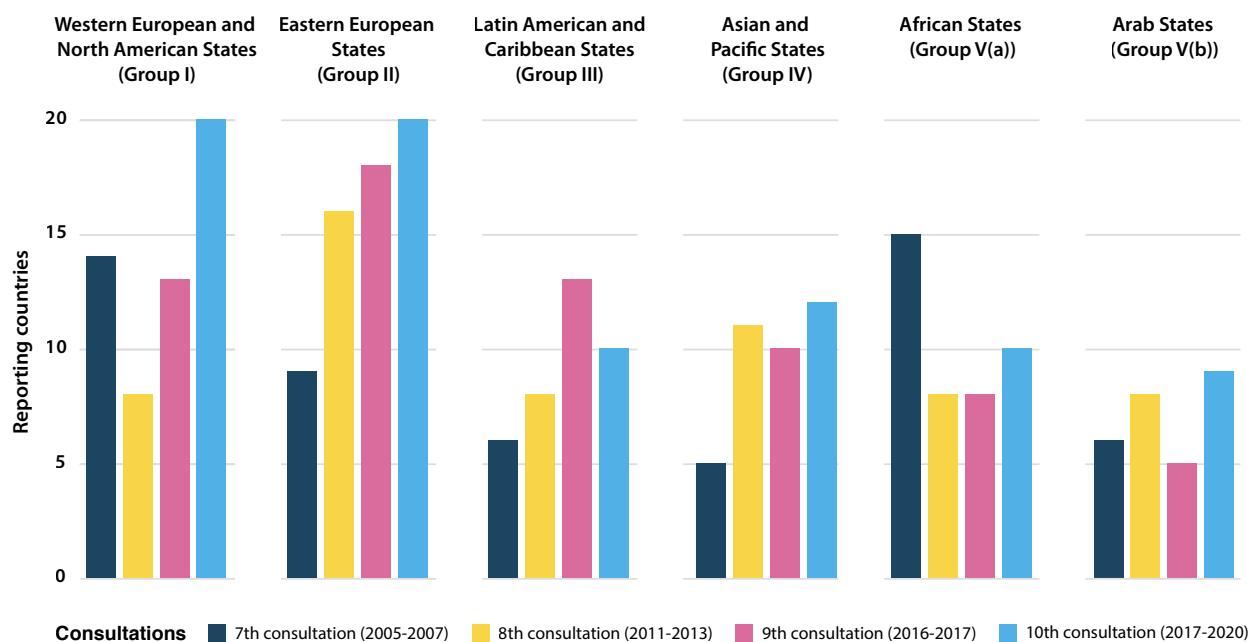


<sup>4</sup> Report concerning only the Flemish Community of Belgium.

<sup>5</sup> Report concerning only the Macao Special Administrative Region of the People's Republic of China.

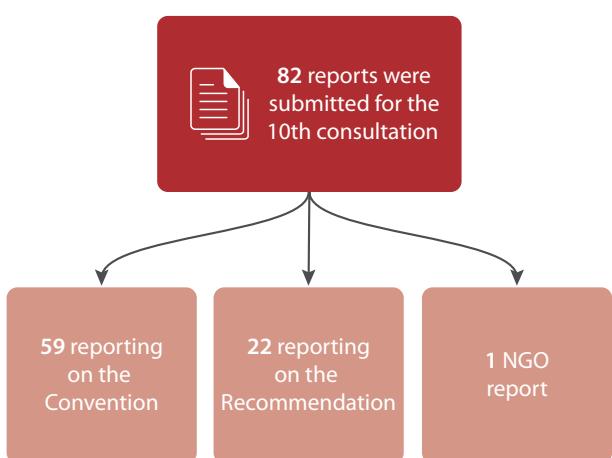
It is also interesting to note that for each of the consultations, in certain regions State reporting has not been consistent (see Figure 4 below). Over the last few years, the number of Asian and Pacific States reporting to the periodic consultation has more than doubled, while the number of African States reporting has dropped by a third. Specifically, for the tenth consultation, not all regions have reported in the same manner. While 80% of Eastern European States and Western European and North American States have sent reports, only 21% of African States have done so.

**Figure 4: Change in the number of reporting countries by region and consultation (7th, 8th, 9th and 10th consultations)**



Among the Member States reporting, the majority (72%) are States Parties to the Convention. In other words, 59 reports were submitted on the 1960 Convention and 22 reports on the 1960 Recommendation. For the first time since the sixth consultation, one NGO report was also submitted.

**Figure 5: 10th consultation report submissions**



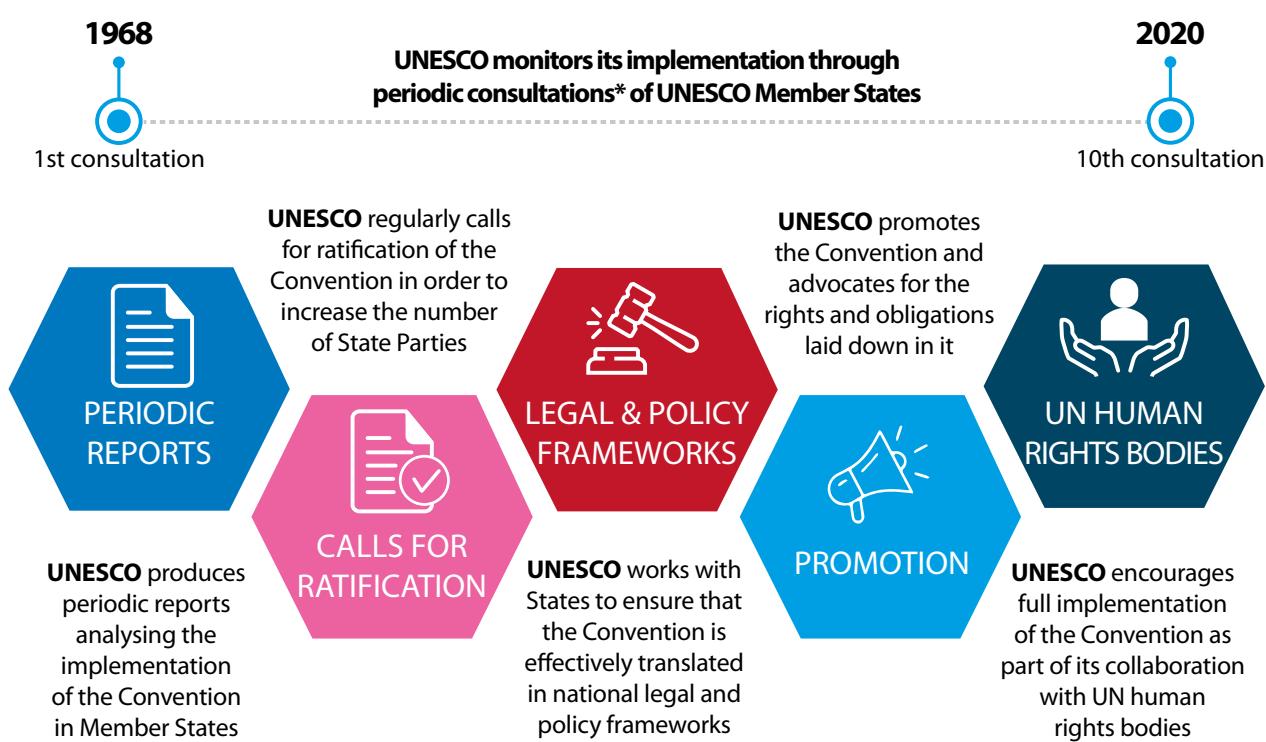
Generally speaking, the national reports received are rich, comprehensive and of good quality. As was the case with previous consultations, they vary both with regard to the quantity and nature of information provided and with regard to presentation; while some reports follow the broad layout of the Guidelines, others have their own distinctive presentation. For example, the **Democratic People's Republic of Korea, Italy** and **Lebanon** are among countries that did not use the Guidelines as such but reported on a selection of the questions. Some States took this opportunity to provide graphs and tables on the structure of the education system or on

quantitative information, such as **Bahrain, Botswana, Guatemala, Iraq, Peru, Poland, Seychelles and Spain**. It is also commendable that several States, including **Germany, Norway, Romania, San Marino, Portugal and Spain**, made reference to their previous report, submitted to the ninth consultation. This is particularly valuable as it helps show which measures have been kept in place, to distinguish them from the most recent developments.

Participation of Member States in periodic consultations is particularly important, as, aside from the fact that there is a constitutional obligation to report to the Organization on implementing measures, the reporting exercise provides a good opportunity to evaluate progress made and identify and assess persistent challenges so that corrective measures can be adopted. It also provides an opportunity to establish constructive dialogue with all stakeholders – including civil society – and to share promising practice in the field.

Country measures, and more broadly the information contained in the national reports in general, provide an extremely valuable resource for experience- and knowledge- sharing and research and analytical work, even benefiting States that did not report. This goes beyond any formal monitoring mechanism, enabling the development of advocacy, information-sharing tools and a wide range of practical support actions for the development of legal frameworks.

## The Convention in Action



\*The Recommendation against Discrimination in Education was adopted on the same date to take into account the difficulties that States might experience in ratifying the Convention. Both instruments are monitored in conjunction.

Indeed, the consultations provide great opportunities to collect a wealth of relevant information and to make assessments leveraged towards information-sharing, advocacy and further monitoring as well as technical cooperation. The comprehensive follow-up to the successive consultations often includes the drawing up of policy papers, thematic reports, materials and publications stemming from the consultations<sup>6</sup>. Consultation findings and assessments are also used for further monitoring and contribute to online tools such as the *Atlas of Girls' and Women's Right to Education*<sup>7</sup> or the Observatory on the Right to Education<sup>8</sup>. In addition, the consultation findings are used to inform policy work with countries, through technical assistance provided to national authorities in reviewing the right to education and alignment with international requirements.

This report presents and analyses the measures taken by Member States which participated in the new consultation. As previously, it is not intended to be exhaustive or to cover all Member States, since the consultation involves only those States, whether Parties to the 1960 Convention or non-Parties, that participate and share information on the action they have taken. Consequently, it aims to summarize that information, highlighting the findings of the consultation and the measures taken to achieve the right to education.

#### • **Methodology of the consultation process and elaboration of the analytical report**

In line with the procedures developed for consultations on UNESCO's normative instruments, and as referred to above, draft Guidelines for the preparation of national reports were drawn up early in 2019, giving particular attention to the Education 2030 Agenda<sup>9</sup> and to the major challenges and trends in education. Monitoring the 1960 Convention and Recommendation, two instruments which extensively cover the right to education, provides an interesting opportunity for States to report on the right to education as a whole, as previous consultations have revealed. As such, the Guidelines were elaborated to take account of the results of past consultations. In addition, based on internal discussions, the scope of the Guidelines was adapted to limit the information requested on aspects of the right to education that are not covered by the periodic consultations on other education-related UNESCO instruments, notably: the Recommendation on Technical and Vocational Education and Training (TVET Recommendation) and the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974).

The Guidelines were submitted to the UNESCO Executive Board at its 207th session and approved<sup>10</sup>. An online platform which included the Guidelines was created in order to facilitate the reporting process by automatically adjusting the questions according to the responses provided.

The tenth consultation was launched by UNESCO's Director-General in February 2020. The Secretariat drew up a plan to ensure close follow-up with Member States, ensuring that all relevant information was received and that any queries were clarified. Owing to the COVID-19 pandemic, great flexibility was applied to the deadline for submission of the reports, with numerous States requesting an extension of the deadline as their governments were working to ensure continuity of education. Member States were also encouraged to report on the challenges they faced and the measures they had taken to address the effects of the public health crisis on education.

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6 All these resources can be found at: <https://en.unesco.org/themes/right-to-education/resources> (Accessed 15 April 2021.)

7 Available at: <https://en.unesco.org/education/girls-women-rights> (Accessed 15 April 2021.)

8 Available at: <http://www.unesco.org/education/edurights/> (Accessed 15 April 2021.)

9 Bearing in mind that the 1960 Convention was recognized as the cornerstone of the Education 2030 Agenda.

10 See the report (Document 207 EX/23.II) of the Executive Board: <https://unesdoc.unesco.org/ark:/48223/pf0000369648> (Accessed 15 April 2021.)

The final cut-off date for the analysis of State reports was set at 20 March 2021. As such, all the data provided in the different figures is based on a total of 81 country reports. It is important to note that the NGO report was not included in these figures as they reflect state measures reported.

In analyzing the State reports, every effort was made to cite at least one example from each country in the report, although depending on the level and diversity of the information provided, some countries are cited multiple times. The information provided does not indicate whether the country cited represents the best practice, but simply offers it as an interesting or good example of action taken by the country to implement the 1960 Convention or Recommendation. Regional representation was also respected wherever possible.

It should also be noted that as some States reported only by ticking the relevant boxes of the Guidelines, the information from those States is reflected in the graphs and visuals alone. However, these graphs and visuals are not only based on the information provided by ticking the relevant box but also the information provided in a narrative form<sup>11</sup>.

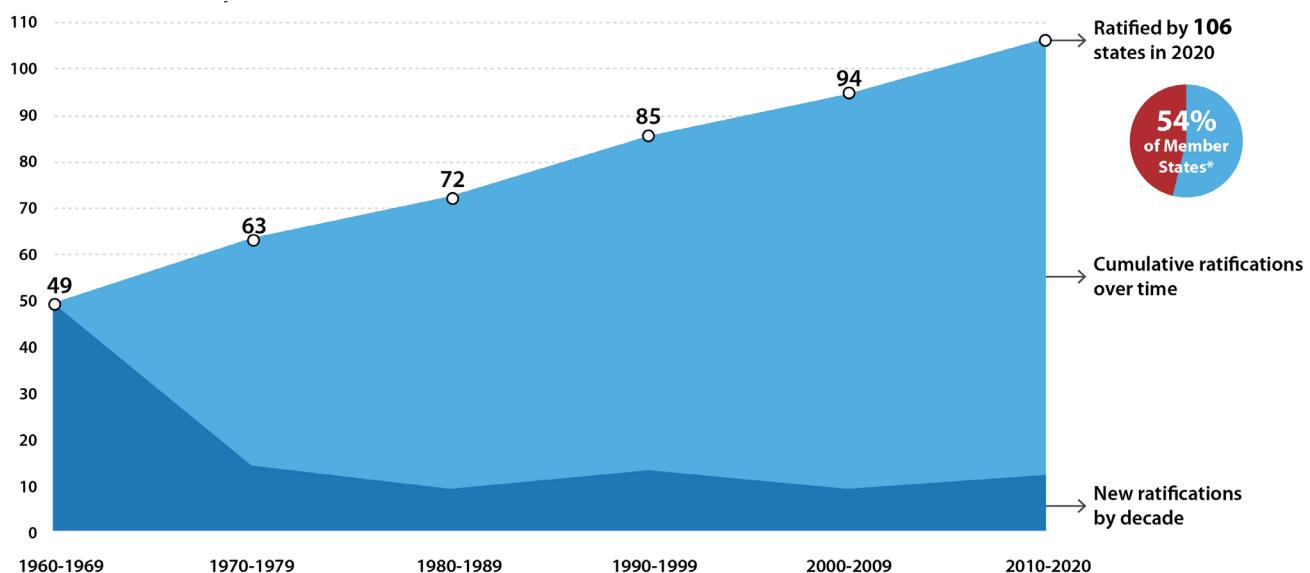
.....  
11 Please note that the boxes selected which do not align with the information provided in the narrative and which reflected a greater implementation of the 1960 Convention or Recommendation and/or realization of the right to education, were adjusted.

## II. Legislative, judicial and other measures taken at the national level

### 1. Advocating for the Convention

The year 2020 marked sixty years since the adoption by UNESCO's General Conference of the UNESCO Convention against Discrimination in Education, and UNESCO organized a global digital campaign to celebrate the anniversary. The campaign presented an opportunity to accentuate the importance of ratifying this crucial instrument which, as of October 2021, has been ratified by **107 Member States**<sup>12</sup>.

**Figure 6: Ratification by States over time<sup>13</sup>**



Source: UNESCO's page '60 years of the UNESCO Convention against Discrimination in Education – What happened since the adoption?', 2020, <https://en.unesco.org/news/60-years-unesco-convention-against-discrimination-education-what-happened-adoption>

Now more important than ever, the Convention is of particular relevance in overcoming barriers to full achievement of the right to education, with the exacerbated challenges caused by the COVID-19 pandemic. Through ratification, States commit, in accordance with their legal obligations, to ensure free and compulsory education, promote equality of educational opportunity and prohibit any form of discrimination. As the cornerstone of the Education 2030 Agenda, implementation of these instruments paves the way for ensuring that education systems are rights-based, inclusive, non-discriminatory and resilient to disruptive events.

With Member States regularly invited to ratify the 1960 Convention, the last two years have seen two new countries become States Parties, Palestine and Sudan. In total, since the seventh consultation, **17 Member States** have completed the process of ratifying this instrument. The tenth consultation revealed that a further **six countries** are planning to ratify this instrument. In **Equatorial Guinea**, information and awareness-raising processes were carried out in the National Parliament and the Senate of the Republic, leading to the approval of the Convention by those bodies, with only its ratification still pending.

12 The full list of States Parties to the 1960 Convention is available at:  
<http://www.unesco.org/erila/convention.asp?KO=12949&language=F&order=alpha>

13 Please note that Figure 6 is based on 2020 data.

It was reported that the difficulties encountered were mainly practical and bureaucratic in nature. Unlike many other human rights treaties, the 1960 Convention does not allow for reservations, which means that ratifying States cannot decide to exclude certain aspects or provisions from the legal effect of the Convention. This might dissuade certain States from ratifying, as once ratified, the Convention is applicable in its entirety to all its States Parties, which must comply with all rights and obligations laid down in the instrument. In this regard, **five countries** stated that they were not considering ratification at all. One of those does not plan to ratify the Convention as it believes that the content overlaps with other United Nations instruments on non-discrimination that have been ratified, such as the 1989 Convention on the Rights of the Child (CRC) and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). This highlights the need for greater awareness of the value of the 1960 Convention and of the fact that this instrument, which is universal in application and not limited to a specific group of people, provides for the right to education in its fullest sense.

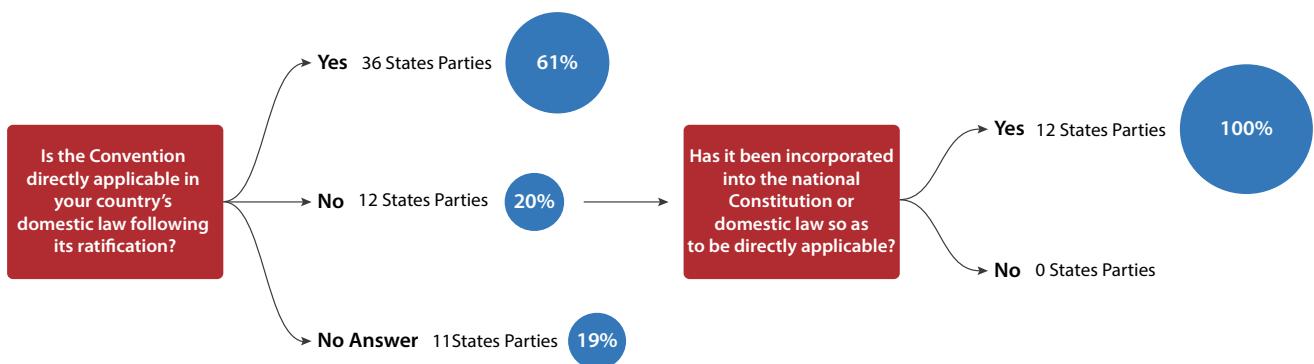
With regard to the **1962 Protocol instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education**, the majority of States have not ratified it. It should be noted that while the Commission was created to facilitate the implementation of the Convention, as of today, it has never been called upon to use its good offices or exercise its conciliatory functions. However, since 2000 the Protocol has been ratified by five States, including two in 2017, showing that States Parties still consider it useful.

## 2. Main legislative texts and judicial measures

States Parties to international human rights treaties have a legal obligation to give effect to those treaties in their domestic legal order. Upon ratification, States must incorporate the provisions of the 1960 Convention into their national law. This is crucial for the effective realization of the right to education, ensuring that people have the possibility of securing compliance by recourse to the courts. According to the Vienna Convention on the Law of Treaties, "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty" (Article 27). While the 1960 Convention sets out binding legal obligations, States adopting the 1960 Recommendation are also required to express their political commitment by adopting policies or developing national legislation that upholds the principles laid down in it.

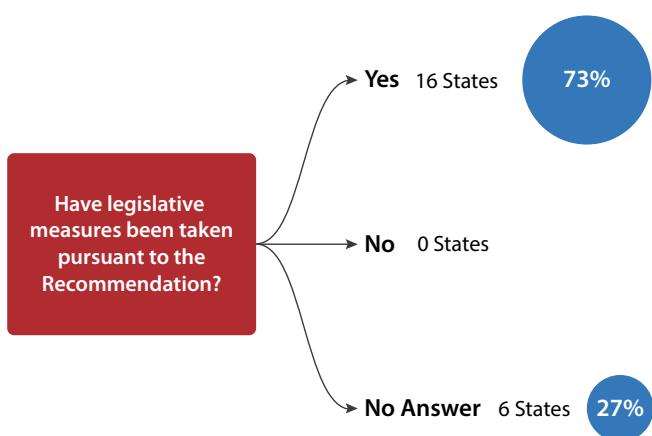
UNESCO has recently published *Guidelines to strengthen the right to education in national frameworks* (2021)<sup>14</sup> which provide guidance and practical tools for reviewing national education, law and policy frameworks to assess the status of the right to education at country level, its compatibility with human rights obligations and commitments, and to identify gaps and challenges, with a view to making recommendations for the full alignment of national frameworks with international standards and provisions.

14 Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000375352> (Accessed 15 April 2021.)

**Figure 7: Domestic implementation of the 1960 Convention**

With regard to the Convention, **61% of States Parties** reported that it was directly applicable in their domestic law, against **20% of States Parties** that reported it was not directly applicable. By Resolution No. 497-I of the *Oliy Majlis* (Parliament) of the Republic of **Uzbekistan** of 30 August 1997 “On Ratification of the Convention against Discrimination in Education”, the Convention was ratified and entered into force in the Republic of Uzbekistan on 8 March 1998.

Of the **20% of States** that reported that it was not directly applicable, each reported on how the 1960 Convention was incorporated into the domestic legal order. **Mauritius** has incorporated the Convention into its Constitution, the Education Act, the Equal Opportunity Act and the Ombudsperson for Children Act. **New Zealand** reported that as it does not have a formal written constitution, the Articles of the Convention must be incorporated into domestic law, which was done through the 1989 Education Act. The right to education is laid down in Section 3 of the 1989 Education Act, which provides for the right to free primary and secondary education for all students aged 5-19. The Education Act also provides that students who have special educational needs have the same rights to access the education system as those who do not. In **Burkina Faso**, several laws protect the right to education, including Law No. 013-2007/AN of 30 July 2007, the Law of Orientation of Education, Article 3 of which stipulates: “Education is a national priority. Every person living in Burkina Faso has the right to education, without discrimination of any kind, in particular on the basis of gender, social origin, race, religion, political opinion, nationality or state of health. This right shall be exercised on the basis of equity and equal opportunity for all citizens”.



**Figure 8: Domestic implementation of the 1960 Recommendation**

Among the States which have not ratified the 1960 Convention, **73%** reported adopting measures pursuant to the 1960 Recommendation. For example, the **Democratic People's Republic of Korea** reported on several laws that frame the education system. Most notably, Article 45 of the Socialist Constitution of Korea stipulates: "The state shall develop universal 12-year compulsory education including 1-year pre-school education at high level to meet the trend of the development of modern science and technology and the practical requirements of socialist construction".

Ensuring access to justice is a fundamental human right. Having incorporated the Convention in the domestic legal framework, States need to ensure that judicial mechanisms are in place and the legal culture is favourable to the instigation of claims to the right to education. **22% of States** reported that provisions of the Convention had been invoked before, and given effect to by, the courts, tribunals and/or administrative authorities. **South Africa** reported that the courts of law had on several occasions ruled against the State on the grounds of discrimination, especially for children with transgender, intersex and gender diverse identities. **Romania** reported, interestingly, that the National Council for Combating Discrimination (NCCD) refers to the provisions of the 1960 Convention when addressing petitions based on possible acts of discrimination in education. According to information provided by the Superior Council of Magistracy, recent available case law includes three situations where the violation of, or failure to ensure, the right to education was invoked. In two of those cases the NCCD had issued a ruling on the existence of the act of discrimination (in one case a fine was also imposed) and the court in its final decision found in favour of the parties claiming the violation of their right to education. **Slovakia** reported that a State School Inspection is established by law, whose primary mission is to inspect all the activities of state and non-state schools and school facilities to ensure compliance with regulations. It also has a role in investigating and handling complaints and petitions concerning pedagogical and professional management.

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In **Romania**, the National Council for Combating Discrimination (NCCD) refers to the provisions of the 1960 Convention when addressing petitions that have as object possible acts of discrimination in education.

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### III. Enforcing non-discrimination and equal opportunities in education

The eradication of discrimination is key to ensuring that every human being can fully realize their right to education. Discrimination, which is defined by the 1960 Convention as including “any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing access to and equality of treatment in education” (Article 1), should be understood within the broader international human rights framework.

As recognized by General Comment No. 20 of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), “Non-discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights.”<sup>15</sup> The Committee emphasizes the need to eliminate both formal and substantive discrimination<sup>16</sup>. General Comment No. 13 of the CESCR further interprets the prohibition against discrimination laid down in the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR,) notably in light of the 1960 Convention. Taking note of Article 3(e) of the Convention<sup>17</sup>, the Committee “confirms that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status”<sup>18</sup>. Finally, the Committee explains that “the adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education ...”<sup>19</sup>.

Building on UNESCO’s Constitution<sup>20</sup>, the Convention not only proscribes discrimination but is also the first legally binding instrument to establish “equality of opportunity and of treatment in the matter of education” (Article 4), requiring countries to take steps to effectively ensure the right of all to education. As specified in the Guidelines for the preparation of the national reports, this also corresponds to the overall aspiration of SDG4, to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030. States aiming to achieve this goal need to address and eradicate all discrimination in education and ensure that everyone can enjoy their rights on an equal footing.

<sup>15</sup> Committee on Economic, Social and Cultural Rights (CESCR). 1999. *General Comment No. 13 on non-discrimination in economic, social and cultural rights* (Document E/C.12/GC/20), para. 2.

<sup>16</sup> *Ibid.* para. 8.

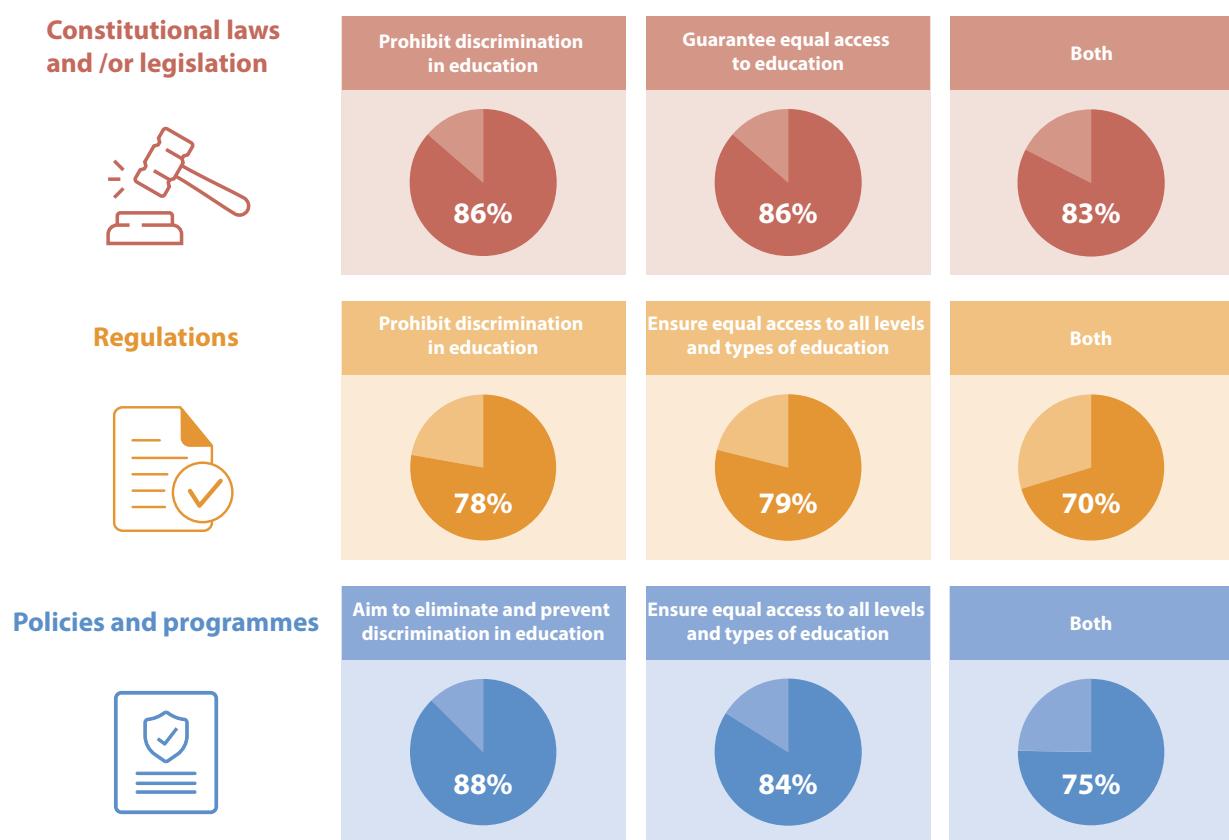
<sup>17</sup> Article 3 of the 1960 Convention against Discrimination in Education: “In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake: ... (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.”

<sup>18</sup> CESCR. 1999. *General Comment No. 13 on the right to education* (Document E/C.12/1999/10), para. 34.

<sup>19</sup> *Ibid.* para. 32.

<sup>20</sup> Article 1(2)(b) of the UNESCO Constitution (1945) provides that part of UNESCO’s mandate is “to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social”.

**Figure 9:** Percentage of Member States reporting measures to prohibit discrimination and to ensure equal access in education



## 1. Defining and guaranteeing non-discrimination in education

- **Constitutional and legislative measures**

A large majority of States reported that efforts had been made to eliminate and prevent discrimination in education. The highest legal protection that can be accorded is the prohibition of discrimination in education in the constitution, ensuring that it takes primacy over all domestic legal texts. Constitutions offer a particularly lasting form of protection, as the provisions are not as easily amended or repealed. Legislative texts, the next highest legal protection in the domestic legal order, allow for further elaboration of constitutional provisions and in the absence of those, are the main source of protection against discrimination. Both such constitutional and legislative measures allow the right to non-discrimination to be enforced in the courts.

In this regard, **86% of States** reported passing constitutional laws and/or legislation prohibiting discrimination in education (see Figure 9). **Cuba**, interestingly, prohibits several grounds of discrimination in its recently adopted Constitution, proclaimed by the National Assembly of People's Power on 10 April 2019. Article 42 provides: "All persons are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, freedoms, and opportunities, without any discrimination based on sex, gender, sexual orientation, gender identity, age, ethnic origin, skin color, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implies a distinction that is detrimental to human dignity. All have the right to enjoy the same public spaces and service establishments."

"

Cuba, prohibits an extensive list of grounds of discrimination in its recently adopted Constitution.

"

responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combinations of these factors. Essentially, the protections are to be equal irrespective of the grounds for discrimination.

As the ninth consultation showed, some States have adopted general anti-discrimination laws. In this regard, **Norway** recently decided to replace the four existing gender equality and anti-discrimination acts<sup>21</sup> with a new consolidated Act. In force since January 2018, the Equality and Anti-Discrimination Act aims to make the legal protection against discrimination more accessible and thus more efficient. The State reported that the Act applies to all sectors of society and prohibits discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care

Many Member States, such as **Azerbaijan**, **Turkey** and the **Republic of Korea**, have reported integrating a specific non-discrimination clause into their education laws. For example, Article 5 of the Law on Education of the Republic of **Azerbaijan** guarantees the right to education for all regardless of gender, race, religion, ethnicity or socio-economic status.

#### • Regulatory measures

Regulations such as byelaws, circulars, decrees, etc., provide practical and detailed measures for effective implementation. **78% of countries** that reported in this consultation had adopted regulations prohibiting discrimination in education (see Figure 9). An example of such regulatory measures can be found in **Serbia** with the adoption of two rulebooks: the Rulebook on more detailed criteria for recognizing forms of discrimination by employees, children, students or third parties in educational institutions, adopted in February 2016 (Official Gazette No. 22/2016) and the Rulebook on the conduct of the institution in case of suspected or established discriminatory behaviour and insult to the reputation, honour or dignity of a person, (Official Gazette No. 85/2018). The rulebooks set out tools for reacting in case of suspected or established discriminatory behaviour, preventive action and work on raising awareness of the importance of equality and justice in education, defining the obligations and responsibilities of a child, student, adult, parent or other legal representative, employee or third party in the institution or its bodies, and addressing other issues of importance for protection against discrimination. **Lebanon** reported Decision No. 415/m/2020 of 16 September 2020 approving the enrolment of non-Lebanese students in government schools and secondary schools for the academic year 2020/2021 and extending the deadline for enrolment of Lebanese students in afternoon classes.

#### • Policies and programmes

Being limited in time, policies and programmes offer more flexibility in responding to the government's priorities, especially in addressing challenges the education sector may be facing such as eliminating discrimination. **71 States** reported taking such measures to eliminate and prevent discrimination (see Figure 9). **Cyprus** reported that the Ministry of Education, Culture, Sport and Youth (MOECSY) is committed to preventing any form of discrimination based on race, sex, language, religion, colour, sexual orientation or national origin, and is promoting various actions and activities including via its three-year Strategic Plan for the period 2020-2022. In **Mexico**, the Draft Education Sector Programme 2020-2024 (SEP 2020) states that the Mexican Federal Government will spare no efforts or resources to guarantee equal educational opportunities, which, in a country plagued with inequities, implies prioritizing the poor

<sup>21</sup> These were the Gender Equality Act (covering gender), the Anti-Discrimination and Accessibility Act (covering disability), the Ethnicity Anti-Discrimination Act (covering ethnicity, religion and belief) and the Sexual Orientation Anti-Discrimination Act (covering sexual orientation, gender identity and gender expression), which came into force on 1 January 2014.

as well as fighting against all forms of discrimination. In 2019, the **New Zealand** Government published the Child and Youth Wellbeing Strategy. One of the aims of the strategy is that children and young people should live free from racism and discrimination.

- **Access to justice**



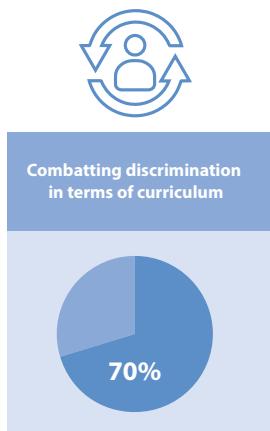
**Figure 10:** Percentage of Member States reporting on ensuring access to justice in case of violation of the right to non-discrimination in education

Ensuring that violations of non-discrimination can be adjudicated by courts and tribunals is paramount if sanctions are to be imposed and remedial and corrective measures taken. **56 States (69%)** reported ensuring access to justice in case of violations of the right to non-discrimination in education<sup>22</sup>. In a case in **Colombia** on discrimination, the Constitutional Court, in its decision T-1090 of 2005, defined discrimination as: “an arbitrary act aimed at harming a person or group of people based mainly on stereotypes or social damage, generally unrelated to the will of the individual, such as sex, race, national or family origin, or for irrelevant reasons … such as language, religion or political or philosophical opinion”. The Court added, in the same ruling, that “the discriminatory act is the conduct, attitude or treatment that consciously or unconsciously intends to annul, dominate or ignore a person or group of people, frequently appealing to social or personal preconceptions or prejudices, and which results in the violation of their fundamental rights”. Another interesting example is provided by **Egypt**, which reported that while discrimination is forbidden in all types and levels of education, whether in public or private schools, if discrimination is found to be practised in any school, a team from the Ministry of Education is dispatched to investigate the problem, identify the causes and seek solutions. If discrimination persists between one

person and another or between one group and another, the aggrieved party may resort to a number of measures, including submitting a complaint to the police against the person who committed the crime of discrimination; filing a civil action in court and seeking financial compensation; or filing a complaint against the person who committed the crime of discrimination and submitting it to the Minister of Education for action: the Ministry has the right to refer a person who has engaged in discrimination for investigation or to close the school.

- **Combatting discrimination in the curriculum**

To fully eradicate discrimination, cultural norms and mindsets must be challenged. Through the curriculum, students learn about respecting human rights, including the right to non-discrimination in education. **70% of States** took measures to fight discrimination in their curricula. Two examples of this are **Cuba** and **Peru**. In **Cuba**, the curricula are adapted to combat discrimination according to the age group, starting from early childhood education. For example, in secondary school, the prevention of discrimination is an important part of the ninth grade curriculum, in which Unit 6: “Cuban adolescents’ responsibility for their future” deals with the rights and duties of adolescents and covers concepts of the right to non-discrimination by gender, race, and sex. In **Peru**, Ministerial Resolution No. 649-2016-MINEDU approves the Curricular Programmes of Education at the Early, Primary and Secondary Education Levels, which are normative instruments to promote the teaching of non-discrimination and equal opportunities in the respective curricula.



**Figure 11:** Percentage of Member States reporting on combatting discrimination in terms of curriculum

<sup>22</sup> See also the measures reported with regard to invoking the provisions of the Convention before courts, tribunals and administrative authorities in Chapter II, section 2.

- **Other measures**

While the majority of States reported on the measures mentioned above, **18 States** also shared additional measures to effectively end all discrimination in education. Since 2018, in **Georgia**, teachers have been trained in democratic culture and human rights, including the elimination of all forms of discrimination in schools through the National Programme “Democratic Culture and Human Rights Education”, launched by the LELP National Centre for Teacher Professional Development under Georgia’s Ministry of Education, Science, Culture and Sport. **New Zealand** reported monitoring wellbeing at schools. Schools can access the free ‘Wellbeing@School Self-Review Toolkit’ which provides anonymous surveys for students and teachers with a wide range of questions. Some of the questions can help schools to monitor and reflect on inclusion and discrimination. They include questions about whether students think teachers are fair and have high expectations for all students, and whether teachers get on well with students from different cultures and backgrounds.

“

**Georgia** trains teachers on human rights and the elimination of all forms of discrimination in schools.

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## 2. Advancing equal opportunities and inclusive quality education

Beyond eliminating discrimination, States have reported several measures to ensure that everyone has equal access to education. As Article 1(a) of the 1960 Convention specifies, “depriving any person or group of persons of access to education of any type or at any level” constitutes an act of discrimination. For this reason, Member States have reported on ensuring that legal measures enshrine the principles of equality and equal opportunities. In **Finland**, the Non-Discrimination Act (1325/2014) provides for the evaluation of the realization of equality in education, requires education providers to have a plan for the promotion of equality and requires pupils and their guardians as well as students or their representatives to have the opportunity to be heard (see Box 1 below).

Many countries further reported that principles of equality are specifically included in their education laws. For instance, in **Morocco**, Framework Law No. 51-17 stipulates that the System of Education, Teaching, Training and Scientific Research is based on “respect for the principles of equality, equity and equivalence of opportunities to access the various components of the System in the provision of its services to learners of all categories”.

Article 4 of the 1960 Convention further obliges States Parties “to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education”. In this regard, **Portugal** reported adopting the National Strategy for Equality and Non-Discrimination 2018-2030 (Resolution of the Council of Ministers No. 61/2018, of 21 May), which comprises three action plans, on (1) equality between men and women, (2) preventing and combatting violence against women and domestic violence, and (3) combatting discrimination based on sexual orientation, identity and gender expression, and sexual characteristics.

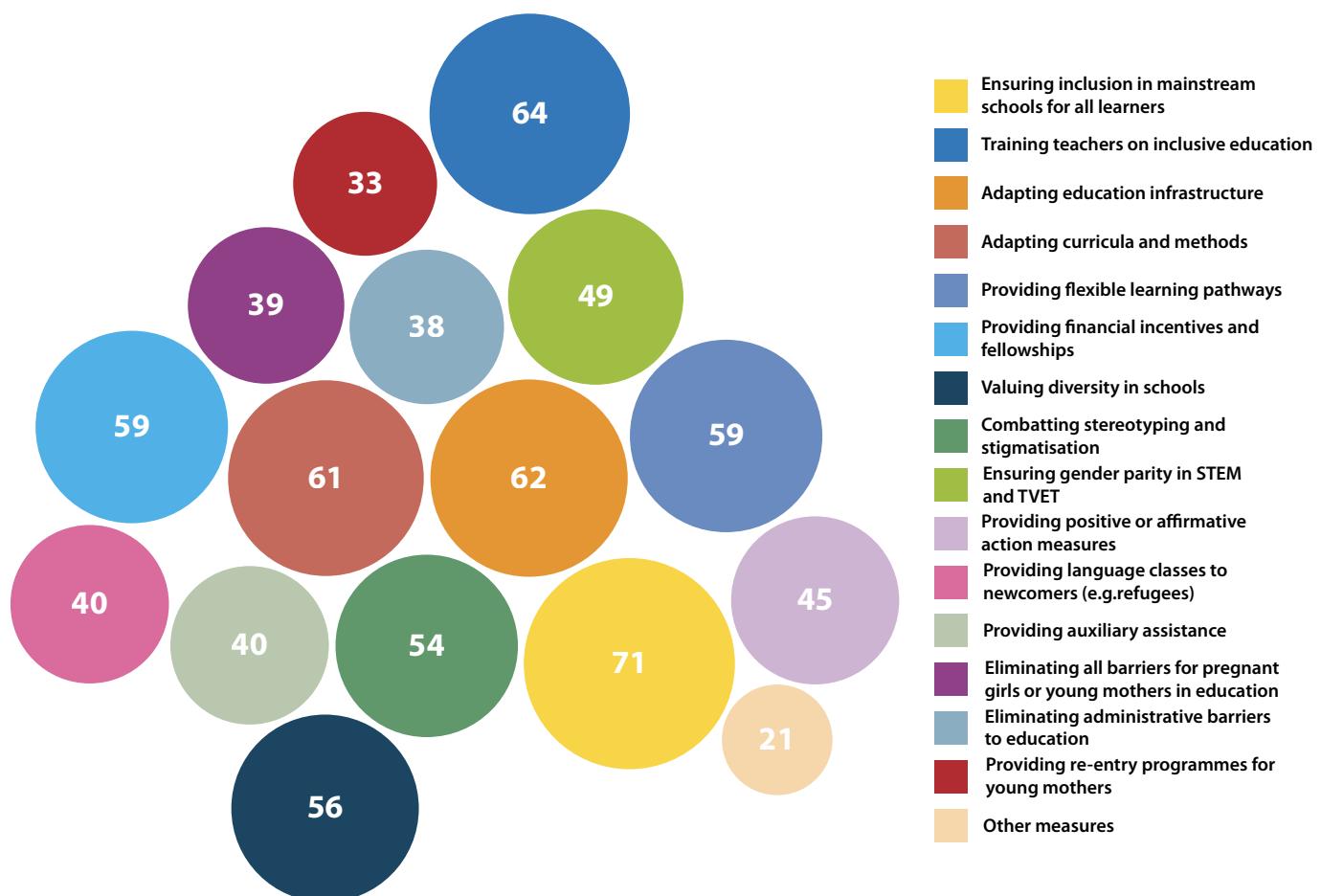
**Box 1: Equality in education through Finland's Non-Discrimination Act**

Section 6 of the Non-Discrimination Act (1325/2014) of Finland, on the duty of the education provider to promote equality, states:

- '(1) The education provider and the educational institution maintained by it shall evaluate the realization of equality in their activities and take necessary measures to promote the realization of equality. These measures shall be effective, expedient and proportionate, taking into account the educational institution's operating environment, resources and other circumstances.
- (2) The education provider must ensure that the educational institution has a plan for the necessary measures for promotion of equality.
- (3) The education provider and the educational institution maintained by it must reserve an opportunity for the pupils and their guardians as well as students or their representatives to be heard on the fostering measures.'

Within the legal and policy framework, States furthermore gave details of concrete measures to ensure equality of opportunities in accessing, participating in and completing education, equal treatment and inclusion of all learners in education:

**Figure 12: Number of Member States reporting on measures to improve inclusion in education**



While the measures targeting specific groups of people will be covered in the following section, inclusion is a process that helps overcome any barrier that might be faced and that could limit presence, participation and achievement<sup>23</sup>. It plays a fundamental role in combatting discrimination and ensuring equality of opportunities and is at the very heart of the Education 2030 Agenda built around SDG4, requiring States to: "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030. Additionally, Target 4.5 of SDG4 calls on States to "ensure equal access to all levels of education and vocational training for the vulnerable". Inclusive education is founded on the right of all children, youths and adults to have their differences, including in their style of learning, their strengths and needs, catered to and valued. While equality is particularly relevant with regard to, for example, ensuring quality education for all, greater equity and inclusive measures, including affirmative action, are also necessary to ensure that educational opportunities are just and fair by focusing on the characteristics of the individual rather than the group as a whole.

**Portugal** was one of the **71 States** to report having taken measures to ensure the inclusion of all learners in mainstream education. The report refers to Decree-Law No. 54/2018, of 6 July, which sets out the principles and norms that guarantee inclusion, as a process that aims to respond to the diversity of the needs and potential of each and every one of its pupils, by increasing participation in learning processes and educational community life. **Australia** interestingly reported that its curriculum provides opportunities for teachers to develop inclusive teaching and learning programmes that build on students' interests, strengths, goals and learning needs to support all students in achieving their potential, regardless of their gender. It is designed to provide a curriculum that supports all students in achieving their full potential. Furthermore, as Table 2 shows, several States have adopted policies on inclusion which cater to a variety of target groups: children with special needs, traveller communities, Roma and Sinti and Caminanti children. Other States have adopted inclusive measures targeting all children, youth and adults.

**Table 2: Examples of policies on inclusion reported by Member States<sup>24</sup>**

Country	Policy measure	Target groups	Proposed measures
Armenia	Action plan and timetable of the universal inclusive education system, introducing activities (approved by Protocol Decision No 6-12 of the Government of the Republic of Armenia of 18 February 2016.)	Children with special needs	<p>Introducing an inclusive education system in all schools offering general education:</p> <ul style="list-style-type: none"> <li>■ A number of the Republic's special institutions of general education will be reorganised into learning and psychological support centres.</li> <li>■ As a result of implementation of the system, children in need of special conditions for education will receive a 3-level learning and psychological support service: in general education schools and in territorial and republican learning and psychological support centres.</li> <li>■ A new form of funding will be introduced in general education schools and a vacancy for a teaching assistant will be made available.</li> </ul>

<sup>23</sup> UNESCO. 2017. *A Guide for ensuring inclusion and equity in education*, p. 7, available at: [https://unesdoc.unesco.org/ark:/48223/pf0000248254\\_eng](https://unesdoc.unesco.org/ark:/48223/pf0000248254_eng) (Accessed 15 April 2021.)

<sup>24</sup> N.B. The table is not exhaustive as it includes only the policies, strategies, plans and programmes (not legislation) that detail the education measures.

Country	Policy measure	Target groups	Proposed measures
Australia	Inclusion Support Programme	Children with additional needs	<p>Increase access and participation in early learning and childcare for children with additional needs through developing and embedding the services' skills to include children with additional needs in a supportive early learning environment through:</p> <ul style="list-style-type: none"> <li>▪ Supporting mainstream early learning and childcare services to improve their capacity and capability to provide quality inclusive practices, address barriers to participation and include children with additional needs alongside their typically developing peers; and</li> <li>▪ Provide parents and carers of children with additional needs with access to appropriate early learning and childcare services that assist those parents to participate in the workforce.</li> </ul>
Botswana	Inclusive Education Policy (September 2011)	All children, youth and adults	The policy calls for an education system in which children, youths and adults are given equal access to relevant quality education which enables them to learn effectively irrespective of their differences in gender, age, life circumstances, health, disability, developmental stages, capacity to learn or socio-economic circumstances.
Colombia	Policy Guidelines for Inclusion and Equity in Education	All children, adolescents, young people and adults	Provides guidelines to the secretariats of education, educational establishments, families and the community in general. This policy document promotes the development of actions for the access, permanence and quality of education, which provide a timely and relevant educational response to all children, adolescents, young people and adults, especially in rural contexts and for population groups exposed to social exclusion, improving their quality of life, reducing social, cultural and learning gaps.
Guatemala	Inclusive Education Policy (Ministerial Agreement No. 34 – 2008)	Children and youths with special educational needs with and without disabilities	<ul style="list-style-type: none"> <li>▪ Expansion of coverage and improvement of educational quality</li> <li>▪ Teacher education, training and improvement</li> <li>▪ Community participation and management</li> <li>▪ Awareness-raising</li> <li>▪ Strategic alliances and evaluation.</li> </ul>
Ireland	National Traveller and Roma Inclusion Strategy (NTRIS), (launched by the Department of Justice and Equality in June 2017)	Traveller and Roma communities	Provides the framework and strategic direction for interventions across a range of Government Departments to support the additional needs of the Traveller and Roma communities in Ireland. The Department of Education participates in the Steering Group which was established to oversee the implementation of over 31 education actions of NTRIS.

Country	Policy measure	Target groups	Proposed measures
Italy	National Programme for the inclusion and integration of Roma, Sinti and Caminanti children	Roma, Sinti and Caminanti children	<p>Main objectives of the programme are to:</p> <ul style="list-style-type: none"> <li>■ Improve the participation and school integration of Roma, Sinti and Caminanti minors, in particular those who attend primary and secondary school</li> <li>■ Involve the whole class, and not only Roma, Sinti and Caminanti students, in educational actions and training activities</li> <li>■ Facilitate the access of minors and their families to health and social services</li> <li>■ Consolidate territorial governance</li> <li>■ Create a collaboration network between the cities participating in the project.</li> </ul>
Romania	Strategy for the Inclusion of Romanian Citizens belonging to the Roma Minority (2015-2020)	Roma ethnics	Two of its strategic objectives target education and aim to increase the level of educational inclusion of Roma citizens, combat social gaps that increase the risk of school dropout and illiteracy and ensure their equal, free and universal access to quality education.
Serbia	Strategy for Social Inclusion of Roma Men and Women (2016-25) and the accompanying Action Plan	Roma minority	Measures to support members of the Roma national minority that are part of the Roma Strategy include all levels of education. Increasing the coverage of preschool education, especially for children from vulnerable social groups, is one of the strategic priorities.
Seychelles	Inclusive Education Policy (2015)	All learners, including those with special needs and disabilities	<ul style="list-style-type: none"> <li>■ Promote equity and inclusion to enable all learners including those with Special Education Needs and Disabilities (SEND) to benefit fully from quality education</li> <li>■ Make provision for a range of services geared towards early prevention and identification, planning, assessment strategies and intervention</li> <li>■ Make provision for learning, teaching and assessment which respond to the needs of different learning styles and to the abilities, talents, identities and experiences of all children</li> <li>■ Promote the inclusion of all children including those with SEND in the mainstream/regular school system at all levels and ensure their full integration within the education system</li> </ul>

Country	Policy measure	Target groups	Proposed measures
Turkey	Inclusive Early Childhood Education Project for Children with Disabilities (launched in 2017)	Children with disabilities	Support children with disabilities in participating in social life with children who do not have disabilities, by means of quality and inclusive education from early childhood till the end of 1st grade.

Empowering and preparing teachers to teach all students and embrace their diversity is essential in creating a propitious learning environment. **North Macedonia** was one of the **64 States** that reported ensuring training on inclusive education. In 2018 the Bureau for Development of Education – BDE (the institution responsible for teacher training in the country), together with the UNICEF office, developed a special e-training module on inclusive education, and training is also organized by the BDE for teachers on inclusive education.

Among the measures reported by States, valuing diversity, positive and affirmative action, combatting stereotyping and adapting curricula and methods can all help combat discrimination and exclusion for all vulnerable groups. Rather than having general measures, States reported having them for specific target groups, as will be reported in the relevant sections that follow.

#### a) Gender equality



Despite the considerable efforts made by countries to eradicate gender-based discrimination, women and men do not all have the same treatment and opportunities in education. Girls and women specifically face considerable and multiple barriers to education and an entire treaty, the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), was adopted to ensure that they face no discrimination, including in education. The 1960 Convention and Recommendation are also explicit: sex-based discrimination must be eradicated and prevented. While the specific term “gender” is not referred to in these instruments, with the adoption of SDG4 on education and SDG5 on gender equality and women’s empowerment, governments have pledged to ensure equal opportunities to enjoy high quality education, and to achieve gender equality. Within SDG4, gender equality is mainstreamed in all targets and as such, measures need to be taken across all levels and types of education to ensure that both girls and boys, women and men, have equal rights of access to education, equal rights within education and equal rights through education.

“Her education, our future” is UNESCO’s drive to accelerate action for girls’ and women’s education by leveraging political and financial commitments, as well as leadership for women and girls. It contributes to UNESCO’s Strategy for Gender Equality in and through Education (2019-2025) which aims for better data to inform action for gender equality in and through education; better legal, policy and planning frameworks to advance rights; and better-quality learning opportunities for empowerment. In this regard, UNESCO designed “Her Atlas”, a monitoring tool which measures the status of national legal frameworks related to girls’ and women’s right to education<sup>25</sup>. As such, measures States have reported to advance towards gender equality are of particular importance.

<sup>25</sup> Available at: <https://en.unesco.org/education/girls-women-rights> (Accessed 15 April 2021.)

- **Achieving gender equality in STEM and TVET**

Of the several measures Member States reported to ensure equal access to education, some are specific to the achievement of gender equality. **49 countries (60%)** reported adopting measures ensuring gender parity in science, technology, engineering and mathematics (STEM) and technical and vocational training (TVET). In **Spain** for instance, to increase the vocations for STEM of young Spanish women and reduce the technological-digital gender gap, an inclusive, non-sexist, gender perspective was introduced into the educational and professional orientation of students in compulsory secondary education. Additionally, the vocational training offered has been newly organized to favour all kinds of professional options, promoting effective equality between men and women. One very practical example comes from the Ministry of Education and Science of **Ukraine**, which provides annual guidelines for the development of STEM education in general secondary and out-of-school education institutions, including a list of activities and programmes for girls with the goal of overcoming gender stereotypes and increasing opportunities for building careers in the STEM field. In April 2019 **Australia** unveiled the Advancing Women in STEM strategy, which outlines the Government's strong leadership role and support in three key areas: enabling STEM potential through education; supporting women in STEM careers; and making women in STEM visible. In **Germany**, a yearly "Girls' Day" promotes girls' interest in STEM subjects. It is complemented by a "Boys' Day" for professions generally chosen by women.

- **Right to education of pregnant and parenting girls and women**

To fight gender inequality, it is important for States to develop measures to protect girls from discrimination in the event of pregnancy and motherhood. **33 countries (41%)** reported providing re-entry programmes for young mothers and **39 countries (48%)** have taken measures eliminating all barriers for pregnant girls or young mothers in education. The Ministry of Public Health, Ministry of Education and Federation of Cuban Women of **Cuba** have adopted a Joint Circular Letter (2009) which states: "Pregnancy and motherhood shall not constitute an impediment to entering and remaining in educational centres at any level, [and] academic facilities shall be provided for each case". The same circular continues: "The school shall provide facilities for the pregnant student to attend the consultations and medical examinations associated with prenatal care." Additionally, if a student is discharged, she must have the possibility of returning to study at the same or another level of education. **Mexico** has a programme to support the education of pregnant girls and young mothers with specific scholarships: the *Beca de Apoyo a la Educación Básica de Madres Jóvenes y Jóvenes Embarazadas* (Scholarship to Support Young Mothers and Pregnant Girls) to ensure greater coverage, inclusion and educational equity.

- **Putting an end to stereotyping and stigmatization**

Moreover, **54 countries (67%)** have adopted measures for combatting stereotyping and stigmatization, which pose a great threat to any form of inclusion. In **Egypt**, the Ministry of Education has modified school curricula to include coverage of all human rights instruments and remove shortcomings due to bias, prejudice or gender stereotyping. The Ministry seeks to ensure that family education is based upon a proper understanding of the roles of men and women in the family and of motherhood. **Mongolia** has introduced ethics curricula in secondary education to particularly emphasize the enhancement of gender equality and the policy of girls' empowerment, and **Australia** funds the Student Wellbeing Hub, an online portal for students, parents and educators with evidence-informed resources, which include specific resources that address sexism and how students can be empowered to take action against it. A further example is provided by **Lebanon**, whose Ministry of Education has taken significant steps to adopt a gender perspective in analysing educational curricula and training teachers. Moreover, a Gender Perspective Committee has been established to integrate the gender perspective into public policy and organize training courses and discussion seminars in the Ministry for officers, students, administrative and teaching staff.

- **Other measures to ensure the gender equality**

Besides the above-mentioned measures, **12 countries (15%)** have taken additional actions related to gender equality in education. **Andorra** reported that in 2020, the Ministry of Social Affairs and the Ministry of Education developed a gender equality awareness plan for schools. This plan offers educational policy guidance from a gender perspective, aiming to provide professionals in the school context with action guidelines on treating boys and girls with real and effective equality, and to eliminate the gender inequalities that characterize the social and cultural system. In June 2020, the **New Zealand** Government announced that it will be providing free sanitary products in all state schools and *kura*. This is intended to reduce barriers to education, promote positive gender norms, improve attendance and engagement and mitigate the impacts of socioeconomic disadvantage. Interestingly, **Sweden** reported that in June 2018, the Government decided to commission the National Agency for Education (*Statens skolverk*) to be one of several strategic authorities with the task of promoting equal rights and opportunities for LGBTQ people within its area of activity.

- **Ending child marriage**

To ensure that both girls and boys can have access to and complete their education, child marriage needs to be eradicated. Indeed, Article 16(2) of the 1979 Convention on the Elimination of All Forms of Discrimination against Women provides: "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage." It should be noted that this practice is often discriminatory as it tends to apply predominantly to girls, who are allowed to marry at a younger age than boys. Child marriage also violates the child's right to education as such children are more likely to drop out of school, and children who are not in school are more likely to get married. The minimum age for marriage is set at 18 years at least in **55 countries**. For example, in **Argentina**, the Law of Majority of Age (Law 26.579/ 09) establishes 18 years as the minimum age for marriage. **Rwanda**, for example, has set the minimum age of marriage at 21 years. **Four** countries reported having exceptions allowing girls to marry before the age of 18 years.

**b) Minority groups**



Minorities require an education system that respects their specific cultural, linguistic and religious needs in order to flourish and live fulfilling lives. However, there is a lack of clarity surrounding the rights of minorities as there is no internationally agreed definition<sup>26</sup>. UNESCO is finalizing a thematic report on the right to education of persons belonging to minorities based on the previous (ninth) consultation which also sets out the international legal framework protecting their right to education. As there is no clear definition, this section covers what States have reported in response to the question in the Guidelines dedicated to national minorities (section 2.9), as well as any reference made by States to the term "minorities" in any section of their report.

The international legal framework protects the rights of persons belonging to minorities *to* education, under the principles of equality and non-discrimination, and also their rights *in* education, by setting standards as to the content and form that education should take to facilitate each individual's development. Particular attention is accorded to national minorities in Article 5(1)(c) of the 1960 Convention and Paragraph V(1)(c) of the Recommendation. While a general non-discrimination clause applies to all, States have agreed on the importance of specifically recognizing the right of members of national minorities to carry out their own educational activities, including school maintenance and,

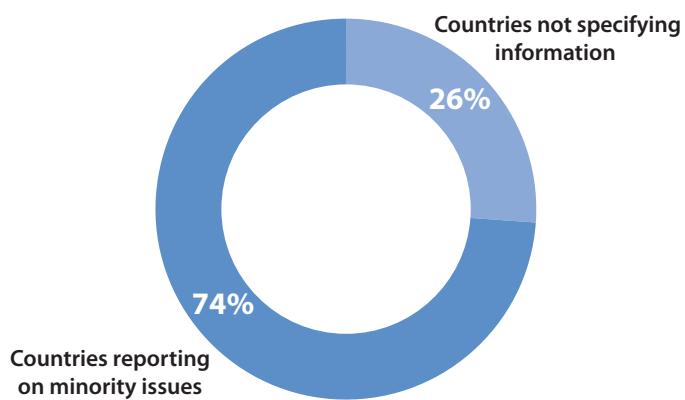
<sup>26</sup> OHCHR. 2010. *Minority Rights: International Standards and Guidance for Implementation*, Doc. HR/PUB/10/3, p. 2, available at: [https://www.ohchr.org/Documents/Publications/MinorityRights\\_en.pdf](https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf) (Accessed 15 April 2021.)

depending on the educational policy of the individual State, the use or teaching of their own language, provided certain quality and access standards are met.

The 2030 Agenda for Sustainable Development also addresses the challenges for minorities in education. Target 4.5 explicitly calls on States to "ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations". The Education 2030 Framework for Action further specifies that vulnerable groups requiring particular attention include indigenous peoples and ethnic minorities. Persons belonging to minorities are often at risk of having their human rights violated and can experience multiple discriminations. Access to inclusive and equitable quality education without discrimination is central to their effective and full inclusion in society, yet, for many minority members, realizing the right to education is far from being a reality.

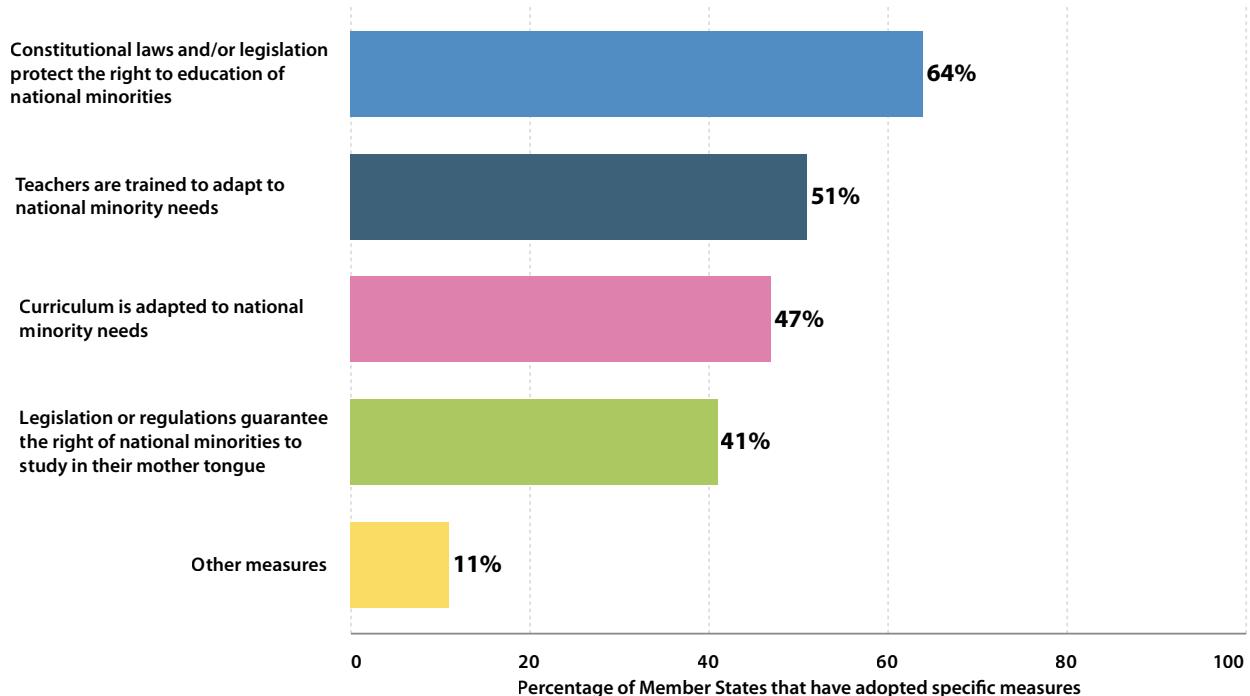
The language of instruction and curriculum may exclude minorities, while other more general barriers also have detrimental repercussions on the realization of their right to education, such as poor physical accessibility if schools are a long distance from the home, and additional costs such as uniforms and textbooks. Therefore, the protection of the rights of minorities requires particular attention and goes hand in hand with efforts to build intercultural education.

**Figure 13: Coverage of minority issues in country reports**



\*N.B. This percentage takes into account all Member States that responded specifically to section 2.9 of the Guidelines for the 10th consultation focusing on minorities.

**Figure 14: Percentage of Member States taking measures to protect the rights of minorities**



- **The right to education of minorities**

Most of the reports – around **74% (60 out of 81)** – submitted within the framework of the consultation describe, to different extents, national measures taken by countries to ensure minorities' fundamental rights to education. Of the reports that address the rights of minorities, the majority focus on the legal protection of the right to education of national minorities. For example, in **Slovakia**, Article 34(2) of the Constitution of the Slovak Republic provides: "in addition to the right to learn the state language, citizens belonging to national minorities or ethnic groups shall be guaranteed [...] also: a) the right to education in their language". On the right of minorities to carry on their own educational activities, **Cyprus** reported that this right was protected with regard to public and private schools through the operation of their own schools, or through financial support from the Government to attend private schools of their choice. The term "national minority" is understood to designate the Armenian, Maronite and Latin (Roman Catholic) minority groups of citizens of the Republic of Cyprus. Thus, children belonging to these groups have the right to be educated according to their potentialities and their parents' wishes. The Council of Ministers of **Bosnia and Herzegovina** adopted the Framework Action Plan on the Educational Needs of Roma People for the Period 2018 to 2022. Among other measures, the plan ensures the right of national minorities to education by including goals and measures related to the Romani language, history and culture as well as measures to combat discrimination, stereotypes and prejudices against Roma people.

- **Minorities' language**

Many measures relate to the use and teaching of minorities' languages while also including the training of teachers and the inclusion of the community in the educational process. In **Serbia**, Article 22 of the Law on Dual Education (Official Gazette No. 101/2017 and 6/2020) stipulates as follows: "Work-based learning contracts shall include the following mandatory elements ... if the curriculum is delivered in the language of a national minority, the employer shall be obliged to organize and deliver work-based learning in the language of the national minority concerned". On standards and use of languages in educational institutions, in **Burkina Faso**, the teaching of national languages is delivered according to the needs expressed by the local populations, the availability of competent personnel and programmes for the language concerned. **Guatemala** is strongly committed to the generalization of multicultural and intercultural bilingual education and this is reflected in several legal texts, including the National Education Law, Decree No. 12-91. Article 57 states: "Bilingual Education is carried out to affirm and strengthen the identity and cultural values of the linguistic communities." This provision is given effect through concrete action such as the training of pre-primary and primary teachers in linguistic, communicative, cultural, sociolinguistic and pedagogical competences in the 22 Mayan languages, with the participation of 10,864 teachers. **Denmark** reported that the *Bund Deutscher Nordschleswiger* is the German minority's umbrella organization, which aims to represent the interests of the minority and promote the German language and culture in Nordschleswig.

In **Georgia**, the State has taken positive action to ensure equal access to education for minorities. To this end, where higher education is concerned, the "1+4" Programme, defined especially for Azerbaijani and Armenian people, supports their entrance into higher education with a system of quotas and the possibility of taking a general ability test in their own languages.

- **Teacher training**

With regard to teacher training, **41 Member States (51%)** reported taking measures. **Italy** has launched a national training project with the aim of promoting the right to education of foreign minors or Roma, Sinti and Caminanti minorities. The project is a multiannual training plan for managers and teachers in schools with a high incidence of foreign pupils, launched for the years 2016-2020. In **Slovakia**,

departments have been created that deal with the issue of education of national minorities by reference to content, and via further education of teaching and professional employees.

#### • Curriculum and education materials

**38 Member States (47%)** reported taking measures to ensure that the curriculum is adapted to national minority needs. In 2014 the National Agency for Education of **Sweden** was commissioned by the Government to draw up proposals for specified syllabus content for compulsory schools, compulsory schools for pupils with learning disabilities, special schools and Sami schools in the mother tongue for the national minority languages of Finnish, Romani Chib, Meänkieli and Yiddish – as first and second languages. The syllabi entered into force on 1 July 2016. **Honduras** reported the reproduction of texts, resources, materials and workbooks in the prioritized curricular areas, mathematics, natural sciences and social sciences, for four Indigenous and Afro-Honduran Peoples (PIAH).

Regarding textbooks, **Serbia** has adopted the Law on Textbooks (Official Gazette, No. 27/2018) which provides for the use of textbooks in the language and script of a national minority and **Albania** reported that textbooks in the language of national minorities, provided free of charge, are in line with the new curriculum. The latter country specified that special textbooks for the language, history and geography of national minorities are compiled by scholars and teachers from national minorities, according to the specific characteristics of the language, culture, history and geography of these minorities.

#### Indigenous people

Often marginalized, indigenous people lack access to quality education and education itself can exacerbate their exclusion. The United Nations adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 to provide a comprehensive instrument on their rights. Article 14 notably enshrines the right of indigenous peoples to “all levels and forms of education of the State without discrimination” and their right to “establish and control their educational systems and institutions providing education in their own languages”. More recently and within this framework, in 2017 UNESCO adopted a policy on engaging with indigenous peoples<sup>27</sup>. In line with the 2030 Agenda commitment to leave no one behind, the policy contributes to implementing the UNDRIP across all areas of UNESCO’s mandate that “involve or are relevant for indigenous peoples and of potential benefit or risk to them”<sup>28</sup>.

Indigenous groups and minority groups are often deprived of quality education because of their background or the cultural, linguistic or financial barriers they face. States such as **Australia, Colombia, Honduras, Guatemala, Mexico** and **New Zealand** have given details of the steps they have taken towards improving their right to education in order to provide an inclusive educational system.

For example, in **Australia** several government programmes, as well as funding, are available to Aboriginal and Torres Strait Islander children who are experiencing disadvantages. Indigenous children can benefit from the Child Care Safety Net aimed at improving the accessibility of early childhood education, and the Connected Beginnings Programme funding 15 sites to integrate early childhood education, maternal and child health, and family support services with schools for Indigenous 0-5 year-olds to reduce disadvantage and support a positive transition to school. **New Zealand** offers an interesting example of the fulfilment of the right to education of the indigenous Maori population by protecting their language, philosophy and culture (see Box 2).

<sup>27</sup> UNESCO. 2018. *UNESCO policy on engaging with indigenous peoples*, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000262748> (Accessed 15 April 2021.)

<sup>28</sup> *Ibid.* p. 4.

**Honduras, Guatemala** and **Mexico** listed measures for educational programmes inclusive of linguistic differences of indigenous groups. **Honduras**, for example, adopted a New Model of Intercultural Bilingual Education (EIB) implementation protocol for the reproduction of texts, resources, materials and workbooks in four Indigenous and Afro-Honduran Peoples (PIAH) languages from the first to the ninth grade. **Mexico** is a culturally diverse country: 10% of the Mexican population is indigenous and 6.5% speak one of the 68 native languages that exist in the territory, and variants. The National Commission of Free Textbooks has incorporated an indigenous education section to have books from first to sixth grade produced and distributed in 64 indigenous languages with their respective variants: Huichol, Mazateca, Tlapaneca, Mixtec and Totonaca, among others. While reference is made in the previous section to **Guatemala**'s bilingual education, the national report also specifically referred to the indigenous community. Article 66 of the Constitution provides: "The State recognizes, respects and promotes their ways of life, customs, traditions, forms of social organization, the use of indigenous dress by men and women, languages and dialects", and Article 76 adds: "In schools established in areas with a predominantly indigenous population, teaching should preferably be bilingual."

**Box 2:** New Zealand's protection of the right to education of indigenous people

There is a strong commitment to the provisions of the Convention in New Zealand's education system, which is intended to be equitable for all people regardless of gender, ethnicity, or social and economic background. A treaty with the indigenous Maori population, *Te Tiriti* (the Treaty), is part of the founding legal documents of New Zealand. With regard to education, the Treaty provides legal protection for Māori learners' rights to achieve true citizenship as descendants of their iwi/tribe through gaining a range of vital skills and knowledge, as well as protecting *te reo* Māori (the Māori language).

The 1989 Education Act includes provision for parents who wish to have their child educated in *te reo* Māori. The Board of trustees of state schools must take all reasonable steps to provide instruction in *te reo* Māori to students whose parents ask for it. In addition, Section 155 of the Act provides for a designated character school to also be designated as a *kura kaupapa* Māori (a 'kura' is a school, and 'kaupapa Māori' is a Māori philosophy and approach). These are state schools which use *te reo* Māori as the principal language of instruction and operate in accordance with the *Te Aho Matua* philosophy. A *kura kaupapa* Māori is a specific type of designated character school which can be established under Section 156 of the Education Act.

New Zealand also has two school curricula – the New Zealand curriculum and *Te Marataunga o Aotearoa*. Each school is free to select which of the curricula it uses. The New Zealand Curriculum has, as part of its vision, the development of young people who will work to create a society in which Māori and Pākehā recognize each other as full partners under the Treaty and in which all cultures are valued for the contributions they bring. The New Zealand curriculum also acknowledges the principles of the Treaty and the bicultural foundations of New Zealand.

### c) Immigrants, refugees, asylum seekers, stateless persons and internally displaced persons (IDPs)



The legal status, origin and nationality of a person should not impede the full realization of the right to education, yet immigrants, refugees, asylum seekers, stateless persons and internally displaced persons (IDPs) continue to face considerable obstacles to education. This can be due to lack of identity papers, lack of exam and course certificates, and also the distance to school, the cost of education, xenophobia and intolerance and language barriers, among other things. While international law has set out certain obligations with regard to the right to education of refugees and migrants<sup>29</sup>, the 1960 Convention lays the very foundation of the international human rights framework, with Article 1 affirming the explicit prohibition of any discrimination based on, *inter alia*, “social origin”, “economic condition” or “birth”. Indeed, the Convention enshrines the right to equality of opportunity and treatment in education, including for foreign nationals. In addition, the CESCR takes note of Article 3(2) of the Convention<sup>30</sup> and “confirms that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status”<sup>31</sup>.

Due to the increase in displacement in recent years, the international community has ramped up efforts to further protect such people’s rights and has adopted several additional instruments, notably the 2016 New York Declaration for Refugees and Migrants, which led to the Comprehensive Refugee Response Framework and the two Global Compacts: on refugees and on safe, orderly and regular migration.

With specific regard to the right to education, 2019 saw the adoption of the UNESCO Global Convention on the Recognition of Qualifications concerning Higher Education<sup>32</sup>, which aims to facilitate international academic mobility and promote the right of individuals to have their higher education qualifications obtained abroad evaluated in a fair, transparent and non-discriminatory manner. This is a particularly valuable framework for refugees, who often struggle to have their qualifications recognized. Having conducted research and discussions on ensuring that the right to education of refugees is fully enforced<sup>33</sup>, and building on that, UNESCO has recently explored the impact that climate displacement has had on the right to education<sup>34</sup>, which until now has been given little attention. Under international human rights law, climate-displaced persons do not have specific rights; therefore just as the right of residency in the destination country is not guaranteed, neither is their right to education.

#### • Right to education of immigrants, refugees, asylum seekers, stateless persons and IDPs

Given the global trends, the need for measures specifically addressing these group of people is therefore particularly urgent, and as such was given an important place in the tenth consultation. The majority of Member States reported taking measures specifically to ensure the right of refugees and migrants to education. **81%** reported ensuring that they are included in mainstream education. **Germany**, for instance, guarantees access to school education for all children of asylum seekers, regardless of immigration status or the length of their stay, and young refugees have the right to attend school regardless of residence status. In this regard, several States have adopted legislative measures to ensure their right to education is protected. For example, in **Bulgaria**, the Pre-School and School Education

29 Article 22 of the 1989 Convention on the Rights of the Child, Article 30 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and Article 22 of the Convention Relating to the Status of Refugees

30 Article 3 of the 1960 Convention against Discrimination in Education: “In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake: ... (e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.”

31 CESCR. 1999. *General Comment No.13 on the right to education* (Document E/C.12/1999/10), para. 34.

32 Available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=49557&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=49557&URL_DO=DO_TOPIC&URL_SECTION=201.html) (Accessed 15 April 2021.)

33 See: UNESCO. 2019. *Enforcing the right to education of refugees, A policy perspective*, available at: <https://unesdoc.unesco.org/ark:/48223/pf000366839/PDF/36683eng.pdf.multi> (Accessed 15 April 2021.)

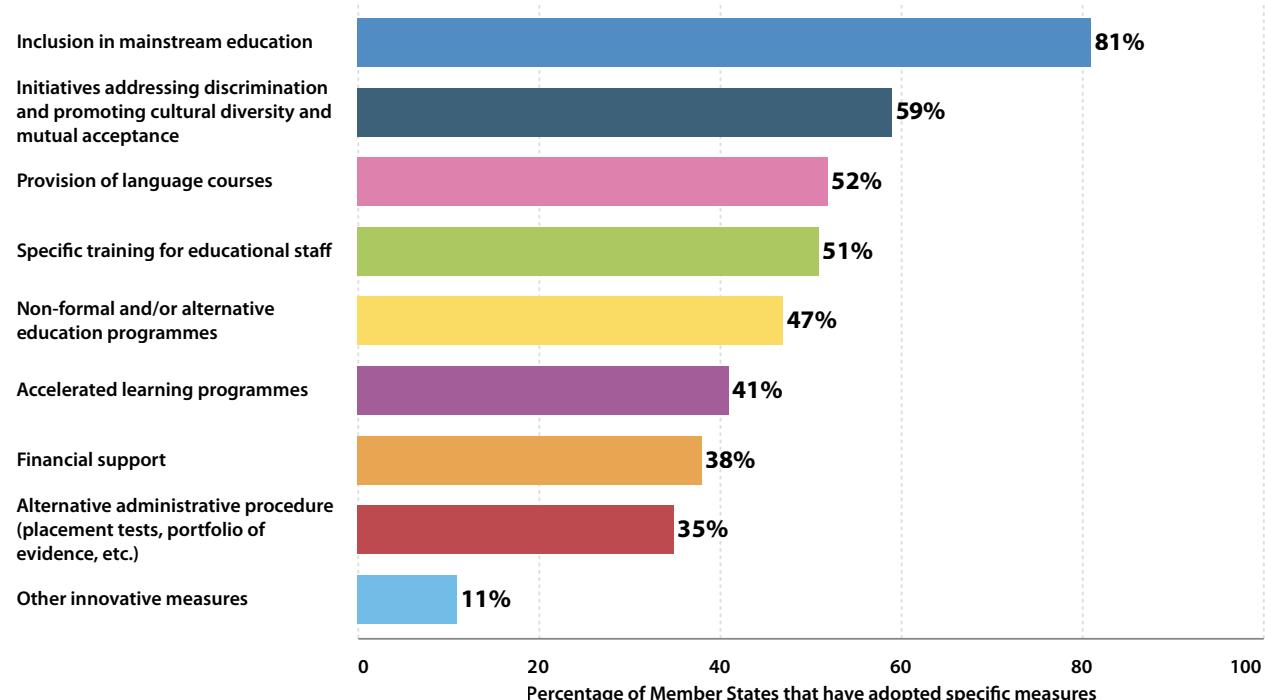
34 UNESCO. 2020. *The impact of climate displacement on the right to education*, available at: <https://unesdoc.unesco.org/ark:/48223/pf000374966> (Accessed 15 April 2021.)

Act requires minors who have not reached the age of 18 and are foreigners, seeking or having received international protection in line with the Law on Refuge and Refugees in Bulgaria, to be provided with free education and training in the state and municipal kindergartens and schools. Article 13 of the Law on Primary Education in **North Macedonia** guarantees the right of "children who are foreign citizens or stateless children, child refugees, asylum seekers, children with recognized refugee status, children under subsidiary protection and children under temporary protection and having residence in the Republic of North Macedonia" to primary education under the same conditions as citizens. Furthermore, in **Belgium (Flemish community)**, the local consultation platforms in cities with school capacity problems were entrusted with their regular task of drawing up a plan to attribute each refugee child a school place while respecting the legally defined principle of maintaining a good social mix at school and avoiding segregation. As these measures were not sufficient, extra (temporary) reception classes were put in place to bridge the period between arrival and the provision of a final study place at school, among other measures.

- **Language classes**

Language classes were also reported by **52% of States**, including **North Macedonia**, and also in **Cyprus** and **China (Macao)**. The latter reported that the government has implemented the "Assist New Immigrant Students Learning Programme" which offers courses such as English interest classes and traditional and simplified Chinese character classes, etc., for primary and junior high school students in order to help new immigrant students adapt to the curriculum in Macao. Aside from running a programme for the intensive teaching of Greek as a second language, **Cyprus** recently developed and implemented an upgraded educational policy pertaining to Multicultural Education, aiming at the smooth integration of pupils with migrant backgrounds into the educational system in Cyprus. In addition to learning the Greek language, the policy focuses on the reception of newly arrived children with migrant backgrounds, the education and in-service training of teachers, data collection and analysis of the needs of pupils with migrant backgrounds, and an intercultural approach in the new curricula.

**Figure 15: Percentage of Member States taking measures to protect the rights of refugees and migrants**



- **Tolerance, unity and respect for diversity**

**59% of Member States**, including **Germany** and **Ireland**, reported initiatives addressing discrimination and promoting cultural diversity and mutual acceptance. The National Migrant Integration Strategy (MIS) in **Ireland**, published in 2017, includes education actions which focus on enabling students to experience an education respectful of diversity while assisting education providers to ensure that integration becomes the norm within an intercultural learning environment. **Germany** reported that in 2018, the Federal Government initiated a renewal of the 2015 National Action Plan on Integration coordinated by the Federal Government Commissioner for Migration, Refugees and Integration. The Plan is based on the five phases of a typical migration and integration process: prior to migration, upon arrival, incorporation, growing together and cohesion. The aim is to develop key measures and projects for each phase together with relevant ministries, the Länder, cities, local communities and civil society.

- **Alternative administrative procedures**

Ensuring alternative administrative procedures for enrolment is particularly important for refugees and migrants. **35% of States** reported such measures, including **Colombia**. The Ministry of National Education has updated the guidelines to define levelling strategies and proficiency tests for Venezuelan migrant students and Colombian returnees, to facilitate the validation of studies at the basic and secondary education levels.

- **Innovative measures**

Among the innovative measures adopted by States to protect the right to education of these vulnerable groups, the **Democratic Republic of Congo** interestingly reported that the ministries in charge of education and training will systematically integrate into their annual action plans the measures necessary to adapt education to the new needs generated by a crisis or natural disaster, including offering psychological support for traumatized children, and facilitating access to education for displaced persons and refugees by waiving fees.

*d) People with disabilities*



People with disabilities, with one or more physical, sensorial, intellectual, or mental impairments, are among the most marginalized groups of people and are regularly denied their right to education. While the 1960 Convention and Recommendation do not explicitly refer to people with disabilities, they are founded upon the fundamental principle of equal opportunities. In terms of the international human rights framework, the 2006 Convention on the Rights of Persons with Disabilities sets clear obligations by dedicating an entire article, Article 24, to the protection of the right to education of people with disabilities, a right that must be guaranteed without discrimination, on the basis of equality of opportunity, and within an education system that is inclusive at all levels.

- **Inclusion in mainstream education**

In this context, **71 States (88%)** reported taking measures to ensure the inclusion of all learners in mainstream education, and also a variety of measures to ensure the inclusion, specifically, of people with disabilities. For example, in **Estonia**, every child has the right to study at a residential school and according to a suitable curriculum, and receive support for his or her special educational needs. In general, children with special educational needs study in regular classes at ordinary schools (see Box 3). **Algeria** reported that pupils with mild disabilities attend regular classes, accompanied by school life assistants. In **Norway**, 43 percent of the students requiring special needs education mainly receive it within the regular class environment. To ensure their inclusion, regulations on the universal design

of ICT (information and communications technology) have applied in the education sector since 2018. In **Serbia**, the Law on the Fundamentals of the Education System states that persons with disabilities have the right to education and upbringing that respects their educational needs, with the emphasis on additional individual or group support in teaching and learning. **Lebanon** reported that the General Education Directorate had prepared a draft implementing decree for Compulsory Education Act No. 150 of 17/8/2011, stipulating that disability does not in and of itself constitute a sufficient impediment to exclude a pupil from school.

**Box 3: Inclusion in mainstream school of people with special educational needs in Estonia**

In Estonia, when teaching of students with special needs requires the specific organization of studies and the implementation of resource-intensive support measures owing to their disability or disorder, an ordinary school may open a class for students with special needs.

The need for enhanced support and special support is assessed by an external advisory team. Following the assessment, the advisory team gives recommendations for supporting the child's development and organizing their studies and education.

According to the recommendation of the external advisory team and with written parental consent, the school provides the student with enhanced support or special support, home study for health reasons, or non-stationary studies for students under an obligation to attend school. It can reduce and replace the learning outcomes laid down in the national curriculum in one or more subjects, recommend appropriate studies for students with mild, moderate or severe and profound learning difficulties, and can exempt the student from having to study a mandatory subject.

Enhanced support is offered to a student who, due to their permanent learning difficulty or physical or behavioural disorder or another health condition or disability, needs constant specialist support and an individual curriculum in one or more subjects, part-time studies individually or in a group, individual support during studies in class, or studies in a special class.

• **Measures to facilitate learning and inclusion**

Among the measures to ensure inclusion in education, **Australia** adopted Disability Standards for Education which clarify the obligations of education and training providers and the rights of students with disability and their families under the Disability Discrimination Act. The standards provide a framework to ensure that students with disability are able to access and participate in education on the same basis as other students. All jurisdictions, education providers (both public and private) and sectors are required to comply with the standards. **Kuwait** reported several measures, which include steps to ensure the participation of partially deaf students with Down's syndrome in general education schools at the primary level, to facilitate the learning of Braille and the adoption of reinforced and alternative methods, means and forms of communication, writing and skills. Similarly, among several measures reported, **Egypt** provides a sufficient number of sign language interpreters in all public and private educational institutions in which persons with hearing disabilities are enrolled. Furthermore, concepts of disability awareness are included in the curriculum at all levels to educate pupils about the needs, situation and rights of persons with disabilities and how to deal with them in a variety of advanced ways. Egypt also reported that the Ministry of Communications and Information Technology facilitates the learning process for students with hearing and visual disabilities by converting curricula and study materials at primary, preparatory and basic levels into readily available digital curricula allowing scientific materials to be accessed and studied with ease. Regarding physical education, **Denmark** is seeking to ensure that the rules regarding exemption from physical education in primary and lower secondary school do not disadvantage children with disabilities in terms of their ability to pass an examination allowing them to meet the legal requirements for admission to upper secondary education.

Adapting education infrastructure is also essential for people with disabilities to allow their access to, and full inclusion in, education. To this end, **Armenia** reported that measures are being implemented to adapt the buildings of its educational institutions, including the construction of wheelchair ramps, renovation of sanitary facilities and installation of platform lifts.

With regard to higher education, in **Serbia**, the enrolment in higher education of persons with disabilities is handled by applying an appropriate range of affirmative action measures so that they are not ranked with other students. In **Austria**, students who have a disability of at least 50% do not have to pay tuition fees.

- **Special education**

Some States also reported on special education. In **Lebanon**, special schools were described that ensure appropriate education for children with special needs, such as the teaching of sign language or Braille, reaching a large number of children with disabilities who are unable to follow the programmes in ordinary schools. **Germany** also has schools tailored to students with special educational needs (special schools). The majority of Länder strive to give pupils and their parents a choice between regular schools and special schools.

**f) Children from poor households**



It is well known that education can break the poverty cycle. Yet children from poor households continue to face barriers in accessing and completing education due to the cost of education, which includes not only direct costs such as tuition fees, but also indirect costs such as transport, uniforms and school materials. Forced work, where there is insufficient family income, can take precedence over the children's right to education. Poor people may also live in areas that are difficult to access, such as rural areas, meaning that children need to travel considerable distances to school.

- **Financial incentives**

Financial incentives such as scholarships, fellowships and grants encourage enrolment, ensure equal access to education and lower the financial burden on families. Over **two-thirds of States** reported adopting such measures. In **Mexico**, there are four priority government programmes that seek to guarantee the right to education of children, adolescents and young people with limited economic resources so that they can enroll, stay and conclude their studies, through cash transfers. One of them is the "Benito Juarez Wellbeing Basic Education Scholarship". Targeting families in poverty who have children under 15 years old who are in initial, preschool, primary or secondary education, it provides 800 pesos per family bimonthly during the ten months of the school year. **Guatemala** promotes a protection system for the children of the most vulnerable families through a conditional cash transfer programme associated with their formal education. **Mauritius** reported providing scholarships for disadvantaged children. In addition, through the ZEP (*Zone d'éducation prioritaire* -priority education zone) Programme, free meals and school materials are offered to the pupils from 30 schools in poverty areas (also known as high poverty schools). In these ZEP schools, teaching and non-teaching staff are paid a motivation allowance and benefit from continuous professional development programmes to adopt learner-centred teaching methods. Each financial year, five ZEP schools are given financial support to create a fortified learning environment (through infrastructural improvements, the setting up of integrated units for children with behavioural problems, and resource centres for teachers to prepare teaching tools).

While several States reported providing school meals and covering other indirect education costs, specifically with regard to the poor, **Saint Kitts and Nevis** reported that a free lunch is provided daily to students who are in need, and school uniforms are also provided.

## IV. Implementing the right to education across all levels through a lifelong learning approach

Education 2030 integrates a lifelong learning approach, whereby learning starts from birth and continues throughout life. This approach was reflected in the tenth consultation, the Guidelines for which requested Member States in their reports to look beyond the obligations to provide specific levels of education enshrined in the 1960 Convention. These obligations are specified in Article 4(a) which provides that State Parties should in particular "make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; [and] assure compliance by all with the obligation to attend school prescribed by law". Aside from these levels of education, State reports have reflected the efforts made to guarantee education across educational levels and types, from pre-primary to tertiary levels, formal and non-formal education, to fully implement the 1960 Convention and Recommendation and to advance the achievement of SDG4. Through a holistic approach, education can truly transform lives and fulfil the potential of each individual, irrespective of age, including the most vulnerable people.

### 1. Pre-primary education



The United Nations Committee on the Rights of the Child (CRC) initially interpreted "the right to education during early childhood as beginning at birth" (General Comment No. 7). As the foundation for lifelong learning, the early childhood years are crucial for the rapid development of the mind. Ensuring a safe and nurturing environment builds the foundations for healthy cognitive, linguistic, social, emotional and physical development. The international community gave a new impetus to early childhood care and education (ECCE) with the 2010 Moscow Framework for Action and Cooperation<sup>35</sup>. In terms of the Sustainable Development Goals, SDG4 Target 4.2 aims specifically to "ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education". Government commitments to reaching this target are measured by monitoring the number of years of free and compulsory pre-primary education guaranteed in the legal frameworks.

Early childhood represents a critical opportunity for governments to make positive differences in children's lives and work towards sustainable development goals. Provisions for free and compulsory education play a key role in guaranteeing equality as children from vulnerable households and communities stand to gain the most from access to quality early learning opportunities, enabling them to start school on an equal footing with their peers, improve overall educational achievement, and enhance social equity.

UNESCO recently launched a new initiative, the Inclusive Innovative Dialogue, to increase the political commitment to ensuring early childhood care and education and achieving Target 4.2. Contributing to this initiative, a recent UNESCO study on pre-primary education<sup>36</sup> furthermore emphasized the need for a rights-based perspective on the implementation of pre-primary education. The tenth consultation represents an opportunity for UNESCO to collect data on pre-primary provisions around the world.

<sup>35</sup> Which states that "ECCE is part of the right to education and the main foundation for holistic human development".

<sup>36</sup> UNESCO. 2021. *Right to pre-primary education: a global study*, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000375332> (Accessed 15 April 2021.)

Of the Member States that participated in the consultation, **57** reported adopting provisions for free pre-primary education including **Albania, Equatorial Guinea, Iraq, Romania** and **Turkmenistan**, while **11 Member States** had not. For example, in **Equatorial Guinea**, pre-school education is free in public pre-schools. Its first stage includes three to four-year-olds and the second covers those from five to six years of age. **Albania** provides free pre-primary education as well as free textbooks and transport for children travelling over two kilometres. Most States guarantee free pre-primary education in public institutions only, but **Romania**, interestingly, has since 2016 also provided three years of funding for children enrolled in private and denominational education. Even though provision is free of charge, **Iraq** had a very low enrolment rate of 11% of children aged four to five years in the year 2018-2019. The country implemented a strategy to increase enrolment rates by opening more kindergartens to accommodate the enrolment of children and to encourage parents to send their children to kindergarten, holding seminars to raise awareness and educate people about the importance of early childhood and pre-primary education.

Most countries that reported not having guaranteed free pre-primary education do, however, offer some subsidies or only request small contributions: one example is **North Macedonia**, where parents/guardians contribute a small amount of money (around 25 EUR per month) usually used for nutrition. All other costs are covered by the State. **Australia** does not provide universal free pre-primary education, however the National Partnership on Universal Access to Early Childhood Education specifically requires that cost not be a barrier for children to access a quality pre-primary education programme in the year before school. This is given effect through the Government's new Child Care Package Act of 2017 which, with the Child Care Safety Net, makes low-income families eligible for subsidized care and, with the Additional Child Care Subsidy, provides targeted additional fee assistance to children at risk of serious abuse or neglect and to children from other vulnerable categories.

Many countries offering free pre-primary education do not make it compulsory. Among the **37 countries** that do, several make pre-primary education compulsory by law. For instance, **Colombia** considers initial education as a public service that has a social function, and is a rare case of a State providing for one year of mandatory pre-primary education in the Constitution itself (Article 67). Besides legislative measures, national programmes and policies are also in place to achieve higher enrolment rates. This is the case in **Romania**, where the law on education provides for pre-school education to become progressively mandatory by 2020 at the latest. However, prior policy measures, such as guides for parents at national level informing and supporting them in the kindergarten enrolment process, and access to a database of accredited kindergartens in Romania, have had a positive impact, as the participation rate of children aged between four years and compulsory school age increased to 89.6% in 2018.

A significant number of Member States (**33**), such as **Barbados, Czechia and Lao People's Democratic Republic** guarantee both free and compulsory pre-primary education in line with SDG Target 4.2. In the case of **Czechia**, the adoption of the 2004 Education Act guaranteeing free and compulsory pre-primary education for five-year-olds has produced excellent results, with 97% of children enrolled in 2017. Interestingly, the Act provides that a child for whom pre-school education is compulsory shall be educated in a nursery school established by a municipality or association of municipalities with a seat in the school district in which the child has a place of permanent residence. Such a provision, which ensures access of all children to public education within the place of residence, addresses one of the most common challenge for Member States in achieving high enrolment rates – the lack of sufficient places.

**Table 3:** States reporting on free and/or compulsory pre-primary education\*

Western European and North American States (Group I) – 20 reporting States	Eastern European States (Group II) – 20 reporting States	Latin American and Caribbean States (Group III) – 10 reporting States	Asian and Pacific States (Group IV) – 12 reporting States	African States (Group V(a)) – 10 reporting States	Arab States (Group V(b)) – 9 reporting States	All reporting States
Free pre-primary education						
70%	80%	70%	75%	70%	44%	70%
Compulsory pre-primary education						
50%	60%	70%	25%	50%	0	46%
Both free and compulsory						
45%	55%	60%	25%	40%	0	41%

\* The percentages are based on the 81 States reporting to the tenth consultation. For each region, the percentages are based on the number of reports submitted per regional group.

Several States reported on additional measures regarding pre-primary education. For example, the Government of **Botswana** has made a commitment to introduce early childhood development programmes in public schools. This is being introduced on a gradual basis and is not yet available in all the schools. To date, pre-school education has been rolled out to 613 out of 755 public primary schools. **Egypt** reported that one of the goals of the Strategic Plan for Pre-University Education (2014-2030) is the quantitative and qualitative expansion at kindergarten level (four to five-year age group), particularly in deprived areas (the kindergarten development programme).

Regarding the curriculum, in **Egypt**, a national project, "Education 2.0" is being rolled out at kindergarten level and for the first two years at primary school level, which aims at building a new curriculum and will include new concepts such as the environment, tourism and concepts of history and identity. In 2018, **Denmark** implemented a new strengthened pedagogical curriculum which, among other things, focuses on how ECCE can contribute to the realization of children's full potential, no matter their gender, culture or ethnicity, by providing teaching staff with a number of examples of how to promote equality between the sexes as early as ECCE. **Belarus** also updated the preschool education curriculum, through Resolution of the Ministry of Education of the Republic of Belarus of August 15, 2019 No. 138 on approval of the preschool education curriculum.

## 2. Primary and secondary education



Primary education has benefitted the most from government efforts aimed at ensuring the right to education, as the 1960 Convention and Recommendation make it a requirement for countries to ensure compulsory and free primary education, while secondary education, in its different forms, must be generally available and accessible to all (Article 4(a)/Paragraph IV(a)). The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted a few years later in 1966, goes a step further in establishing that “secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education” (Article 13(2)(b)). With the adoption of the Education 2030 Agenda, the international community made an even stronger commitment to the promotion of both these levels of education, aiming to achieve, by 2030, “the provision of 12 years of free, publicly-funded, inclusive, equitable, quality primary and secondary education – of which at least nine years are compulsory” (SDG4 Target 4.1).

### • Primary education

Free and compulsory primary education is a fundamental pillar of the right to education and as such, of the States that reported on primary education, **all but one** guarantee free and compulsory primary education. Only **Botswana** reported that although compulsory basic education is implied in the Children’s Act for 2009, enforcement provisions are still not enacted. The Children’s Act is a positive development considering that the current Education Act does not have any provision for compulsory education. However, there is still a need to develop guidelines for the introduction and enforcement of compulsory basic education as initiated by the Children’s Act.

**Table 4: Percentage of States reporting free and/or compulsory primary education\***

Western European and North American States (Group I) – 20 reporting States	Eastern European States (Group II) – 20 reporting States	Latin American and Caribbean States (Group III) – 10 reporting States	Asian and Pacific States (Group IV) – 12 reporting States	African States (Group V(a)) – 10 reporting States	Arab States (Group V(b)) – 9 reporting States	All reporting States
Free primary education						
95%	100%	90%	100%	100%	89%	95%
Compulsory primary education						
95%	100%	90%	100%	90%	89%	94%
Both free and compulsory						
95%	100%	90%	100%	90%	89%	94%

\* The percentages are based on the 81 States reporting to the tenth consultation. For each region, the percentages are based on the number of reports submitted per regional group.

Free primary education was reported in **95% of Member States**, as in **Australia** which reported that the bulk of in-school expenses are borne by the government of the state or territory, with supplementary funding from the Australian Government. However, some States, including Australia, reported on indirect costs. **San Marino** reported that primary education is free although canteen costs at primary school are charged to parents. Similarly, in **Austria**, school materials such as exercise books, pencils, etc. must be paid for individually, as well as transport costs in the case of excursions, and in **Nigeria**, there are charges for items such as uniforms and travel. **Rwanda** also reported that primary education is free and that only those parents who are able may contribute on a voluntarily basis. Parents do, however, contribute to the provision of school meals, uniforms and transport depending on their income.

Though the majority of countries guarantee free primary education in public schools only, private schools also sometimes receive public funding. In **Argentina**, for example, the State provides a system of state subsidies to a group of private institutions to cover a percentage of the cost of teaching staff. Within this group, there are free private institutions funded entirely by state subsidies that develop activities in places where the state does not offer education.

Besides eliminating direct costs such as enrolment and tuition fees, covering indirect costs such as transport, uniforms and meals also helps increase equality of access and children's enrolment, and States are therefore encouraged to adopt these measures. **Seychelles** and **Armenia**, among others, reported bearing transport costs. For instance, **Seychelles** provides transport at a subsidized cost for students who live within three kilometres of school. In **Armenia**, transport costs for students from rural regional settlements as well as textbooks are covered by the state budget. **Hungary** reported that the Government was increasing its provision of free textbooks, and from 2020, textbooks have been available free of charge for all students in primary and secondary schools. One important aim of providing free textbooks is to support school enrolment and take over some of the costs of schooling from families. Free meals or meals at a reduced price are also offered to socially disadvantaged children. In **Cuba**, school uniforms are sold at moderate affordable prices and subsidized by the state and **Brazil** operates a National School Meals Programme (*Programa Nacional de Alimentação Escolar - PNAE*), as well as the National School Transport Programme (*Programa Nacional de Transporte Escolar - PNATE*).

As stated above, all countries with one exception reported having mandatory primary education. Some States enshrine mandatory primary education at constitutional level, as for instance **Lithuania** which provides in Article 41 of its Constitution for four years of mandatory primary education starting at the age of seven. In **Azerbaijan**, primary education also lasts four years starting from the age of six. However, an educational institution may admit exceptionally talented children at an earlier age at the request of their parents or legal guardians. Provisions for mandatory primary education are also found in national legislation and regulations, as in the case of the Education Code of **Belarus**, Article 155 of which provides for nine years of compulsory general basic education starting at six years of age.

A few States also reported imposing an obligation on parents to make sure children attend primary school. For instance, in **Japan**, the Basic Act on Education stipulates that nationals shall be obliged to ensure that children under their protection receive a nine-year general education from the ages of six to fifteen, which covers secondary education as well. In **Armenia**, according to law, the parent is responsible for failure to ensure the child's right to a general education (or failure to enroll in school).

Finally, it is also interesting to report that, with a view to maintaining a consistent level and quality of education for students, the Government of **Mongolia** has taken all possible legal measures to reform the curriculum, with the aim of improving teachers' pedagogical skills and furthering social responsibility.

- **Secondary education**

The tenth consultation demonstrates positive results on guaranteeing free and compulsory secondary education. **72 Member States** reported offering secondary education free of charge, while **58** make it compulsory.

**Table 5:** Percentage of States reporting free and/or compulsory secondary education\*

Western European and North American States (Group I) – 20 reporting States	Eastern European States (Group II) – 20 reporting States	Latin American and Caribbean States (Group III) – 10 reporting States	Asian and Pacific States (Group IV) – 12 reporting States	African States (Group V(a)) – 10 reporting States	Arab States (Group V(b)) – 9 reporting States	All reporting States
Free secondary education						
90%	100%	90%	100%	70%	67%	89%
Compulsory secondary education						
80%	60%	80%	83%	80%	44%	72%
Both free and compulsory						
80%	60%	80%	83%	60%	33%	68%

\* The percentages are based on the 81 States reporting to the tenth consultation. For each region, the percentages are based on the number of reports submitted per regional group. Please note that depending on the State, compulsory secondary education may apply only to lower secondary education.

Regarding free education, in **Estonia** secondary education is free under the Basic Schools and Upper Secondary Schools Act as well as the Constitution of the Republic of Estonia. In **Mauritius**, secondary education became free in 1977 following a government decision and covers the whole seven-year cycle (lower, middle and upper secondary education). Ensuring free education, as with primary schooling, does not simply mean eliminating enrolment and tuition fees. **Brazil** and **Turkey** are among countries reporting national programmes for systemic distribution of free textbooks. In the former the distribution, which started in 2017, covered not only textbooks but also books with didactic, pedagogic and literary content to support educational practice. Turkey distributed 172 million copies in more than 123,000 schools benefiting 32 million learners in 2020 alone. **Ireland** has schemes to assist students who are dependent on social welfare payments or from disadvantaged backgrounds with financial costs. These include but are not limited to the following: the Back to School Clothing and Footwear Allowance; funding under the Free Education Scheme to help with the cost of supplies; Textbook Rental Schemes; Remote Areas Boarding Grants and Assistive Technology grant for students with disabilities. Interestingly, in the **Netherlands** a new law has recently been passed, whereby schools are no longer allowed – including during the extracurricular part of the educational programme – to exclude from extra activities children whose parents have not paid the voluntary parental contribution.

Secondary education is often divided into lower and higher secondary levels. While countries reported providing free secondary education in public schools, mandatory education is not always applicable to the higher secondary levels. Among the countries reporting having free public education, which includes secondary education, **Guatemala**, **Morocco** and **South Africa** are some of those making only the first

years of secondary education compulsory. Secondary education in **Morocco** is composed of two cycles: lower secondary education (*Collège*) which is compulsory and lasts three years after primary school; and higher secondary education (*Lycée*) which is not compulsory and lasts three years after the *collège*. In **South Africa**, only two years of secondary education are compulsory, until Grade 9, after which a child may opt out of school to pursue alternative educational programmes such as vocational education. It is worth noting that in the **Republic of Korea**, higher secondary education is yet to be made compulsory. Now the country has overcome the difficulties of securing financial resources, free high school education is to be gradually expanded from 2019 to 2021, paving the way for compulsory education at high school level.

Only in one country, **Equatorial Guinea**, is secondary education compulsory but not completely free as there is a reportedly modest cost (7,500 XAF = 12.5 EUR). While in **Barbados**, **Burkina Faso** and **Japan**, education is both free and compulsory but only includes the lower cycles up to 15 or 16 years of age. In **Japan**, Article 5.4 of the Basic Act on Education stipulates that no tuition fee shall be charged for compulsory education, which includes junior high school from 12 to 15 years of age, in schools established by the national and local governments. However, for the upper secondary education stage, Japan has measures in place for high school students to receive tuition grants, for example from the High School Tuition Support Fund of Japan. In **Barbados**, the Education Act and education regulations of 1982 make secondary education free and compulsory up to the age of 15.

- **Technical and Vocational Education and Training (TVET) as part of secondary education**

The Recommendation on Technical and Vocational Education and Training (TVET Recommendation)<sup>37</sup>, adopted in 2015 at the 38th session of the General Conference of UNESCO, reflects new educational, social, economic, cultural, and political trends in TVET. As this instrument is monitored through its own consultation process<sup>38</sup>, the focus given to TVET in this tenth consultation on the 1960 instruments was reduced. Furthermore, it should be noted that the 1989 Convention on Technical and Vocational Education<sup>39</sup> is monitored by reference to the provisions of the TVET Recommendation.

The TVET Recommendation provides an integrated approach to education and training that ensures the promotion of a broad spectrum of knowledge, skills, and competencies for work and life. It effectively supports the implementation of the Education 2030 Framework for Action which in SDG4 Target 4.3 requires States to “ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university”; Target 4.4 requires States to “substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship”.

While TVET takes place at secondary, post-secondary and tertiary levels, this section focuses on secondary education. Fifteen **countries** have reported information on TVET at the secondary level. **Algeria**, for instance, has a three-year cycle of secondary technological education after which students can access further studies or higher training. In **Cyprus**, while lower secondary education comprises a course of general education, upper secondary education is offered in two different types of programmes: the upper secondary general education programmes and the upper secondary technical and vocational education programmes. The latter programmes include formal technical and vocational education offered in two streams – theoretical and practical.

<sup>37</sup> Available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=49355&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=49355&URL_DO=DO_TOPIC&URL_SECTION=201.html) (Accessed 15 April 2021.)

<sup>38</sup> The first consultation of Member States was conducted in 2019. For the report on the results of this consultation, see: <https://unesdoc.unesco.org/ark:/48223/pf0000373810> (Accessed 15 April 2021.)

<sup>39</sup> Available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=13059&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13059&URL_DO=DO_TOPIC&URL_SECTION=201.html) (Accessed 15 April 2021.)

The **Democratic People's Republic of Korea** devotes special attention to TVET at national level. Decree No. 2315 of 2018 stipulates that the State shall create all necessary conditions for all its citizens to have access to vocational and technical education according to their hopes and aptitudes and shall pay special attention to women and people with disabilities. Moreover, it has ensured that technical senior middle schools formulate and implement a new education programme so that their students can have different forms of practical education suited to the economic and geographical features of their own region. Among the several measures reported by **Armenia**, for the purpose of sparking interest in secondary vocational education and increasing the enrolment of learners at this level, admission has been granted without admission examinations, except for professions pertaining to the fields of art, healthcare and sports. In addition, in recent years, the numbers of places in free-of-charge institutions has increased by 50%, enabling higher rates of enrolment in vocational education. In **Turkey**, all stages and types of compulsory education, including vocational and technical education, are free of charge. In **Finland**, a new Vocational Education and Training Act (531/2017) entered into force on 1 January 2018. The objective is to enable education to be sought and accessed flexibly through different paths and to secure a study place for everyone who has completed their basic education, including applicants requiring special support. All students in vocational education and training have a personal competence development plan (HOS), which also includes guidance and support services for every student.

With regard to teachers, **Albania** reported that its Ministry of Education, Sports and Youth, among its other competencies, organizes continuing professional training for teachers of general culture engaged in vocational education and training, and determines the general criteria for the qualifications of teachers of general education subjects in vocational education and training.

Another interesting example comes from **Germany**. Youths who do not attend a full-time general education school or vocational school at upper secondary level once they have completed their period of compulsory general schooling are obliged to attend a part-time vocational school (*Berufsschulpflicht*) which usually lasts three years, corresponding to the duration of a course in a recognized occupation requiring formal training. In addition, the amended Vocational Training Act (*Berufsbildungsgesetz*), which came into force on 1 January 2020, introduced a minimum remuneration for apprentices.

#### • Combatting school dropout

To ensure the fulfilment of the right to education, the 1960 Convention and Recommendation require States to "assure compliance by all with the obligation to attend school prescribed by law" (Article 4(a)/Paragraph IV(a)). In this regard, it is important to refer to the CRC<sup>40</sup> and CEDAW<sup>41</sup>, which make the state responsible for taking measures regarding school attendance and the reduction of dropout rates.

To minimize dropout rates of students living in unfavourable conditions, **Turkey** provides free accommodation and boarding facilities to students in need. Transport services are also provided for students living in remote areas to ease their access to primary and secondary education. Similarly, **Belarus** provides for free transport from the place of residence to the place of study to reduce the risk of dropout. In the absence of road transport to general secondary education institutions located in rural areas, local executive and administrative bodies organize the transport of students to the place of study and back. **Andorra** adopted a specific decree on truancy in 2019 with preventive actions to be implemented to promote the attendance of students during compulsory education (from 6 to 16 years of age), as well as intervention mechanisms in case of absenteeism. It also provides for the collection and

<sup>40</sup> Article 28(1) of the 1989 Convention on the Rights of the Child: "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular ... (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates".

<sup>41</sup> Article 10 of the 1979 Convention on the Elimination of All Forms of Discrimination against Women: "States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women ... (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely".

processing of data at national level. Another interesting example is provided by **Spain**. Since 2018, the Guidance and Reinforcement Programme for Advancement and Support in Education (Proa Program) has been developed, whose main focus is the reduction and prevention of school failure and early school dropout, through support for educational centres in vulnerable socio-economic environments. Specific interventions are aimed at population groups that are often in a situation of social or personal difficulty (such as immigrant students, gypsy ethnic groups or those with special educational needs), which include the involvement of the educational community in the educational process, as well as the strengthening of teacher training to enable them to respond to the diversity of educational needs.



**In Guinea, the 'Nafa' centers (or second chance school) are built and opened for out-of-school children from 9 to 14 years old for an accelerated training of 3 years. The children meet their classmates in secondary school to ensure their socio-economic reintegration.**

An interesting example was provided by **Guinea**. The "Nafa" centres (or second chance schools) in Guinea have been built and opened to give three years of accelerated training to out-of-school children (those who have never enrolled and those who have dropped out of school) aged between nine and 14 years. The children meet their classmates in secondary school to ensure their socio-economic reintegration. Post-primary schools enroll children who dropped out of school after elementary school and who have no qualifications, providing technical and vocational training for their reintegration into economic and social life. Similarly, **Jordan** reported on the Culture Promotion Programme for dropouts. The programme targets children who drop out of the educational system who are in the

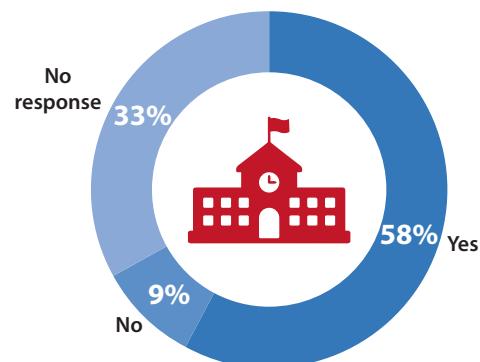
13-18 age group for males and 13-20 for females, regardless of nationality, allowing them to develop reading, writing, numeracy and life skills in addition to offering many extracurricular activities. The student gets a graduation document equivalent to the tenth grade, which qualifies the graduate to enter a vocational training institution in the skilled worker programme.

#### • Minimum working age

The minimum working age that countries adopt has significant consequences for education. In fact, minimum working age laws and those related to compulsory education are interdependent and mutually reinforce each other. In accordance with the 1973 Minimum Age Convention<sup>42</sup> of the International Labour Organization (ILO), the minimum age of employment must not be below that of compulsory education, as the child is at risk of dropping out of school to work and therefore not completing compulsory education. On the other hand, if compulsory education ends before the minimum age for employment, once the child has completed compulsory education, the door is open to child exploitation and the violation of labour laws. It is therefore crucial to have alignment between the end age for compulsory education and the minimum age for employment.

The majority of States (47 countries) reported aligning the minimum working age with the end of compulsory education, such as Brunei Darussalam, Saudi **Arabia** and **Turkmenistan**. For example, **Brunei Darussalam** reported that the 2009 Employment Order is aligned to the 2007 Compulsory Education Act. According to Article 23 of the Labour Code in **Turkmenistan**, the age for employment is 18 years, which coincides with the age of completion of compulsory general secondary education.

<sup>42</sup> Article 2(3): "The minimum age ... shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years."



**Figure 16:** Member States which reported on whether the minimum age of entry into employment is aligned with the end of compulsory education

Some countries reported allowing light work or work schedules compatible with school commitments. In **Belgium (Flemish community)**, for instance, since the last extension of compulsory education from age 16 to 18 (in 1983), it is not allowed for minors to work full-time. They can only take student jobs or holiday jobs with a maximum of 50 working days a year. Similarly, in **Ireland**, the 1996 Protection of Young Persons Employment Act provides that children above 14 can work only during the summer holidays and must have at least 21 days off during this time before school starts again. These types of regulations allow children to work without limiting or undermining their right to education.

Interestingly in **Australia**, the law regulates the employment possibilities of young people even after the end of compulsory education. The minimum age for admission to employment is the time at which a child ceases to be of compulsory school age. However, after compulsory education, state and territory legislation requires children to participate in full-time schooling, approved training or employment, or a combination of these activities until the age of 17.

### 3. Tertiary education



Building on secondary education, tertiary education allows for further learning in specialized fields of education and includes both academic, higher education and advanced vocational or professional education,<sup>43</sup> which will be covered in this section.

#### Higher education

Higher education is a well-established right under Article 4(a)/Paragraph IV(a) of the 1960 Convention and Recommendation as well as Article 13(2)(c) of the ICESCR which adds that, beyond ensuring that it is equally accessible to all on the basis of individual capacity, States must progressively introduce free education. Yet there is a perception that higher education is not granted the same importance as the lower levels of education. To renew the commitment to this level of education, the Education 2030 Agenda aims to ensure “equal access for all women and men to affordable and quality ... tertiary education, including university” by 2030 (SDG4 Target 4.3).

More recently, the 2019 UNESCO Global Convention on the Recognition of Qualifications concerning Higher Education (the Global Recognition Convention)<sup>44</sup> was adopted to complement the five UNESCO regional conventions on the recognition of higher education qualifications and create a framework for fair, transparent and non-discriminatory recognition of higher education qualifications. To implement this Convention, UNESCO established a UNESCO Qualifications Passport (UQP)<sup>45</sup> so that refugees and migrants could have access to education through the recognition of prior learning and qualifications. In this context, UNESCO will be hosting the next World Higher Education Conference which aims at reshaping ideas and practices in higher education to ensure sustainable development for the planet and humanity<sup>46</sup>.

<sup>43</sup> UNESCO UIS. 2012. *International Standard Classification of Education ISCED 2011*, available at: <http://uis.unesco.org/sites/default/files/documents/international-standard-classification-of-education-isced-2011-en.pdf>

<sup>44</sup> Available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=49557&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=49557&URL_DO=DO_TOPIC&URL_SECTION=201.html) (Accessed 15 April 2021.)

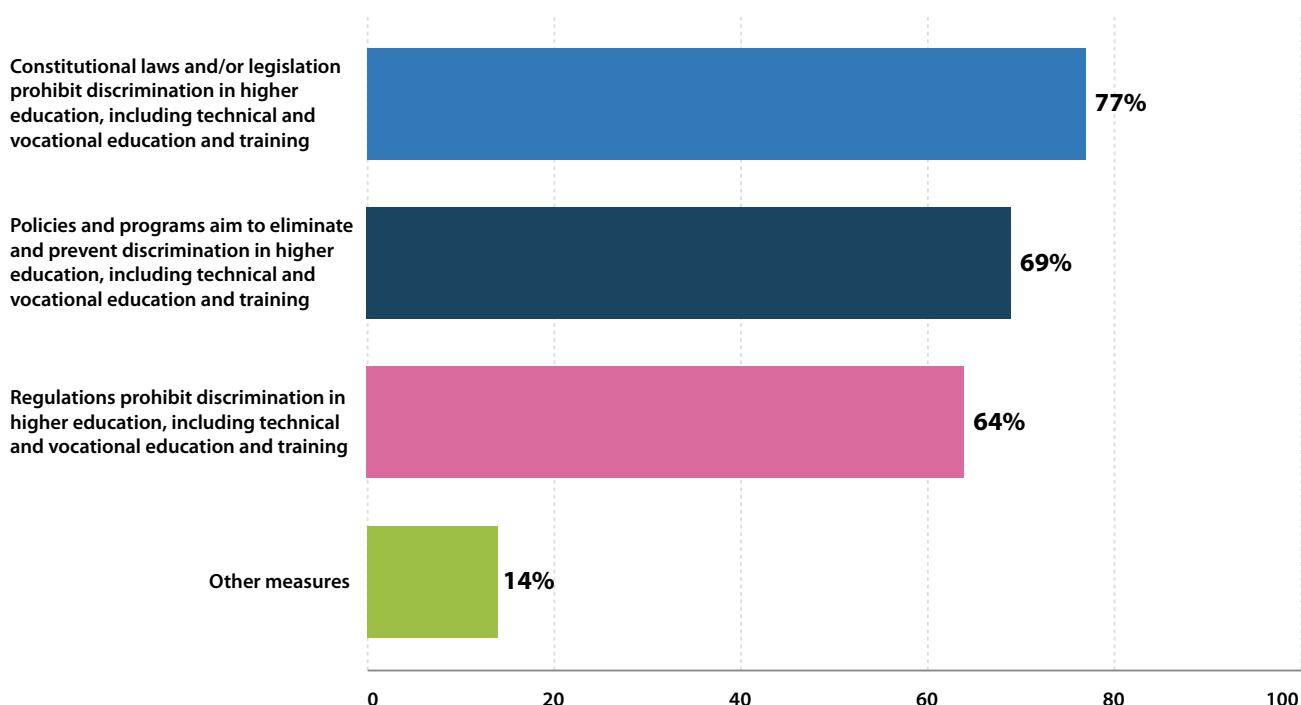
<sup>45</sup> For more information see: <https://en.unesco.org/themes/education-emergencies/qualifications-passport> (Accessed 15 April 2021.)

<sup>46</sup> For more information see: <https://en.unesco.org/news/world-higher-education-conference-2021> (Accessed 15 April 2021.)

States reported on measures ensuring non-discrimination, access, provision of free education, positive or affirmative measures and financial incentives. Regarding the latter, reference should be made to SDG4 Target 4.b which calls on States to “substantially expand globally the number of scholarships available ... for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes”.

- **Measures to guarantee non-discrimination**

**Figure 17:** Measures adopted to ensure that there is no discrimination on entering and completing higher education, including technical and vocational education and training



A large majority of States (77%) reported adopting measures to ensure that there is no discrimination on entering and completing higher education. This provision can be enshrined in legal frameworks as a global prohibition on discrimination, such as reported by **Switzerland**, which guarantees in its Federal Constitution that no person may be discriminated against (Article 8) and that the Swiss Confederation shall ensure the greatest possible equality of opportunity among its citizens (Article 2(3)). **Andorra**, among others, has a specific law on higher education, according to which students have the right to enjoy equal opportunities and not to be discriminated against in any way (Article 21(2)(a) of Law 14/2018 on higher education). Similarly, **Slovakia**’s higher education law ensures that all students and applicants are protected by the principle of equal treatment. Foreign students can also benefit from this legal protection. **Ukraine**’s higher education law guarantees the right to higher education not only to its citizens, but to foreigners, stateless persons and refugees.

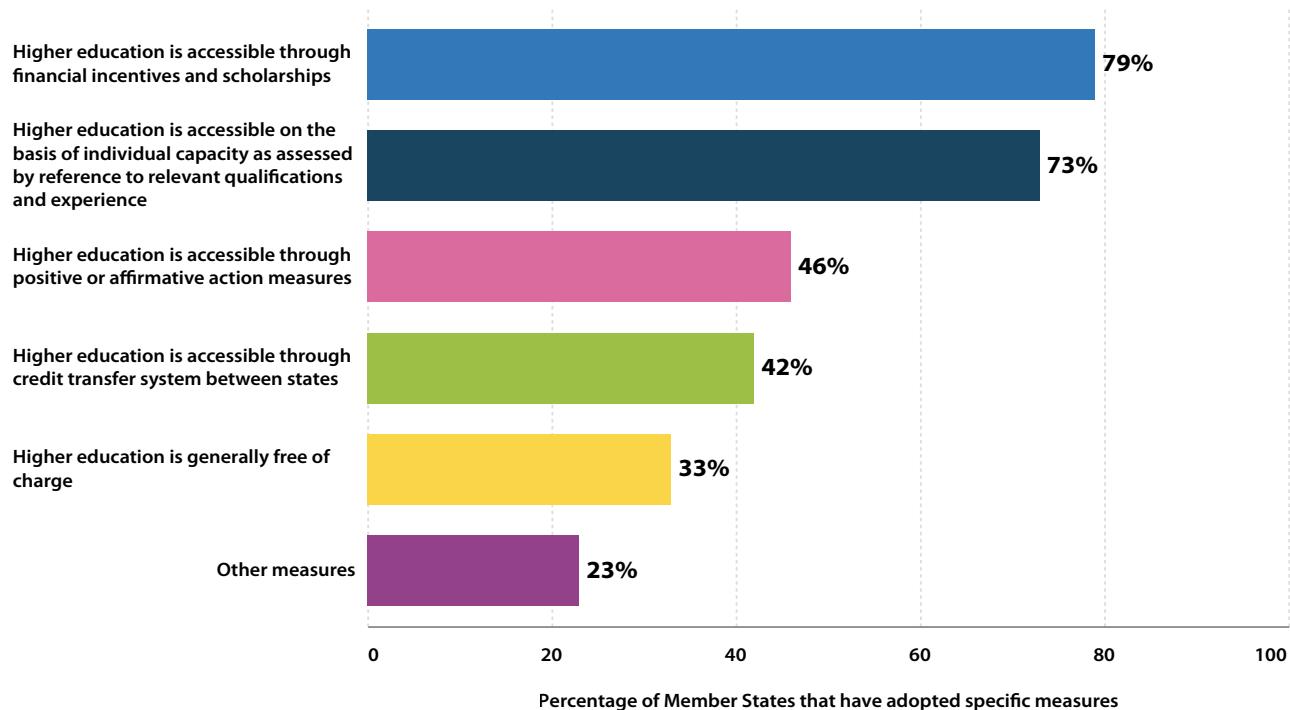
Interestingly, **Austria** reported that according to the Universities Act, all university bodies must make efforts to achieve a balanced representation of men and women at work in all areas of university activities, and each university has to establish a working group on equal opportunities responsible for combating gender discrimination as well as discrimination on the basis of ethnicity, religion or conviction, age or sexual orientation. An arbitration board rules on complaints by the working group and can require the university governing bodies to make new decisions.

- **Higher education accessibility**

Access to post-secondary education is mainly granted on the basis of individual capacities, in conformity with Article 4(a)/Paragraph IV(a) of the 1960 Convention and Recommendation. **Lithuania** has enshrined this obligation directly in its Constitution, which states that "higher education is accessible to everyone according to individual abilities". To decide whether access to post-secondary education is granted to students, States often refer to the completion of secondary education. As **Egypt** reported, the sole criterion for assessing students is the overall grade of each on the secondary school certificate. Depending on the discipline, some education departments can also require aptitude tests or interviews. Similarly, in **Albania**, Law No. 80/2015 stipulates that: "The right to pursue higher education belongs to all those individuals who have successfully completed secondary education and who meet the admission criteria, set by the applicable legal framework and higher education institutions" (Article 4(1)).

Establishing a credit transfer system allows for credits gained in one institution or system to be recognized in another institution or system. This is particularly important given the increase in academic mobility, and in light of the recently adopted UNESCO Global Recognition Convention and UQP. In this regard, **Serbia** reported that European Credits Transfer System (ECTS) credits can be transferred between different study programmes, in accordance with the criteria and conditions of ECTS credits transfer and appropriate knowledge tests prescribed by the general rules of the higher education institution. **New Zealand** reported that the Qualifications Recognition Services team assesses overseas tertiary and vocational upper-secondary qualifications to determine if they can be recognized in New Zealand and compared to a level and qualification type in the New Zealand Qualifications Framework (NZQF). Furthermore, the New Zealand Qualifications Authority also has a system for recognition of learning for credit between New Zealand-based education providers. Another example is provided by **Estonia**, which reported that the evaluation of foreign higher education qualifications and qualifications giving access to higher education is conducted by the Estonian National Academic Recognition Information Centre (Estonian ENIC/NARIC).

Access to higher education is being enhanced through positive action measures, as reported by **46% of Member States**. This is the case in **Brazil**, which reported that there are affirmative actions that provide access to low and middle-income students to higher education. **Serbia**'s Law on Higher Education obliges the Government to determine an additional number of students whose studies are to be financed from the budget for the implementation of affirmative action measures. The budget favours the enrolment of persons with disabilities and members of the Roma national minority.

**Figure 18: Government efforts to ensure that higher education is equally accessible to all**

In addition, other actions have been reported to ensure access to all. With the establishment of specific programmes, **New Zealand** is promoting equity among its universities. Through the Learner Success framework (developed by the Tertiary Education Commission (TEC)), New Zealand aims to promote parity across New Zealand's tertiary education system, with a particular focus on Māori and Pacific learners.

With regard to delivery, some States such as **Armenia**, **Belarus** and the **Democratic People's Republic of Korea** reported on online learning. The **Democratic People's Republic of Korea** reported that the Law of on Distance Education adopted by the Presidium of the Supreme People's Assembly on 12 April 2020 includes a provision requiring a well-regulated distance education system to be established for all members of society to have access to higher education while working, with a view to helping all people become well-versed in science and technology. Steps are also being taken to make e-learning available throughout **Armenia**. At present, courses are organized in Armenia by educational institutions using different means of telecommunication and on different educational platforms, with the making and broadcast of TV programmes, lectures, lesson preparation and other teaching processes using computer and mobile applications. In **Belarus**, starting in 2018, eight of the republic's institutions of higher education began to implement the "Digital University" project. The project is aimed at implementing three main interconnected components in universities: infrastructure and tools for access to information resources; information and communication technologies in the educational process, including distance education; and digitization of university management processes (business processes).

- **Cost of higher education**

**27 Member States out of the 81 (33%)** that submitted a report declared that their national higher education system is available free of charge (see Figure 17). In these countries, free education is guaranteed in public universities. As **Norway** reported, their state universities may not charge fees to students, either for regular courses leading to a degree or for professional training courses. **Morocco** also ensures that initial public higher education is free, guaranteeing any graduate from secondary education the right to access a higher education institution.

Moreover, other States go further in their support by reducing indirect student costs. **Germany** offers a wide range of student services within its universities, to help with the several expenses students will encounter. They provide reduced-price catering in the refectories, free counselling and inexpensive tickets for local public transport. Another indirect cost student face concerns accommodation. Indeed, housing is usually the main and most important expense for students after tuition. **North Macedonia** pays up to 50% of the price of accommodation, while other countries like **Germany** provide low-cost accommodation.

States reported supporting students to pursue post-secondary education through financial incentives in accordance with SDG4 Target 4.b. The variety of financial incentives reported by States shows the will to promote equal opportunity in accessing higher education. Among many others, **Estonia, Malta, North Macedonia and Rwanda** reported providing financial assistance to students by establishing scholarship grants and loan programmes. For example in **Estonia**, the Study Allowances and Study Loans Act "provides the bases, conditions and procedure for the grant of study allowances and study loans in order to ensure access to vocational education and higher education and motivate pupils completing vocational education ... and students acquiring higher education ... to study full time and successfully and to complete the curriculum in the nominal period". In **Malta**, students' maintenance grants are provided by the Government for students in higher education. Every year in **North Macedonia**, the Ministry of Education and Science grants different programme scholarships to Roma students, socially disadvantaged students and students with disabilities, among others.

### Technical and vocational education and training as part of tertiary education

As explained in the section on secondary education, the TVET Recommendation is monitored through its own consultation. For this reason, the attention given to that type of education in this tenth consultation was reduced. While further information on the international human rights framework can be found in the section on secondary education, it is important to note that TVET is also part of higher education and essential for reaching SDG4 Targets 4.3 and 4.4. In addition, some States chose to report on technical and vocational opportunities with respect to adult education and lifelong learning opportunities.

Specifically reporting with respect to tertiary education, two States evoked the challenges of transition from secondary vocational education institutions to tertiary education institutions. **Armenia** reported working on a process to facilitate the transition in order to allow for more flexible learning pathways. **Botswana**, in accordance with its "multiple pathways policy", also addressed this question by ensuring equal opportunities for access to higher education were available not only to academic students, but to technical and vocational students too. **Sweden** stated that in the 2021 Budget Bill, the Government is proposing a number of initiatives to expand the number of study places in regional vocational education for adults (regional yrkesvux), learning centres (*Lärcenter*) and Higher Vocational Education.

## 4. Adult education and learning



Adult education and learning opportunities beyond formal education have a crucial role in achieving lifelong learning, the underlying theme of the whole Education 2030 Agenda. Adult education and learning contribute to a healthier lifestyle, are beneficial for better livelihoods, active participation in society and economy, and increased social cohesion and inclusion. The 1960 Convention sets out the foundations, by establishing the obligation to encourage and intensify the education of persons who have not received any primary education or who have not completed the full primary education syllabus, and to enable them to continue their education in an appropriate way. The UNESCO Recommendation on Adult Learning and Education, adopted in 2015,<sup>47</sup> provides detailed guidance on how to ensure the provision of adult learning and education, specifying that it “includes many learning opportunities for equipping adults with literacy and basic skills; for continuing training and professional development, and for active citizenship, through what is variously known as community, popular or liberal education” (Paragraph 3). This instrument is further complemented by the TVET Recommendation, which elaborates that all adults should be equipped “with relevant knowledge, skills and competencies for work and life and producing better labour market and social outcomes” (Paragraph 10). In addition, the SDGs set a 2030 deadline to “ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy” (SDG4 Target 4.6), and to increase and diversify learning opportunities, “using a wide range of education and training modalities, so that all youth and adults, especially girls and women, can acquire relevant knowledge, skills and competencies for decent work and life” (SDG4 Target 4.4).

As recalled in the introduction to this part of the report, education begins at birth and continues through life; as such, education and learning are a continuum which requires a variety of learning pathways, modalities and flexible entry and transition routes in order to respond to diverse and evolving needs and interests. Often neglected, older persons too should be guaranteed equal opportunities for lifelong education and learning. Aside from the active population, older persons stand to benefit greatly from education and learning, particularly with regard to their health, wellbeing, livelihoods, social participation in both physical and cyber spaces and social cohesion.

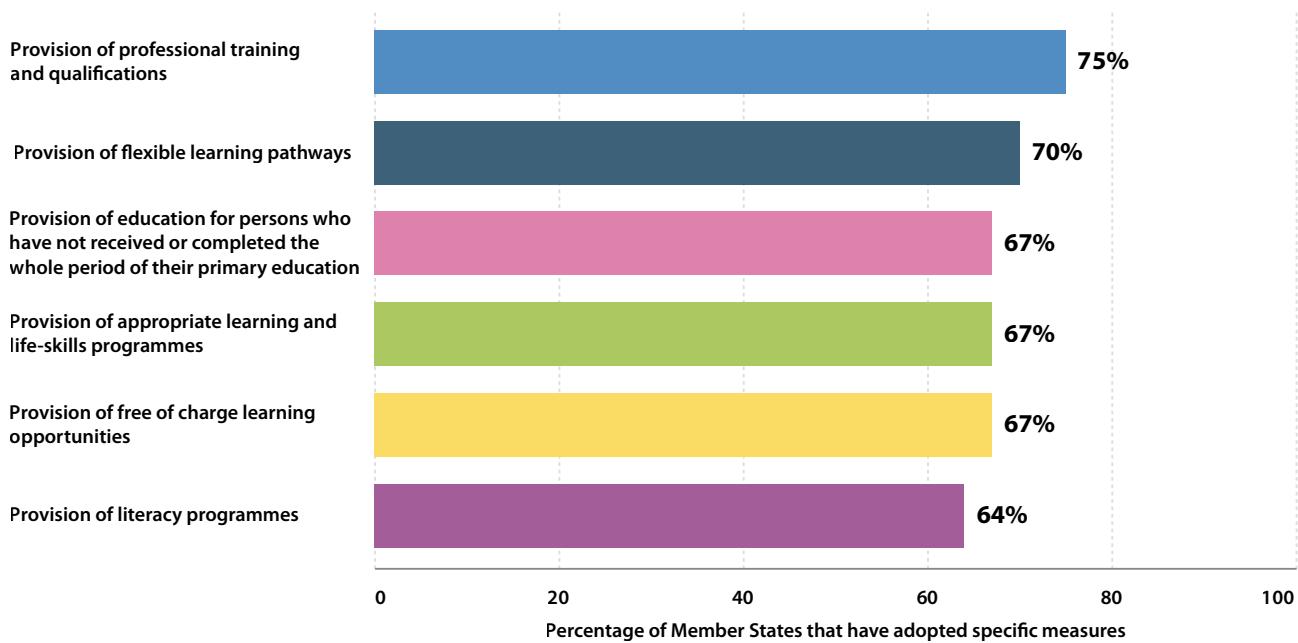
### • Second chance education

Ensuring education that is appropriate and respectful of adult learners, for those who have not had a chance to receive or complete their primary education, is essential to satisfy the basic learning needs of the individual. **Cyprus**, the **Republic of Korea** and **Romania** are among the many countries (67%) that reported on such education (see Figure 18). **Cyprus** reported that early school leavers can attend Evening Schools (General Evening Schools and General Evening Technical Schools). Their function is based on the principles and priorities of adult education and aims to provide basic and compensatory education, which will contribute to integration and reintegration of adult learners into social, cultural and economic life. In the **Republic of Korea**, under the Lifelong Education Act, lifelong educational

<sup>47</sup> The implementation by Member States of the Recommendation on Adult Learning and Education is monitored by the UNESCO Institute for Lifelong Learning (UIL) through the Global Report on Adult Learning and Education (GRALE). The upcoming 5th Global Report on Adult Learning and Education, GRALE 5, focuses thematically on citizenship education and will be finalized and launched at CONFINTEA VII in 2022. For the last report, see: UNESCO UIL. 2019. *4th Global Report on Adult Learning and Education*, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000372274/PDF/372274eng.pdf.multi> (Accessed 15 April 2021.)

institutions have been established in order for adults, working youth, school dropouts, etc. to have a second chance to obtain an education. When an adult learner (older than 18) completes a literacy education programme provided or recognized by regional education offices, after examination of the person's educational attainment, he or she can receive recognition as having achieved a primary or secondary level of education. Another interesting example is provided by **Romania**'s "Second Chance Programme", which has gained increased participation and is continually being improved to address the needs of its beneficiaries. As part of the project "Relevant Curriculum, open education for all" (2018-2021), the Second Chance Programme is tasked with updating operating methodologies, developing a new school curriculum (study plans and subject curricula) and developing appropriate educational resources and training teachers in specific areas.

**Figure 19: Percentage of Member States that have made efforts to establish a system of continuing education and equitable access to learning and training opportunities**



- **Literacy and numeracy programmes**

Literacy and numeracy are core competencies and programmes are instrumental in achieving not only SDG4 but also the entire Global Agenda for Sustainable Development. Among the measures reported by **Saudi Arabia**, the "Society without Illiteracy" programme offers a literacy programme lasting one academic year. It is implemented in places where there are illiterates in cities and remote villages, via both government and private sectors and charitable and reformist associations, Koran-memorization associations, care centres and prisons. Saudi Arabia also, interestingly, offers financial incentives and rewards for literacy and adult education students, and awareness-building literacy campaigns for Bedouin and nomads in remote areas. **Seychelles** reported that at the Seychelles Institute of Distance and Open Learning, all literacy classes are free of charge for learners. These courses offer literacy courses at Levels 1, 2 and 3 in English, French, Seychellois Creole and Numeracy. **Turkey** reported that materials for literacy courses such as textbooks had been moved onto digital media and mobile applications.

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In **Jordan**, the Adult Education and Literacy Program targets all males and females over the age of 15 years, regardless of their nationality

**54 States (67%)** reported providing learning opportunities free of charge. For example, in **Jordan**, the Adult Education and Literacy Programme targets all males and females over the age of 15 years, regardless of their nationality, providing them with reading, writing, numeracy, life skills, computer skills and English language training during a four-year period and in two stages (beginners and followers). The graduate acquires an official certificate equivalent to the sixth grade of basic education. This programme is free, and the applicant does not bear any financial costs.

Digital and computer skills which are part of literacy skills in today's digitalized society, are increasingly addressed. They have been reported in **Andorra**, **Bahrain** and **Ukraine**. For example, **Andorra** offers training courses related to information and communication technologies. In 2020, an online platform, "Action", was launched, which aims at increasing the digital literacy of citizens of **Ukraine**.

- . **Continuing learning and life skills programmes for life and work**

Beyond meeting basic learning needs, **67% of States** reported making efforts to ensure the provision of learning and life skills programmes. Some, such as **Estonia**, **Georgia** and the **Republic of Korea**, have introduced legal provisions regarding lifelong learning. In **Estonia**, according to the Republic of Estonia Education Act, the objectives of education are, among others, to create opportunities for everyone to engage in lifelong learning. Similarly, according to **Georgia's** Law on General Education, "through increased vouchers and additional funding the Ministry of Education and Science of Georgia shall ensure: a) Openness of and equal access to lifelong general education for everyone in public schools" (Article 7(3)). The **Republic of Korea** has a law dedicated to lifelong learning, the Lifelong Education Act. Article 4 specifies that all citizens shall be guaranteed equal opportunities for lifelong education. Interestingly, Article 5 requires the state and local governments to provide all people with opportunities to participate in lifelong education; in particular, state and local governments must formulate and implement lifelong education policies for people with disabilities so that they can be given opportunities for lifelong education.

Several States report on diverse policy measures. In **Ireland**, for instance, as part of the Further Education and Training Strategy (FET) 2020-2024, further education and training is delivered in a wide range of physical settings and includes both labour market-focused programmes and programmes with a strong social inclusion dimension. It offers high quality, accessible and flexible education and training programmes and support suited to the identified needs of individuals, with the aim of enabling every citizen to participate fully in society. FET also provides flexible online and blended learning opportunities. The **Norwegian** Government has established eight sectoral programmes for lifelong learning, in which the social partners – the Government, the Employers' Federation and employee organizations – cooperate to enhance participation in lifelong learning to strengthen different competencies in the chosen sectors by combining their efforts to find what skills the sectors need and want to strengthen. On non-formal learning, employees without formal education relevant to their work have been able since 2018 to obtain a trade certificate while in paid employment (*Fagbrev på jobb*). The Strategic Platform for the Development of Adult Education in the Context of Lifelong Learning in **Bosnia and Herzegovina** for the period 2014-2020 sets out the legal framework and basis for action and cooperation by competent bodies, institutions, organizations and individuals at all levels of government. It establishes the basis for a systematic cross-sectoral approach to strategic planning of adult education development, and initiates necessary reform processes to contribute to greater competitiveness in the knowledge and labour market, increased mobility and professional flexibility of the individual, and socio-economic revitalization.

With regard to skills development, in **Austria** there are educational guidance networks (*Bildungsberatung Österreich*) in every province, where interested persons can obtain information about learning and upskilling/reskilling opportunities as well as information about public funding for learners. As part of the **Finnish** government programme, the Ministry of Education and Culture is currently preparing a parliamentary reform on continuous learning, which aims to better respond to people's lifelong need for upskilling and reskilling. This comprehensive reform will apply to each point on the educational pathway at which the educational system interfaces with the provision and funding of education, social security, relocation protection, unemployment protection, independent and labour market training, and recognition of prior learning. **Malta** has a "Training Pays Scheme", which aims to increase the number of adults participating in lifelong learning. Persons will be refunded 75% of the training costs (excluding VAT) incurred (up to a maximum of €1,000), when attending a training programme to improve their level of competence or acquire new skills.

The recognition of prior learning, which is an assessment process to determine the level of required learning or competency on the basis of the individual's non-formal and informal learning, is key to the ensure continuing learning and employment opportunities. According to the law in **Czechia**, individuals can have their acquired competencies recognized by means of professional qualification examinations that are described in the National System of Qualifications. Recognition may be granted irrespective of the way in which these competencies have been acquired or of prior education. Following a successful professional qualification examination, an individual receives a professional qualification certificate, which has lifelong validity. Obtaining the certificate increases the individual's chances of finding a job in the labour market. Furthermore, the National System of Qualifications makes it possible to sit a final or school-leaving examination without the need for prior education in a school institution if a person has obtained a full professional qualification in a given field.

Additionally, some countries reported offering free courses. In **Andorra**, training for adult education is grouped around the Centre for Lifelong Learning (CFLV). The training includes, among others, communication disciplines, science, health and art, continuing vocational training and validation of work experience. It is free of charge for students, adapted to different levels and offers timetables suitable for adults who need to organize further training around their working life. A further example is provided by **Turkey**. Lifelong learning centres organize free courses in professional, social, economic, sport and cultural areas, for citizens of all ages educational level, income, social status and cultural level in line with their interests, talents and expectations.

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In **Czechia**, the National System of Qualifications makes it possible to sit a final or school-leaving examination without the need for prior education in a school institution if a person has obtained a full professional qualification in a given field.

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## V. Quality education provision and the learning environment

The 1960 Convention and Recommendation are the first two international human rights instruments to refer to “quality education”, defining education as encompassing “the standard and quality of education”<sup>48</sup>. But “[q]uality education is a dynamic concept that changes and evolves with time and changes in the social, economic, and environmental contexts of place”<sup>49</sup>. There is no single definition of “quality” as, for different people, this notion can encompass different aspects. However, the conventional understanding of quality education is necessarily associated with components including teachers, educational content and methodologies and learning outcomes as well as the learning environment. International human rights law further lays down the “aims of education”, which give a common objective for countries to follow in order to provide quality education. According to Article 29(1) of the CRC, education should ensure the development of “personality, talents and mental and physical abilities to their fullest potential”. Additionally, education must develop “respect for human rights and fundamental freedoms”, full citizenship, responsible autonomy in the spirit of “understanding, peace, tolerance, equality of sexes, and friendship among all peoples” and respect for the natural environment.

In addition, the international community placed quality at the heart of SDG4, which aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”. Indeed, this goal is referred to as the goal on “quality education”. Through the SDG4 targets and the Education 2030 Framework for Action, quality education should be ensured at all levels of education. Specifically, States are required to ensure that primary and secondary education leads to relevant learning outcomes (Target 4.1); provide quality holistic early childhood development, care and education yielding the greatest benefits for young children (Target 4.2); ensure through quality technical, vocational and tertiary education, including university, work-specific skills, high-level cognitive and non-cognitive/transferable skills and the establishment of quality assurance mechanisms (Targets 4.3 and 4.4); ensure that literacy and numeracy programmes are of high quality (Target 4.6) and ensure “education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development” (Target 4.7). Two means of implementing the targets are also set out. Target 4.a calls on States to “build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all” and Target 4.c requires States to “substantially increase the supply of qualified teachers …”. Finally, the implementing modalities set forth in the Education 2030 Agenda also acknowledge the importance of governance, accountability and monitoring mechanisms as well as education financing.

Within the current COVID-19 context, not only has the continuity of learning been affected but so has the quality of the education. According to a recently published UNESCO Institute for Statistics (UIS) report<sup>50</sup>, the pandemic pushed millions of children below the proficiency threshold. Most States were unequipped to face the overnight transition from providing education predominantly in physical buildings to using distance learning solutions. There was a need to adjust content, teaching and assessments and also to help teachers to engage with students in new ways. The pandemic has forced countries to rethink the notion of quality education and what it entails. This includes ensuring connectivity, digital literacy, technological resources, training teachers on how to use and deploy these new teaching resources as well as ensuring the learner’s online protection.

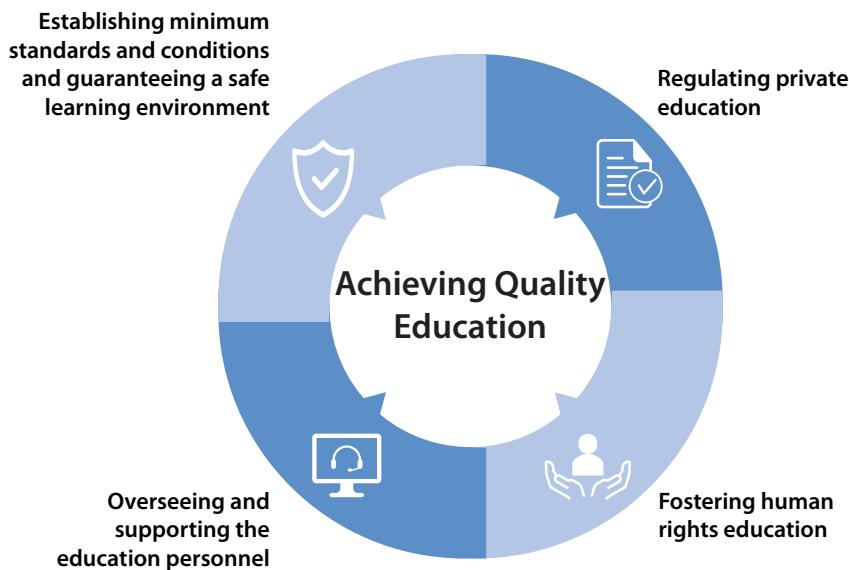
48 Article 1(2)/Paragraph I(2)

49 UNESCO. 2005. *Contributing to a More Sustainable Future: Quality Education, Life Skills and Education for Sustainable Development*, available at: [unesdoc.unesco.org/images/0014/001410/141019e.pdf](http://unesdoc.unesco.org/images/0014/001410/141019e.pdf) (Accessed 15 April 2021.)

50 UNESCO Institute for Statistics (UIS). 2021. *Pandemic-related disruptions to schooling and impacts on learning proficiency indicators: A focus on the early grades*, available at: [http://uis.unesco.org/sites/default/files/documents/covid-19\\_interruptions\\_to\\_learning\\_-final.pdf](http://uis.unesco.org/sites/default/files/documents/covid-19_interruptions_to_learning_-final.pdf) (Accessed 15 April 2021.)

This consultation requested Member States to report on the measures taken regarding minimum standards in education, the learning environment, education personnel and respect for human rights and fundamental freedoms. Almost all States reported taking measures to ensure quality education.

**Figure 20:** Key areas addressed by countries to achieve quality education

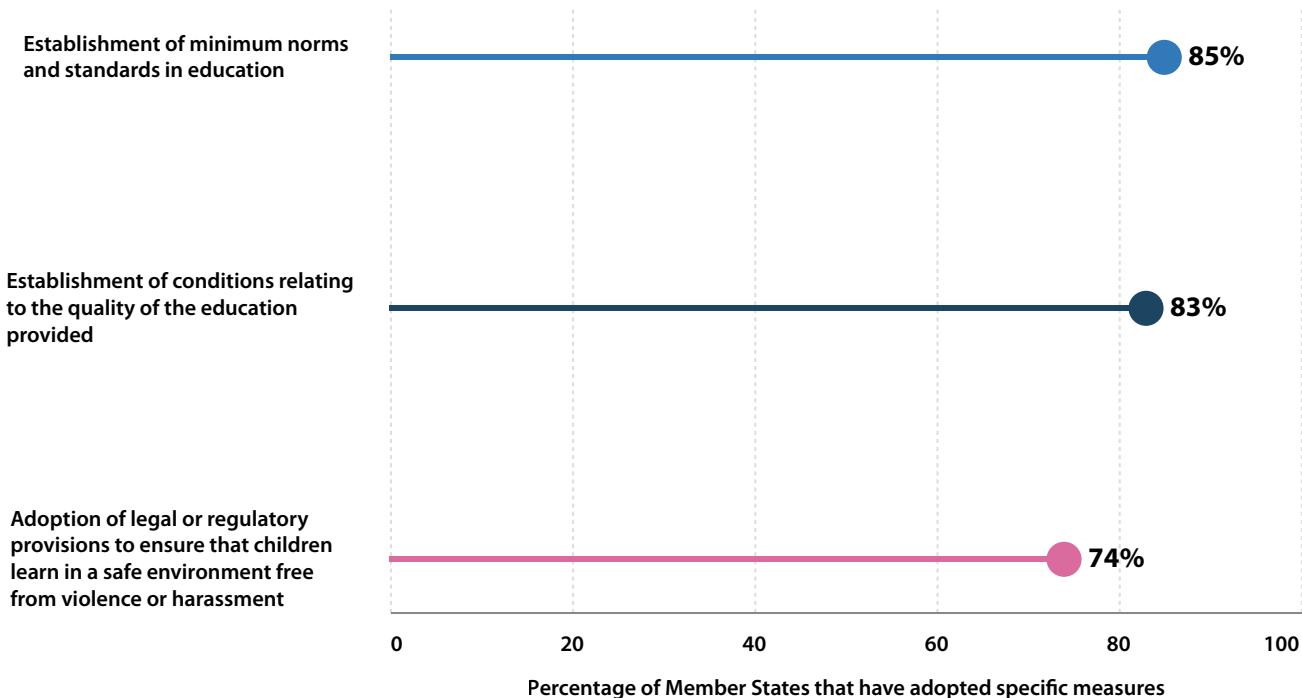


## 1. Standards and conditions on quality education

The 1960 Convention and Recommendation refer to “conforming to such minimum educational standards as may be laid down or approved by the competent authorities”. These standards need to be laid down in order for education providers to establish and run schools and institutions. **85% of Member States** reported establishing minimum norms and standards in education. In **Andorra**, Law 17/2018 regulating the Andorran Education System defines parameters such as pupil/class ratios, the pedagogical structure of the different school subjects, the organization of the curriculum, and evaluation and qualifications of teachers. Additionally, one chapter of the law is devoted to the evaluation of the quality of the education system, a crucial aspect of ensuring quality education. To improve the quality of education, the Andorran education system has since 2013 implemented a new methodological model based on a competence-based approach and cooperative learning. The **Russian Federation** has federal state educational standards for primary general, basic general and secondary general education, approved by orders of the Ministry of Education and Science of the Russian Federation: No. 373 dated 6 October 2009, No. 1897 dated 17 December 2010 and No. 413 of 17 May 2012. According to these orders, educational organizations and state authorities of the constituent entities in the field of education must meet the requirements and conditions for the implementation of educational programmes of primary general, basic general and secondary general education, including personnel, financial, material and technical and other conditions. On the basis of Federal Law of 29 December 2012 No. 273-FZ On Education in the Russian Federation, organizations carry out educational activities in accordance with state-accredited educational programmes and independently develop educational programmes in accordance with federal state educational standards, taking the relevant exemplary basic educational programmes into account.

Some States such as **Armenia, Malta** and **Switzerland** reported having accreditation and quality assurance mechanisms in higher education. In **Armenia**, for example, the “National Centre for Professional Education Quality Assurance Foundation” (ANCA) was established in 2008 and starting in 2015, higher professional education institutions of the Republic of Armenia have received accreditation by ANCA. It is responsible for external quality assessment and quality assurance of higher education institutions in the Republic of Armenia.

**Figure 21: Measures taken to ensure quality education across all educational institutions**



#### • Curriculum

With regard to the curriculum, which sets the learning and teaching objectives, several States reported on measures to ensure standards. In **Portugal** for instance, some flexibility is given to schools so that they can develop locally, in discussion with students, families and the community, between 0% and 25% of the national curriculum, according to their target audience and situations. Once pedagogical innovation pilot projects had shown schools' ability to implement innovative solutions to reduce dropout and school failure, schools were allowed to manage over 25% of the basic curriculum models for education and training provision. The Ministry of Education has created a monitoring structure for the implementation of these educational measures. In **Slovakia**, curricula of school educational programmes must at a minimum be developed within the scope of the relevant state educational programme approved by the Ministry of Education for individual levels of education.

Some States reported on providing sex education. In **Argentina**, for example, the state has the responsibility to guarantee the right of boys, girls and adolescents to receive Comprehensive Sexual Education in all state and public educational establishments. A resolution was adopted in 2019 to implement mandatory comprehensive sexuality education at all educational levels, addressing, without exception, the five conceptual axes: Take care of the body and health; Value affectivity; Guarantee gender equity; Respect diversity; and Exercise our rights. Another example is provided by **Sweden**. The National Agency for Education recently presented proposals for curriculum changes to better support

sex education in order to better address issues of honour-related violence and oppression, consent and pornography. The Swedish report also revealed that reviews of sex education in schools showed that many teachers find teaching sex education a challenge, and that more knowledge of these issues is needed. To strengthen newly graduated teachers' ability to teach questions about identity, sexuality and relationships, the Government is now introducing new degree objectives in teacher training which will be applied from the autumn semester of 2021.

While the COVID-19 pandemic has particularly heightened the need for digital skills, Member States were taking measures prior to the crisis to respond to societal needs as well as the needs of the labour market. In **Finland**, digitization has been given emphasis at all levels of education and in the spring of 2020, the Finnish Ministry of Education and Culture launched the New Literacies development programme, which aims to strengthen the ICT, media literacy and programming skills of children and pupils in ECCE and basic education. **Germany** also reported the integration of "Competences for the digital world" into the curriculum through a binding cross-subject competence framework as part of the "Education in the Digital World" strategy presented by the Standing Conference (KMK) in 2016.

- **Safe and non-violent educational environment**

Ensuring that the school environment is safe and non-violent is the aim of Target 4.a. Unsafe learning affects the quality of education as learners avoid participation or even drop out of school altogether. **74% of States**, including **Egypt**, **Latvia** and **South Africa**, reported adopting legal or regulatory provisions to ensure that children learn in a safe environment free from all violence or harassment, including school-related gender-based violence. For example, **South Africa** reported having a National School Safety Framework, which sets out a protocol of collaboration between the South African Police Service and the Department of Basic Education. In **Egypt**, the Ministry of Education has drawn up a code of school discipline, listing offences and including preventive, counselling, pre-emptive, treatment and disciplinary strategies to curb student misconduct and enhance the learning environment. In addition, the rights of students under the School Discipline Regulation (2019/2020) include the right to a safe and supportive educational environment, free from discrimination, harassment, vexation and bigotry, where students find intellectual safety and psychological security.

**Latvian** educational institutions themselves determine how to ensure a safe environment, as well as action to be taken in case of violations, on the basis of regulations. Observance of the regulations is taken into account in evaluation (accreditation) of the quality of the activities of educational institutions. In addition, both learners and teachers themselves, with the involvement of external experts, organize theoretical and practical training on security issues.

Interestingly, **Sweden** reported that on 26 February 2020, the Government Offices decided that an investigator would assist the Ministry of Education and Research in preparing a proposal for a national plan for school safety, and submit proposals to ensure a functioning regulatory framework. In the survey and analysis, the investigator must pay special attention to how disciplinary measures are used as well as surveying students' exposure to sexual harassment, violence and threats.

Several States specifically reported on combatting gender-based violence. For example, **Italy** reported that in November 2016, the Department for Equal Opportunities of the Prime Minister published a call

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**Egypt**, has adopted a code of school discipline, listing offences and including preventive, counselling, pre-emptive, treatment and disciplinary strategies to curb student misconduct and enhance the learning environment.

“

for submissions of school educational initiatives on the prevention of and fight against all forms of sexual and gender-based violence, open to all public schools in the national territory, in order to implement the Extraordinary Action Plan against sexual and gender-based violence. The call encouraged the creation of partnerships between schools and NGOs working in this sector.

Additionally, several States took measures to ensure a safe online environment. For instance, in **Hungary**, the Digital Child Protection Strategy was launched in 2016 (by the adoption of Government Decree No. 1488/2016). The primary goals of the strategy are to support conscious, value-creating use of the Internet, develop responsible media use and strengthen the enforcement of those regulations and measures that serve to protect children and their personal rights. In addition, the National Educational Portal, launched in 2015, is continually being expanded with online content safe for children. The topics of the Digital Thematic Week, which schools can join voluntarily, have developed to cover media consciousness, the recognition of fake news and the conscious use of ICT tools and devices. Among the current actions under the Strategy it is also worth highlighting the development of filtering software to be used by all schools. **Denmark** also reported that all primary and secondary schools were required to adopt an anti-bullying strategy by 2017 – including digital bullying or harassment. The law requires the school management to draw up an action plan within 10 working days of any instance of bullying – including digital – stating the measures the school will take to solve the problem effectively. In **Italy**, as required by Law 71/2017 and by the updated Guidelines for the prevention and countering of cyberbullying (MIUR *note prot.* No. 5515 of 27 October 2017), the Ministry of Education and Research (MIUR) has undertaken to implement a National Training Plan to have “referring teachers” to combat bullying and cyberbullying, requiring all schools and regional school offices to identify at least one referring teacher for bullying and cyberbullying.

#### Box 4: Italy's policy to ensure a safe learning environment in the digital space

- Italy reported on several measures taken to combat cyberbullying and raise awareness on online safety. On 18 June 2017 the law of 29 May 2017, No. 71, “Provisions for protecting minors and preventing and combatting the cyberbullying phenomenon” was adopted. Subsequently, the “Guidelines for preventing and combatting cyberbullying” were published, envisaged as a flexible and updatable tool to respond to the educational and pedagogical challenges linked to the constant evolution of new technologies. Within this framework, and among other actions, the Safer Internet Centre was set up. Since 2014, the Safer Internet Centre (SIC) - *Generazioni Connesse* project has contributed to devising the programmes put in place by the Ministry. The Safer Internet Centre was created to provide information, advice and support to children, young people, parents, teachers and educators who have experiences, including problems, related to the Internet and to facilitate the reporting of illegal online material. The main actions carried out are summarized below:
- Online awareness activities: information and communication campaigns aimed at students, young people in general, teachers and parents.
- International day of online security: Safer Internet Day (SID) is the world day for network security, established and promoted by the European Commission, which is held on the second Tuesday of February each year.
- E-policy in schools: Development of an internal E-policy through a new platform for teacher training. The platform supports teachers at every stage of the shared path. It is a fundamental document for planning and/or updating digital education activities, and useful for identifying actions to prevent bullying and cyberbullying. The course is dedicated to primary and secondary schools.

- Evaluation and monitoring: The project uses the scientific contribution and evaluation activities of the University of Florence and the University of Rome La Sapienza to carry out monitoring.
- Youth consultation group: A youth consultation group has been set up within the Safer Internet Centre which is constantly involved in project activities. The SIC Youth Panel is tasked with spreading the project activities and initiatives and is an active protagonist in the activities, producing information and awareness-raising materials to give a voice to the young people themselves and promote their ideas and opinions.
- Seminars for professionals: Another activity planned within the project is a cycle of seven training and awareness seminars, dedicated to childhood professionals (social workers, paediatricians, psychologists, educators, teachers and school managers).
- Listening and reporting lines for problems related to online activities: The CEF-Telecom programme provides, among other actions, financial support to a helpline for each co-financed project to report harmful or illegal content.
- Advisory Committee: The SIC also has a National Advisory Board, a working group that boasts excellent skills and know-how, thanks to the presence of the relevant authorities, telecommunications companies and representatives of the ICT and the web.
- “Better Internet for Kids” Policies: SIC has international reach as *Generazioni Connesse* is part of a European cooperation project and works in synergy with the other Safer Internet Centres to exchange good practices, materials, educational and communication resources.

#### • Conditions for education provision and delivery

The setting of conditions relating to the quality of education (including those on infrastructure, learner/teacher ratios, teaching and learning materials, use of ICT etc.) are also particularly important to ensure a conducive learning environment, and **67 Member States (83%)** reported on this (see Figure 20). Educational establishments in **Colombia** must respect certain urban and service parameters, ensure accessibility, have building security and meet standards for equipment and furniture. The report details these measures, which include the requirement that such establishments must be sited in accordance with current territorial regulations (land use, licenses, etc.) and in areas of minimal risk of accidents to people due to natural or human causes, that is, not in areas of non-mitigatable risk or isolated areas. Educational establishments must have drinking water services, wastewater management, lighting and energy, telecommunications services and collection, classification and/or final disposal of waste, as required by the local level entities responsible for providing those services. In its report, **Slovakia** stated that its legislation sets the minimum and maximum number of pupils in a class according to the type of school. The State School Inspection checks the suitability and efficiency of the premises, the material and technical support and teaching techniques used. **Armenia** reported that its high schools have been provided with the necessary premises, computers, physics, chemistry and biology laboratories and modern libraries stocked with literature, and that internet access and computer equipment in schools have been improved.

The COVID-19 pandemic forced States to rely heavily on distance learning solutions. While specific measures related to the pandemic will be explored in the last section of this report, Member States were taking measures prior to the pandemic. For instance, **Armenia** applied its “Distance learning” system offering remote courses in eight advanced stream 10th-year subjects for high school pupils,

and the “Database for Digital Resources” was put into operation, with textbooks and training manuals, educational and methodological materials, subject-related criteria and programmes posted. **Botswana** reported that its National Policy on Open and Distance Learning provides an alternative approach to education that enables learners who cannot access education through formal modes to access it through inclusive, open, remote learning modes. **Egypt** reported that the Ministry of Education provides a digital library containing a wealth of digital resources and references to help students learn. The Ministry has also made available a live-streaming platform for virtual classrooms, as well as electronic examinations and free-of-charge tablet computers for first- and second-year secondary students.

**Box 5: Egypt's use of digital learning solutions**

■ **Egyptian Knowledge Bank**

The Egyptian Knowledge Bank (EKB), established on Science Day 2015, is the world's largest collection of online educational resources. Available free of charge to all Egyptians, the EKB offers video clips, articles and other resources to help Egyptians of all ages develop knowledge and skills relevant to the 21st century. Teachers, administrators, researchers and teaching staff in all Egyptian public and private universities have been instructed free of charge in using the EKB. The EKB has been used to spread awareness of coronavirus and how to deal with the crisis. It has disseminated videos for transfer-year students on how to conduct research as an alternative to the final examinations, and explaining how the general secondary examinations will be conducted and organized.

■ **Tablet**

The tablet is a device for accessing EKB digital content and sitting examinations. Each school has a fully equipped screen, which the teacher uses to display content over the internal network. Tablet computers are being distributed free of charge to all first- and second- year secondary students in government and private schools as part of the planned secondary developments. While it would be possible to use the system without tablets, the ministry has made available a wealth of secondary-level digital content on the EKB, which it hopes that all students – rich and poor – will access. Furthermore, it has been decided to hold examinations electronically to avoid many of the problems associated with invigilation, marking and appeal. Accordingly, the decision was taken to distribute tablets to students. The Ministry of Communications has also connected all rural and urban schools in Egypt to fibre-optic cable, and internal networks are currently being installed. Some 11,000 interactive screens have been provided. All secondary school students will have access to fast Internet.

■ **Equal opportunities in education project: Curriculum digitization**

This project is part of the Presidential initiative to support and empower persons challenged by disability. It aims to use technology to enhance the educational process for basic school students with hearing and visual disabilities, ensuring ease of access to scientific materials anywhere using information and communications technology (ICT). The Ministry of Communications and Information Technology facilitates the learning process for students with hearing and visual disabilities by converting curricula and study materials at primary, preparatory and basic levels into readily available digital curricula, which can be easily downloaded on compact discs or followed on the Internet, allowing scientific materials to be accessed and studied with ease. ICT is used to develop curricula suitable for persons with hearing and visual disabilities with a view to creating a generation of persons with disabilities who are aware and educated for ease of integration within the community.

## 2. Private education<sup>51</sup> and parental choice

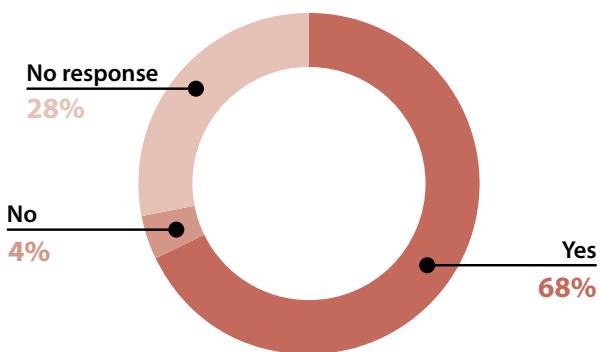
Educational freedom is the liberty of parents to provide religious or moral education according to their convictions, as well as the right of every person to establish educational institutions as long as these conform to minimum educational standards established by the State. This is provided for in Articles 2(c) and 5(1)(b) of the 1960 Convention and Paragraphs II(c) and V(1)(b) of the Recommendation. While the State has the primary duty to provide free, quality education, it also has a negative obligation not to interfere in the liberty of parents to choose the educational establishment. As such, non-state educational providers have an important role to play in ensuring parental choice as long as it does not supplant public education and that it conforms with international human rights law. In addition, the State must ensure that the principle of non-discrimination is respected by all education actors and that the education provided is of good quality in keeping in line with their public function.

In this regard, it is important to establish a clear regulatory framework that sets the standards for the establishment and functioning of private educational institutions, as was reported by some **83%** (**67**) of Member States, (see Figure 22), including **Armenia, Bahrain, Equatorial Guinea, Japan** and **Malta**. **Malta** reported having a regulatory framework for the establishment and functioning of private educational institutions for those of compulsory school age as well as for further and higher education. In **Bahrain**, based on the provisions of Legislative Decree No. 25 of 1998 on private educational and training institutions and Ministerial Decision No. 1689 of 2006 on licensing fees for private educational institutions, when an investor applies to establish a private educational institution (school, institute or education centre) they need to go through a step-by-step verification procedure to obtain the license. This procedure applies to all investors without distinction of religion, as schools of all kinds (national, foreign and community) are free to apply the curriculum after obtaining Ministry of Education approval. **Armenia** reported that compliance with the requirements of state educational standards is compulsory for both state and private/non-state education institutions.

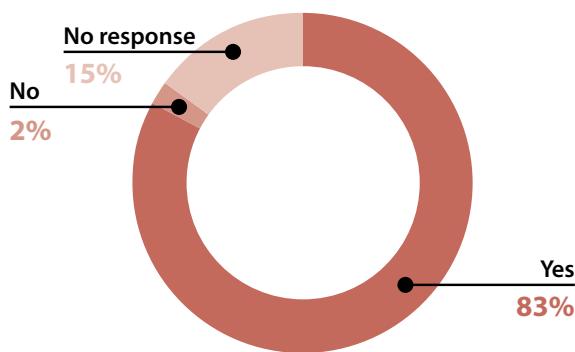
As required by the 1960 Convention and Recommendation, **Equatorial Guinea** provides in Article 93.1 of its General Law of Education that “All persons physical or legal may create educational centres that teach regulated education”. Paragraph 2 of the same Article establishes that “The opening and operation of the private centres will require the prior authorization of the Ministry of Education, University Education and Sports, provided that they meet the minimum conditions that are established ... in terms of facilities, teachers, teaching methods, sports and academic facilities in accordance with what is stated in the present Law”. **Japan** also reported that educational providers officially authorized by the Government of Japan can establish and run private schools in compliance with the Private School Act and the ministerial ordinances stipulated in the law.

Only **two States** reported not taking any such measures, **Cuba** and **San Marino**. **Cuba** reported that education is only provided by the State.

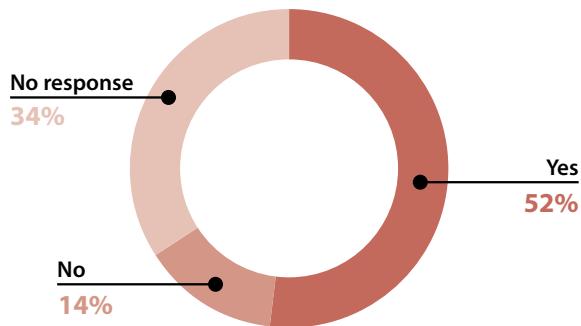
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51 Private education includes all non-state education providers. They can be schools that are funded and managed by individual proprietors or enterprises, religious institutions, non-governmental organizations (NGOs), community-based groups, foundations and trusts.



**Figure 22:** Legal provisions prohibiting discrimination on the grounds listed in the Convention/Recommendation that explicitly apply to private educational institutions



**Figure 23:** There is a regulatory framework relating to the establishment and functioning of private educational institutions



**Figure 24:** There is an education policy framework for minimum educational standards as regards the rights of parents/legal guardians to provide religious and moral education for their children

adhere to the requirements outlined in the Disability Discrimination Act 1992. It was further noted that non-government schools can operate preferential selection arrangements, for example prioritizing admission of students from a particular faith or cultural background.

The freedom of parents to ensure the religious and moral education of children according to their convictions needs to be protected by the state. **52% of Member States** have adopted an education policy in this regard. According to Article 9 of the Constitution of **Monaco**, the Catholic, Apostolic and Roman religion is the state religion. This translates into the inclusion of religious instruction among the subjects taught to pupils in the public and private sector under contract (Law No. 1.334, Article 38). However, parents who wish to do so may exempt their children from this instruction. The National Public Education Act in **Hungary** provides that religious and moral education is obligatory in state-owned public educational institutions and is optional – if demanded by the parents – in private institutions. It is the duty of churches to organize religious and moral education, but schools cooperate with the churches as partners.

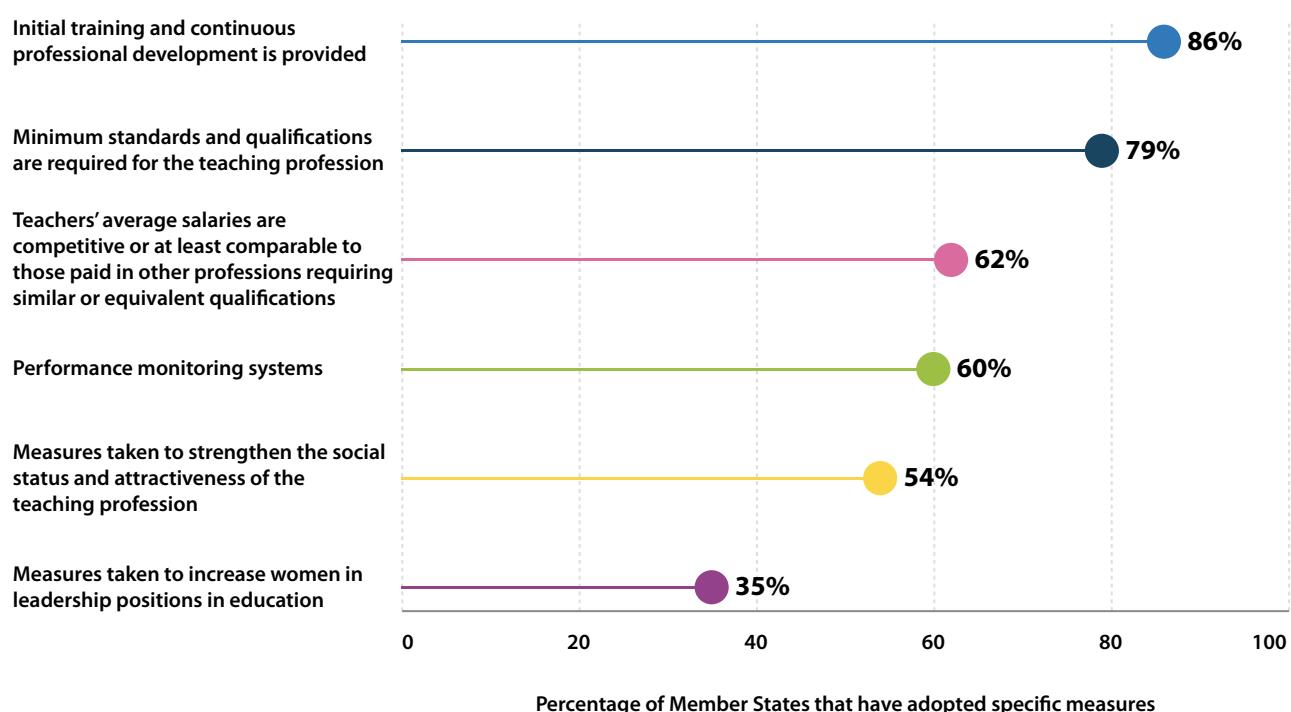
As a fundamental human rights principle, the development of private education must not generate discrimination and must offer a relevant alternative. **68% of Member States** reported adopting legal provisions which explicitly apply to private educational institutions, prohibiting discrimination on the grounds listed in the 1960 Convention and Recommendation. In **Australia**, non-government schools must abide by all employment and discrimination regulations and laws relevant to the state or territory in which they operate, including adherence to national Australian Government law. For example, all schools in Australia, regardless of whether they are government or non-government, must

### 3. Teaching profession and leadership

The COVID-19 pandemic has shown that teachers are on the very front lines of the response to the disruption of education<sup>52</sup>. It is well known that teachers have a crucial role to play in ensuring quality education, yet they face considerable challenges. The pandemic further highlighted that education systems were not prepared to support and deploy teachers.<sup>53</sup> There is a need to recognize the social value of this profession, as the human contact between teachers and students is paramount. School leadership also has a considerable impact on the quality of education, including student learning outcomes. However, women rarely tend to have such roles, which can have detrimental consequences for gender equality as women leaders have an important role in encouraging girls to stay in school.

The Incheon Declaration recognizes that teachers and educators need to be “empowered, adequately recruited, well-trained, professionally qualified, motivated and supported within well-resourced, efficient and effectively governed systems” and to this end, SDG Target 4.c is entirely devoted to the teaching profession, calling on States to “substantially increase the supply of qualified teachers”. Strengthening school leadership can also propel countries towards achieving this SDG4 target, as well as contributing to achieving Targets 4.1 on equitable and quality education for all and 4.5 on eliminating gender disparities and allowing equal access to education for all vulnerable groups. A solid framework regarding the conditions, qualifications, rights and duties of teaching staff can be found in both the 1966 ILO-UNESCO [Recommendation concerning the Status of Teachers](#) and the 1997 [Recommendation Concerning the Status of Higher-Education Teaching Personnel](#).

**Figure 25:** Percentage of States reporting on measures taken to improve the teaching and working conditions of education personnel



52 For more information, see: UNESCO. 2020. *World Teacher's Day: Teachers: Leading in crisis, reimagining the future, Synthesis Report*, available at: <https://unesdoc.unesco.org/ark:/48223/pf000374747>

53 For more information, see: UNESCO. 2020. *World Teacher's Day: Teachers: Leading in crisis, reimagining the future, Synthesis Report*, available at: <https://unesdoc.unesco.org/ark:/48223/pf000374747>

- **Teachers' working conditions**

In line with the 1966 Recommendation, Paragraph 115(b)<sup>54</sup> and Paragraph 145<sup>55</sup>, **50 Member States (62%)** reported that teachers' average salaries are competitive or at least comparable to those paid in other professions requiring similar or equivalent qualifications, and in **44 Member States (54%)** measures are being taken to strengthen the social status and attractiveness of the teaching profession.

**Spain** reported that for all educational levels, the salary of teachers in Spain is higher than the average salary in OECD and EU countries. The salary increases with the level of education and years of experience. Several States, including **Austria, Bulgaria, Czechia and Peru**, reported an increase in teachers' salaries. As of September 2015, a new law on teachers' salaries was introduced in **Austria** with the main objective of increasing entry-level salaries of teachers. **Bulgaria** reported that as of 1 January 2021 the minimum level of teachers' remuneration would be increased further and that school teachers' salaries will have increased by 91% overall since the end of 2017, enhancing their social status and helping make the profession one of the most valued in society. **Peru** reported working steadily to improve the level of teacher satisfaction in terms of their conditions. Since 2016, the Monthly Full Remuneration (RIM) of appointed teaching staff has been increased, as well as the remuneration of employed teaching staff, continuing the policy of pay improvements, which in the last five years has allowed the minimum salary of teachers to increase by 48%. However, it was reported that more resources are needed as teacher remuneration is the lowest in the region.

Improving the social status and attractiveness of teaching is essential in order to appeal to competent and motivated teachers. While class size, safety, access to educational resources and infrastructure all have direct repercussions on the quality of the teaching, and the measures taken by States in this regard are covered in the section on standards and conditions on quality education, States reported on targeted measures for teachers. In **China (Macao)** under Article 28 of Law No. 3/2012, The "System Framework for Private School Teaching Staff of Non-tertiary Education", teachers can be awarded the "Distinguished Teacher" honour. The Government also provided financial subsidies to 919 teachers and potential teachers enrolled for postgraduate diplomas and certificates in kindergarten, primary and secondary education between 2017 and 2020. **Saudi Arabia** reported that the High Commissioner had approved the adoption and enforcement of the regulations governing educational posts from the beginning of 2020. The regulation is considered a historic milestone in the educational process because of the procedures, mechanisms and features it contains, which ensure that teachers' posts are professional, and they work within the disciplines of the educational system. It strengthens justice and proper compensation based on outstanding performance. A further interesting example is provided by **Belgium (Flemish community)**. In 2018 teaching career reforms were accelerated after the results of a study were released on time spent by teachers. A number of substantive measures have been taken with regard to compulsory education for novice teachers, which should lead to more stable careers and more job security. Starting on 1 September 2019, new teachers will receive continuous temporary appointments sooner. The possibilities for permanent appointment have been extended to positions where the holder is absent due to certain leave schemes. As a result, up to 6,000 positions are also eligible for permanent appointment. By addressing issues of teacher shortage, States reduce the risk of schools hiring unqualified or underqualified teachers, with the devastating effects on the quality of the teaching.

<sup>54</sup> ILO-UNESCO Recommendation concerning the Status of Teachers, para. 115: "Teachers' salaries should: ... (b) compare favourably with salaries paid in other occupations requiring similar or equivalent qualifications"

<sup>55</sup> *Ibid.*, para. 145: "Authorities should recognize that improvements in the social and economic status of teachers, their living and working conditions, their terms of employment and their career prospects are the best means of overcoming any existing shortage of competent and experienced teachers, and of attracting to and retaining in the teaching profession substantial numbers of fully qualified persons."

- **Teacher training, qualifications and monitoring**

It is essential for delivering quality education, as well as for ensuring a conducive learning environment, that teachers be well-trained, supported and qualified. By ensuring quality training, teachers are in turn empowered, which the Education 2030 Framework for Action specifically calls for.<sup>56</sup> The vast majority of reporting Member States provide initial training and continuing professional development (86%) and require minimum standards and qualifications for the teaching profession (79%) (see Figure 25).

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**Botswana, Iraq and Russian Federation**, reported on training teachers on ICT and digital education.

To coordinate the training of teachers, the In-service Training Division in **Botswana** has been established to facilitate continuing teacher training so that their skills remain relevant to the teaching profession. Short capacity-building programmes for teachers are also regularly conducted to address any gap identified at national, regional and school levels. The Staff Development Team is responsible for continuing professional development of teachers at school level. In **New Zealand**, teacher education programmes must meet the standards set by the Teaching Council and by national quality assurance bodies.

Teachers are required to be registered and certified by the Teaching Council. The teacher registration system ensures that a minimum quality standard applies to all teachers entering the general education system in New Zealand. The maintenance of a register assists boards of trustees and other employing bodies in making appointments, and reassures parents and the public that a national minimum standard for the teaching profession is available.

In terms of teacher training content, **Denmark** reported on the four-year Danish Teacher Education programme, aimed at primary and lower secondary levels. The programme includes "Special needs and remedial training" and "Danish as a second language" as mandatory subjects aimed at supporting inclusion of pupils with special needs and bilingual pupils. Interestingly, a few States such as **Botswana, Egypt, Iraq, Finland** and the **Russian Federation** reported training teachers in ICT and digital education. For example, the **Russian Federation** devised a draft concept for the development of a digital educational environment for additional professional (teacher) education. A single federal portal was created containing a database of the best electronic educational programmes and resources for organizing training programmes in this field. **Botswana**'s Mochudi Media Centre makes a significant contribution to teacher development through a number of in-service programmes, including computer literacy. **Iraq** conducts International Certificate of Digital Literacy (ICDL) tests for employees and teachers in the Ministry of Education. In **Finland**, at all levels of education, digitization has been given great emphasis, including skills development and support for teaching staff. The value and need for training teachers in ICT were accentuated by the COVID-19 pandemic, where teachers in numerous countries struggled to use ICTs for pedagogy, even in countries where connectivity and access to technological devices are not lacking.

Regarding the qualifications required, **Burkina Faso** reported that the baccalaureate is required for teachers in pre-primary and primary education, a bachelor's degree for post-primary and secondary education, a master's degree for *agrégation* preparation centres, scientific high schools (*lycées scientifiques*) and preparation centres for higher education (*grandes écoles*) according to Decree No. 2020-0245/PRES/PM/MFPTPS/MINEFID of 30 March 2020 on the special status of the education, training and employment promotion professions.

<sup>56</sup> UNESCO et al. 2015. Education 2030 Framework for Action, accessible at : <https://unesdoc.unesco.org/ark:/48223/pf0000245656>

**60% of Member States** (see Figure 24) reported having performance monitoring systems, which are important to ensure that teachers are providing quality education. In **Brunei Darussalam**, two instruments were developed to evaluate the quality of teaching and learning, and to ensure inclusive and equitable quality education: (1) the Teacher Performance Appraisal and (2) the Teacher Improvement Plan. The first instrument includes performance descriptors to measure teaching competencies, and the second provides qualitative information on teachers' training needs to address competency gaps. In **North Macedonia** the Law on Teachers and Associates in Primary and Secondary Schools provides that the work of teachers shall be monitored by the school principal and the Bureau for Development of Education, as well as the Centre for Vocational Education and Training within its domain of competence. In addition, the Law on Primary Education provides that monitoring and appraisal of teachers' work is undertaken in the school by the school director, as well as by the Bureau. Monitoring and appraisal include the quality of work and the achievement by teachers of competencies and standards. Based on monitoring and appraisal findings, the teacher receives a report with feedback and guidelines for future work, which is kept in the teacher's file. Reports on monitoring and appraisal of teachers are used to improve the work of the school and for teachers' career progression.

- **Women in leadership positions**

Women rarely have leadership positions in education. **35% of Member States** have taken measures to encourage women to take such positions (see Figure 25). In **Algeria**, Law No. 16-01 of 6 March 2016 (Official Gazette No. 14 of 7 March 2016) on Constitutional Revision enshrines the goal of parity between men and women in the world of work. Article 36 provides: "The State shall work to promote parity between men and women in the labour market. The State shall encourage the promotion of women to positions of responsibility in public institutions and administrations as well as at the enterprise level".

**North Macedonia** interestingly reported that even though no concrete measures had been undertaken to increase the numbers of women in leadership positions (head of sector/units) in education, out of 41 holders of leadership positions within the Ministry of Education and Science, 30 were female. **Nigeria** reported that some states have enacted laws to ensure that women hold 30% of positions in educational management and **Austria** reported that according to the Universities Act, performance agreements concluded by the individual universities and the Federal Government also contain social goals, such as measures to increase the proportion of women in leadership positions at universities.

- **A teaching profession without discrimination**

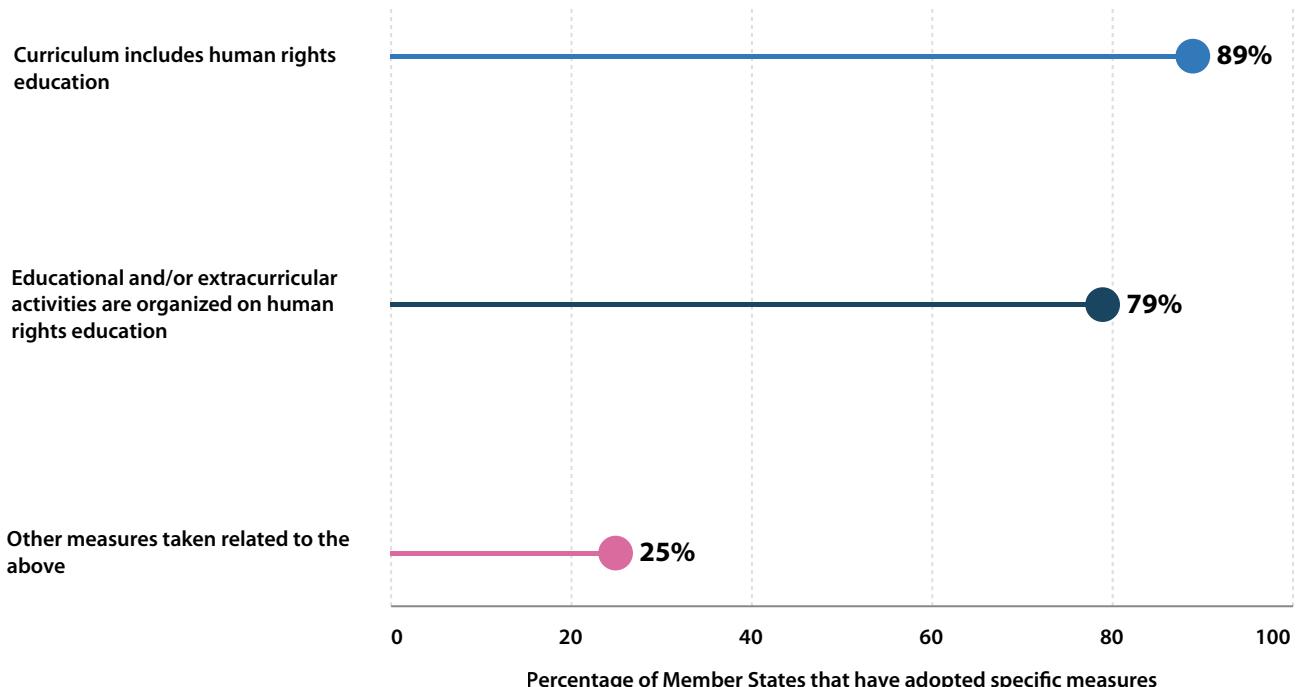
Article 4(d)/Paragraph IV(d) of the 1960 Convention and Recommendation requires States Parties to provide training for the teaching profession without discrimination. This requires ensuring that teachers from all backgrounds regardless of their status, characteristics, origins or any other ground of discrimination, are adequately represented in the teaching profession. Having access to judicial measures is essential to ensure remedial action and sanctions in case of discrimination. Hardly any States reported instances of discrimination as regards the training of education personnel in their country. **Australia** and **Mongolia** both reported that such instances had occurred, and that the government has addressed the issue.

## 4. Human rights education and development of the human personality

Under international human rights law, a common aim for education, to be respected by all States, is to ensure that education is human rights compliant and of quality. The 1960 Convention and Recommendation require Member States to ensure that: "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, and shall further the activities of the United Nations for the maintenance of peace" (Article 5(1)(a)/Paragraph V(1)(a)). Specifically, it is important to note that human rights education is both a right in itself and a fundamental aspect of the right to education. Through human rights education, learners not only gain knowledge about human rights, but also how to exercise those rights and respect and uphold the rights of others.

It should be noted that this area is extensively covered by the *UNESCO Consultation on the implementation of the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms*<sup>57</sup>, an instrument which provides greater detail on how to strengthen human rights. The principles of the 1974 Recommendation are closely aligned to SDG4 Target 4.7, which calls on States to "ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and nonviolence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development". As such, the periodic consultations on the 1974 Recommendation are used as the main source of information to chart progress towards the achievement of this target.

**Figure 26:** Percentage of States reporting on national efforts to direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms



<sup>57</sup> The 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms is available at: [http://portal.unesco.org/en/ev.php-URL\\_ID=13088&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13088&URL_DO=DO_TOPIC&URL_SECTION=201.html) (Accessed 15 April 2021).

According to **89% of State reports**, the curriculum includes human rights education. **Denmark** reported that the focus on human rights was enhanced in the latest revision of the curricular framework (called Common Objectives). Democratic Citizenship and human rights are highlighted in the Common Objectives within the following subjects: social studies, history and health, sex and family life education. The objects clause also makes it a fundamental goal for public schools to provide pupils with an understanding of different cultures. In **Brazil**, human rights and fundamental freedoms are covered in the Common National Curricular Basis (*Base Nacional Comum Curricular* - BNCC) adopted in December 2018. The BNCC addresses issues such as human rights and the fight against discrimination. Such concepts are addressed in all parts of the early childhood, primary and secondary educational curricula. Of the ten general competencies envisaged by the BNCC, at least five are closely related to respect for human rights and fundamental freedoms. In **Belarus**, since 2016, the Ministry of Education has participated in the OSCE Office for Democratic Institutions and Human Rights project, "Promoting Democratization and Human Rights in Belarus". The outcomes of the joint work were draft programmes of optional classes for general secondary education institutions, draft curricula for vocational, secondary special and higher education institutions, as well as a textbook for use in implementing educational programmes for teachers. **Turkey** reported that Basic Education runs a joint EU-Council of Europe project entitled "Strengthening A Culture of Democratic Culture" the aim of which is to integrate into the education system a democratic school culture that corresponds to universal core values as well as fundamental rights and freedoms.

Furthermore, the Education 2030 Agenda refers to education for sustainable development (ESD) and global citizenship education (GCED), which build the knowledge, skills, values and attitudes required by citizens to lead productive lives, make informed decisions and assume active roles locally and globally in facing and resolving global challenges. In this regard, in **Portugal**, the recently approved Decree-Law on the curriculum for basic and secondary education (Decree-Law No. 55/2018, 6 July) provides for the mandatory creation of school-based strategies to implement a specific curricular component, "Citizenship and Development", aimed at developing a broad range of active citizenship competencies throughout the entire compulsory schooling cycle. This is part of the National Strategy for Citizenship Education (2017). The **Netherlands** also reported that citizenship education is mandatory in the Netherlands and includes human rights and fundamental freedoms.

Beyond the curriculum, **79% of States** reported that educational and/or extracurricular activities are organized on human rights education. In this regard, **Poland** referred to the establishment of the Youth Climate Council by the Regulation of the Minister of Climate of 30 March 2020. The Youth Climate Council is an advisory body to the Minister of Climate. The scope of the Council's activities includes expressing opinions on issues covered by government administration departments on climate and energy, in particular presenting opinions on planned changes in policies, strategies and legislation within the scope of the competence of the Minister of Climate, including proposals for solutions. The Council consists of 32 members aged 13-26, selected from among candidates submitted as part of the recruitment process organized by the Ministry of Climate.

## VI. NGO report submission

Civil society, such as NGOs and associations among others, has an important role in monitoring State compliance with international obligations and commitments and keeping States accountable. For the past three consultations, civil society did not submit any report on the implementation of the 1960 Convention and Recommendation. However, for this tenth consultation, one report was submitted by the **World Federation of Trade Unions** (hereafter the “Federation”) which advocates for free and public education for all children and young people.

The report notably raises issues regarding the quality of education. For instance, it reported poor quality school infrastructure in Uganda, Ethiopia and rural areas of India and Pakistan. In the latter country it was also noted that the student-teacher ratio was particularly high, with one teacher for 45 students. Concern was raised on teaching conditions, with the statement that teachers often go unpaid for months or even years. In Mali, for example, teachers were left without pay during the COVID pandemic, unable to meet their basic needs and unable to return to their homelands.

In this regard, the report also highlighted differences in the percentage of GDP spent on education, which varies considerably within Europe, from 7.1% in Sweden, followed by 6.6% Finland to 2.6% in Romania.

The contrast between public and private education was also raised, as frequent teacher shortages, inadequate funding and efforts to reduce the costs of education (including salaries), make free education inferior to private education. In Lebanon, public schools have fewer classes than private schools, which makes the education provided to the wealthy superior in quality.

The Federation further raised the concern that in Mali, clashes often make it impossible for poor students to attend classes in public schools.

The report addresses the EU’s immigration policy, which it believes is characterized by harsh measures against students coming from immigrant or refugee families. The Federation also highlighted migrant dropouts at the highest levels of education and pointed out that children of refugees during the nomadic period do not receive education or attend school only occasionally.

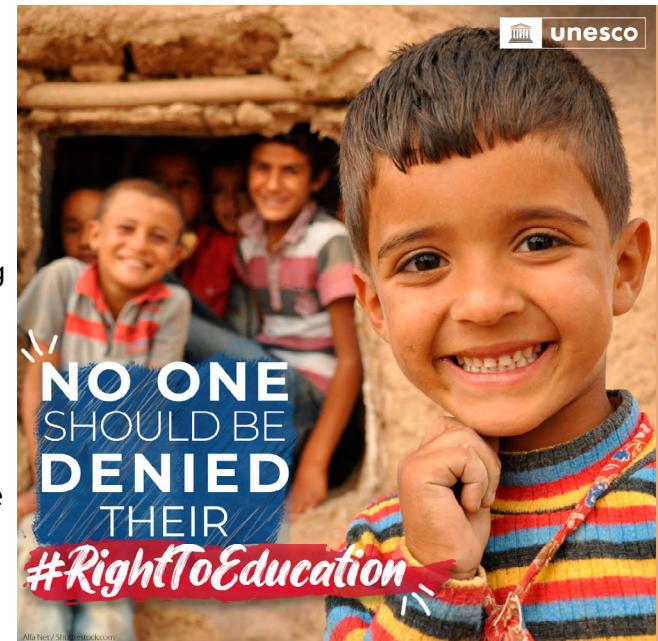
## VII. Awareness-raising activities

The 1960 Convention celebrated its sixtieth anniversary in 2020. To raise awareness of this instrument and the obligations laid out in it, UNESCO organized a global digital campaign beginning on 10 December, Human Rights Day, and culminating on 14 December, the date of its adoption. More than merely a celebration of the first legally binding instrument entirely dedicated to the right to education, the anniversary sought to raise awareness of this human right and the global challenges faced with regard to its implementation. It also provided an opportunity to call for reflection on broadening the scope of the right to education<sup>58</sup> in order to embrace, and respond to, new and emerging challenges, particularly in light of the COVID-19 pandemic.

Making the right to education better known is paramount in ensuring that the right, and its components, are respected and enforced by holding governments to account. In this regard, several States shared measures taken to raise awareness of the Convention and Recommendation and/or the provisions they contain (see Table 6 below). For example, in **Algeria**, the national education sector regularly organizes information and awareness-raising campaigns in schools to explain the provisions of the conventions against discrimination and violence, in order to promote a culture of dialogue, tolerance and acceptance of differences in the school environment. In **Botswana**, NGOs are particularly involved in working to ensure respect for human rights. The Botswana Centre for Human Rights deals with all aspects of human rights, particularly the provision of paralegal services to those earning less than the minimum wage, advocating for changes in laws, policies and practices, and increasing public awareness on rights and responsibilities. A further interesting measure was reported by **Egypt**, whose Ministry of Education worked with the UNESCO Regional Office in Cairo in 2018 to organize workshops to train leaders in five Governorates in Egypt. The training showed how to design and implement plans to raise awareness of SDG4, focusing on the right to education and the fight against discrimination in education in line with this instrument.

**Table 6:** Percentage of reporting States taking awareness-raising measures

Translation of the Convention/Recommendation into the national and possibly local languages	36%
Dissemination and advocacy of the core content of the Convention/Recommendation or the core principles of the right to education	35%
Increased public awareness through advocacy material on the Convention/ Recommendation or the core principles of the right to education	30%
Activities undertaken or supported by the National Commission to promote non-discrimination and equality of educational opportunities and to foster debate on critical issues in relation to the rights enshrined in the instruments	33%



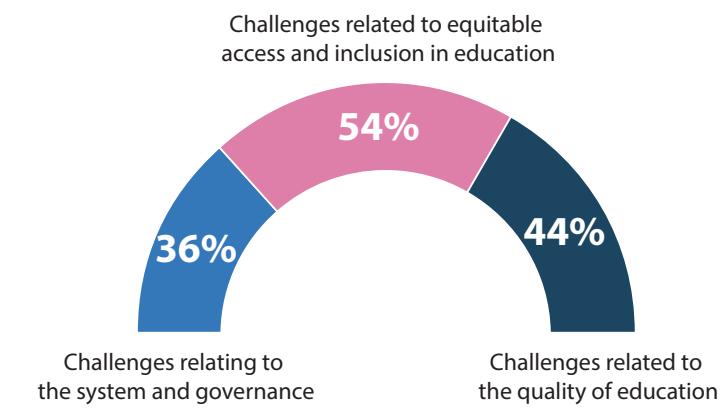
Source: Social media pack created by UNESCO for Human Rights Day 2021

<sup>58</sup> See the dedicate webpage on the Global Conversation on the Right to Education, available at: <https://en.unesco.org/futuresofeducation/get-involved/right-to-education> (Accessed 15 April 2021.)

## VIII. Challenges encountered by Member States and measures reported to overcome them

With the target date for achieving the Education 2030 Agenda fast approaching, Member States across the world are still facing considerable obstacles to ensuring that the right to education is a reality for all. In this consultation, States were invited to share the difficulties and challenges they face in implementing the provisions of the 1960 Convention or the Recommendation, focusing on three common challenges relating to equitable access and inclusion in education, system and governance, and the quality of education. However, the year 2020 saw a new challenge emerge that had global repercussions for the continuity of learning. Indeed, as mentioned above, this even affected reporting to the consultation, owing to the unprecedented context in which countries were functioning. Of the States that submitted reports later in 2020, several seized the opportunity to report on the impact of COVID-19 on education systems.

By identifying challenges, countries can take stock of the areas that require improvement and allow space for peer learning and sharing of good practices and experiences. States that have chosen to share such challenges are engaging in a self-assessment process, reflecting an effort to seek solutions. The valuable information provided can therefore pave the way to overcoming the difficulties encountered.



**Figure 27: Percentage of Member States reporting on challenges**

Since the last consultation, there has been an increase in States reporting on challenges, which may be due to the global context as well as the specific questions in the reporting Guidelines.

To accelerate the implementation of the 1960 Convention and Recommendation, countries also shed light on some of the measures taken to overcome challenges and ensure that education systems are inclusive and of sufficient quality for the right to education to be fully exercised. While this report covers numerous measures that States have taken to progress towards full implementation of the 1960 Convention and Recommendation, this part presents what States reported specifically in relation to overcoming the challenges raised.

### 1. System and governance

Good, effective governance and solid systems are the very foundation for effectively delivering education services. Governments have the primary duty to enforce the right to education, and must ensure that public education is effectively managed and funded. States reported on the following challenges:

- Generally, issues were raised relating to **organizational structures** not conducive to the effective functioning of the education system; lack of **effective communication** and **reporting** processes.

- The vast majority of States reported **budget** constraints. Some States reported that the budget has decreased, causing them to reduce, change or eliminate strategic actions.
- Some States reported a lack of available places in public **pre-primary education**.
- Other countries reported difficulties in **quality data collection**, notably on children dropping out of school, inclusion of vulnerable groups such as national minorities in different educational levels, and cases of violence against children, among other things.
- **Transparency** was also reported as an issue. One country reported this as an issue with regard to competition in the teaching profession, affecting whether the most suitable teacher is appointed.
- States that have decentralized education governance to local level, allocating resources for schools and staff recruitment, raised concerns over formal **oversight**. Procedures implemented at local level are not necessarily reviewed by central government. Such lack of accountability can be an issue if there is weak capacity and incentive at local level to ensure that the interest of the student is paramount.
- Enforcing the regulatory framework with regard to **private providers** was furthermore revealed as a challenge, and breaches of the regulations were highlighted.
- Similarly, **distance learning** is widely used; States reported weak legislative frameworks and the need to introduce new procedures in this area.

#### ***Measures reported to strengthen governance systems***

To overcome these challenges, several States reported on developing **cross-sectoral partnerships**. States reported working to **increase budget efficiency** and making spending more **transparent** while fighting corruption. It was also reported that a framework is being finalized for delineating **responsibilities and accountabilities** for governance entities and school leadership and management. In addition, to address the shortage of teachers, one State reported on the creation of a specific unit to **coordinate** all matters relating to recruitment, retention, development and deployment of teachers. Finally, some States are working in collaboration with the government branch involved in information and communications technology to build a more **robust Educational Management Information System (EMIS)** to have more reliable data to inform decision making for policies and regulatory frameworks.

## **2. Equitable access and inclusion in education**

Ensuring that education systems are inclusive is not only a priority of SDG4-Education 2030, but essential for the full realization of the right to education and equal rights for all. Yet discrimination and exclusion are perhaps the biggest challenges States face. States reported on a wide array of challenges:

- While **data collection** was reported as a challenge with regard to governance, it was also raised specifically in relation to ensuring equitable access and inclusion: detailed disaggregated socio-economic data helps drive evidence-based decisions to effectively ensure the inclusion of all learners.

- Inaccessible **educational environments** were reported, particularly with regard to educational infrastructure and materials, which in some States do not accommodate the needs of **people with disabilities** to ensure their participation in all curricular and extracurricular activities.
- **Poverty** at all levels entails challenges related to enrolment and high dropout rates, as certain families prevent access to school and continued attendance. Enrolment of the poor, especially those in extreme poverty and particularly in higher education, was reported as low in some countries.
- High **dropout** levels were reported due to pregnancy, truancy or migration of learners.
- **Early marriage** was reported as a challenge particularly with regard to girls not completing their schooling or accessing higher education.
- **Gender stereotypes** among students and teachers persist at all levels of education.
- Procedures for access to education by **refugee children, asylum seekers, children under subsidiary protection, children under temporary protection and stateless children** require documentation they are unable to provide, affecting their right to education.
- **Rural areas** were reported to lack educational infrastructure, particularly in pre-primary education, and students from these areas are greatly impacted by transport costs and travel time.
- A **language of instruction** different from the mother tongue, for example for those with migrant backgrounds, makes learning extremely challenging and results in poor performance.
- **Human rights education** is not sufficiently taught in some States, one of which suggested that it should be taught in pre-school.
- **Higher education** is not sufficiently accessible and available for persons in need of special educational conditions, as well as for girls residing in rural areas.
- **Lack of awareness** on the role and importance of education.

#### ***Measures reported to reach the most vulnerable***

To overcome these challenges, measures have been taken to reach the most vulnerable, including the socially marginalized, the poor, those living in rural areas, those with disabilities, migrants and refugees. According to one State, the recruitment of a **community liaison team** for migrant learners was a particularly effective initiative providing useful insights for the Ministry of Education in facilitating the link between families and the school. Another State reported conducting a **study of educational outcomes and patterns** to discover how children and young people with different disabilities manage in the education system compared to children and young people without disabilities. The study will also examine what are the positive characteristics of the teaching and training process and what conditions inhibit or promote the educational outcomes of children and young people with disabilities. Other States reported expanding access to **pre-primary schools in deprived areas** and ensuring that they were equipped with assistive devices and equipment for special needs children. Increasing the **diverse language paths** within the public school system was reported, to meet the needs of learners who are not sufficiently fluent in the main language of instruction.

Regarding **teachers**, an initiative to provide **financial incentives** for graduates, originally from peripheral areas, to go back to their hometowns and engage in teaching at secondary schools was reported and resulted in a surge in those graduates. To reduce the risks of exclusion from educational opportunities due to economic difficulties, **free lunch and half-price tuition policies** have been implemented. Finally, **activities to raise awareness** among young girls and boys to combat harmful traditional practices were also reported.

### 3. Quality of education

Several States reported on the challenges faced in ensuring quality education. Access is not enough: what is learned, how it is learned, and the learning environment are all equally important. In this regard the following issues were raised:

- A **shortage of teachers and teachers lacking minimum qualifications**, at all levels of education, which can result in overcrowding of students in classrooms. In some countries, it was reported that teachers lack training specifically on inclusive education, to support people with special needs and to respect diversity.
- **Teachers' conditions** are inadequate, whether in terms of salaries, teaching materials, high student-teacher ratios or social recognition. Teachers do not have the proper conditions to ensure that they can offer the best teaching.
- A shortage of **schools and educational resources** and inadequate **conditions in educational institutions**, which lack libraries, laboratories, ICT material and also electricity and drinking water, sanitation and hygiene (WASH) facilities.
- Lack of a **safe educational environment**, particularly for the most vulnerable groups such as people with disabilities who face violence and harassment.
- **Rigidity in the educational curriculum** was also raised: teachers need to cover an extensive and dense curriculum with no flexibility.
- Lack of **relevancy of the curriculum** at all levels of education but particularly in TVET and higher education, to ensure the development of relevant competence, knowledge and skills, including digital skills, to respond to the needs of the labour market.
- The lack of **effective organization of children's leisure time**, through extracurricular activities such as music, art and sport.
- A lack of **nutrition programmes** in poor areas which affects the development process of children at the pre-primary level.
- **Accommodation at university level** needs to be improved in some States.

## Measures reported ensure educational quality

In terms of overcoming the challenges to ensuring quality education, several States referred to plans and programmes to **construct schools** and to reduce the number of pupils per class. Regarding educational content, some States reported **reforming the curriculum**. One State reported that parallel measures to build skills to prepare the teaching workforce for the new educational content were being taken. Another State reported having projects related to **global citizenship education** (GCED) and **democratic citizenship education** (e.g. human rights education, citizenship education, unification education, education to improve awareness about disabilities, peace education, environmental education, etc.) which have contributed to fostering awareness. Interestingly, one State reported adopting an **e-education initiative**, which develops e-curricula and improves the use of ICTs in education.

With specific reference to ensuring a safe learning environment, an **anti-bullying strategy** was adopted which takes into consideration digital bullying and harassment. To **promote TVET**, the creation of vocational courses, curriculum reform in the vocational training system and the strengthening the financing of vocational training were reported.

## 4. COVID-19 pandemic

COVID-19 has caused the biggest ever worldwide disruption of learning. With the shift in priorities of States to responding to the crisis, UNESCO encouraged States who had yet to submit their reports to report on the challenges they faced in ensuring the continuity of education. While the majority of States focused on measures taken to face the challenges that emerged so suddenly, a few States also discussed the challenges faced. The biggest obstacle was the **suspension of face-to-face classes** due to the health emergency, which disproportionately affected the most vulnerable groups. **Low internet connectivity** was the core issue for teachers and schoolchildren, sometimes forcing them to walk long distances to reach a signal that would allow them to connect their electronic devices and access education.

**Teachers** were unprepared to deliver education through distance solutions in an autonomous way, as well as lacking the skills and materials to do so. **Technical and vocational education and training** was particularly hard hit by the pandemic, causing apprentices to be laid off. In addition, challenges relating to the suspension of **extracurricular activities** were reported.

### COVID-19 education response

The COVID-19 pandemic has seen unprecedented international mobilization to ensure continuity of education. UNESCO's Education Sector has been working to create a space of constructive dialogue for peer-learning and knowledge-sharing through its numerous webinars<sup>59</sup> as well as supporting countries to mitigate the impact of school closures and facilitate the continuity of learning. The Global Education Coalition<sup>60</sup> was also launched, a platform for collaboration and exchange to protect the right to education during the COVID-19 pandemic and beyond<sup>61</sup>. This consultation further provided an opportunity for States to share **good practices to curb the effects of the pandemic** on continuity of education.

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<sup>59</sup> To access all webinars, visit: <https://en.unesco.org/covid19/educationresponse/webinars> (Accessed 15 April 2021.)

<sup>60</sup> For more information, visit: <https://en.unesco.org/covid19/educationresponse/globalcoalition> (Accessed 15 April 2021.)

<sup>61</sup> For more information on UNESCO's work, visit: <https://en.unesco.org/covid19/educationresponse/support> (Accessed 15 April 2021.)

Overall, States predominantly reported using **distance learning solutions** for pupils who are/were unable to attend classes. Some governments are financing digital devices for students from disadvantaged social backgrounds. It was reported that open universities are providing virtual courses **free of charge** to all students. To maintain the focus of all students on education, **educational television programmes** are being provided for all citizens, with guidance to parents and students at the different educational levels. Additionally, educational programmes are available on government websites.

Supporting the inclusion of all learners through **financial measures** was also reported. In one State, several decrees were adopted granting financial support to students from low-income households enrolled in public high schools, for the purchase of school supplies and payment of tuition fees and accommodation. Vouchers were also issued to young people for **digital skills training** to improve their competitiveness on the labour market and **free Internet** access was provided for students in primary and secondary education. To reach the most vulnerable, schools have adopted **non-discrimination strategies**, specifically to care for disadvantaged children and children from vulnerable communities, as well as to facilitate community interaction, school-family relationships, and explore new ways of learning.

Essential for the delivery of education, teachers played a crucial role in ensuring the continuity of learning. Some countries reported **redesigning their short-term policies on teachers** in light of the educational emergency to **meet the training needs** of teachers providing remote education. Alongside teachers, special attention was also given to parents who had taken on greater responsibility in the schooling of their children. One interesting state measure expanded the educational offer to include **webinars for families of school children** who wanted to have skills for using e-learning platforms and video conferencing tools to help their children.

A **psychological support** line on COVID-19 was another measure taken. The initiative provides teachers, pupils and parents with free-of-charge online or phone-based personalized counselling in order to better manage the crisis situation.

## VII. Findings and guidance for the way forward

### 1. General findings on the process to guide the preparation of future consultations

Regarding the form of the reports, out of the 82 reports submitted, 15 Member States reported using the online platform of which four also submitted the report as a Word document. This calls into question the need for the platform. Among the vast majority that submitted the report via e-mail, it should be noted that despite the indications given, some States submitted the report as a scanned document, rendering the exploitation of the document particularly difficult. Also, the format of the Guidelines seemed to facilitate the reporting. Although merely selecting a response to non-open-ended and multiple-choice questions without adding additional information does not provide UNESCO with much substance, it does make for easier reporting and provides a certain level of information which might not have been given had the Guidelines not included proposed responses.

In terms of the substance, it was noted that there might be a need to further explain the guiding questions in the Guidelines to ensure that States provide precise information on the actual situation to allow for a comparative analysis. One example is what is meant by the domestic implementation of the 1960 Convention and Recommendation. When reporting on inclusive measures, for instance, States are encouraged to report not only on people with disabilities. Likewise, reporting on combatting stereotyping and stigmatization covers not only girls and women but all vulnerable groups. Several States included links to relevant laws and policies, and this should be highlighted as particularly valuable.

### 2. Guidance for action to accelerate the achievement of SDG4

Building on the results of the tenth consultation, promising practices and UNESCO's own experience in this field, the following are actions all States might consider taking to fully implement the right to education and achieve SDG4 by the 2030 deadline.

#### A. Action for States

##### *Ensuring legal clarity and using legislation as a policy lever to better enforce the right to education*

The legal framework, which includes the constitution, laws, decrees, by-laws, regulations and circulars, and the policy framework, which includes policies, strategies, plans and programmes, are an important component in ensuring the full domestic implementation of the right to education. Member States need to ensure that their **legal and policy texts conform to international human rights standards and norms** to ensure that the right to education is fully enforceable, including in courts and tribunals. As the highest form of legal protection, guaranteeing the right to and scope of education in the **constitution** offers a solid basis for the realization of this right, as the constitution is a particularly enduring instrument, and its provisions not easily repealed or amended. **Legislative measures** reflect constitutional provisions and are essential to lay down specific standards, requirements, procedures and measures, and these offer the next highest level of legal protection of the right to education where there is no constitutional provision to that effect. This includes having specific regulations regarding non-state education providers to ensure full compliance with human rights principles. Finally, **policies**, which are inherently time-bound, allow governments to respond to current challenges and set objectives. Each of these national texts, when aligned with international human rights law and commitments, make the right to education a reality for every human being.

Member States also need to ensure that there is **overall consistency in national frameworks**<sup>62</sup>. This requires legislation to be fully aligned with the constitution as well as consistent (e.g. education laws must be consistent with labour laws, marriage laws, laws on people with disabilities, children's rights, women's rights, etc.). Regulatory texts must be aligned with laws and provide detailed, practical measures for their implementation. Finally, policies must be consistent with legal texts. This is essential to fully enforce the right to education and avoid discrepancies, gaps and other confusion that could hamper the realization of the right to education. In this regard, UNESCO provides assistance in the conduct of legal reviews on the right to education through the recently elaborated *Guidelines to strengthen the right to education in national frameworks*. These Guidelines allow for a step-by-step approach to identifying legal and policy gaps and challenges, to ensure full alignment with international human rights standards.

Finally, **legislation should be used as a lever to create a conducive policy environment**. With strong, human rights-compliant legal frameworks, States can frame policies that ensure that legal texts are fully respected and that political measures address the challenges of implementing the law. It is important to note that **policies can also provide greater protection for the right to education**, for example, by planning for the progressive introduction of free education at pre-primary or higher education levels, or by providing protection in the digital environment. This allows the legislation to evolve to ensure durability and legal enforcement.

#### **Recommendations:**

- Fully align national frameworks with international human rights law
- Ensure the overall consistency of the national framework to avoid discrepancies that may hamper the implementation of the right to education
- Adopt policy measures that aim to ensure the full implementation of legislations covering the right to education.

#### *Fostering synergies for holistic quality education to ensure equal opportunities for all*

The **central theme of the whole Education 2030 Agenda is inclusion**. To reach the most vulnerable and ensure **quality education**, an inclusive approach to education must be taken which aims to ensure that education is acceptable and adaptable. Indeed, inclusion requires adapting education to meet the needs of the most vulnerable, ensuring that curricula are culturally appropriate, and that the school environment is safe and secure for all, including protecting girls and women against violence, among many other measures. All these measures are conducive to quality education. To truly ensure quality education leading to effective learning outcomes and ensure equal opportunities for all, Member States need to pay attention to inclusion and address whatever obstacles stand in the way of making education inclusive. Amending or adopting new legislation, drawing up a concrete plan, investing in education and challenging mindsets and social norms are some of the ways to do so.

In addition, a **holistic and lifelong approach** is needed to guarantee the right to education, which begins at birth and continues throughout life. Early childhood care and education (ECCE) should not be put on the sidelines, which was the case particularly during the COVID-19 pandemic. ECCE allows for social protection, health, nutrition, learning and socio-emotional nurturing and, as Assistant Director-General Stefania Giannini stated, is "an equalizer and a changer". Beyond ECCE, challenges persist in post-secondary education. These include recognition of prior learning in the context of high international mobility, developing new skills such as digital skills, and ensuring learning opportunities for the elderly

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62 For more information on legal clarity, see: UNESCO. 2021. *Guidelines to strengthen the right to education in national frameworks*, op. cit., p. 42.

to slow or delay health concerns. To address these issues, as some States reported, there is a need for a **sector-wide approach to education**, to ensure that all relevant ministries, local authorities and partners work collaboratively to enhance efforts to reach every single person across all levels and types of education. Fostering such synergies makes for concerted and effective measures that might not have been possible without such collaboration.

### **Recommendations:**

- Through a holistic and sector-wide approach to education, ensure collaboration between all relevant ministries to ensure that a lifelong approach is taken to the right to education and that efforts to advance this right are as effective as possible
- Ensure that all educational measures adopt an inclusive approach and that efforts to reach and respond to the specific traits of all learners, especially the most vulnerable and marginalized, are systematically taken through all available means.

### *Strengthening governance through effective planning, monitoring and evaluation for educational resilience*

Good governance is fundamental for realizing the right to education as governments bear the responsibility for providing, fulfilling, and protecting this right. Governments have a duty to take concrete steps to implement the right to education through effective planning. One of the lessons learned from the COVID-19 pandemic is the need to ensure **educational resilience**. Preparing education systems for any kind of disruption is necessary to avoid exacerbating disparities and stalling education, learning and progress, and this requires **effective planning**. Planning can ensure measures are in place to address emergency situations and to provide solid protection and opportunities for all learners. As such, in developing education plans, relevant stakeholder involvement can ensure that the needs of all groups of society are addressed. Indeed, **participation** is a key principle of human rights. Participation is also necessary for **monitoring and evaluation mechanisms**. States have a duty to ensure periodic monitoring of the right to education, and to evaluate the effectiveness of education systems. By collecting comprehensive and disaggregated data with robust mechanisms, States gather sound evidence for law and policy formulation and management arrangements.

**Increasing efficiency in education financing** has also been recognized by several Member States as requiring greater attention. It is important to recall that human rights obligations require States to take steps to fully realize the right to education through the allocation of “maximum ... available resources” and “by all appropriate means, including particularly the **adoption of legislative measures**”. The COVID-19 pandemic revealed that several governments had cut their education budgets<sup>63</sup>. Yet investing in education is one of the best investments a government can make and as such, public education needs to be prioritized. It notably promotes sustainability and economic recovery and allows for the realization of other human rights, and when allocated appropriately, can reduce inequality. By translating their political commitment to SDG4, which requires States to allocate 4-6% of their GDP and/or 15-20% of total public expenditure, into their legislative frameworks, States are legally committing to abide by these benchmarks.

### **Recommendations:**

- Address educational resilience and the needs of the most vulnerable at all levels and through all types of education in national education sector plans

<sup>63</sup> For more information see: UNESCO. 2020. *Fiscal responses to education and training in the context of COVID-19*, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000374685/PDF/374685eng.pdf.multi> (Accessed 15 April 2021.)

- Reinforce monitoring and evaluation, ensuring a participatory, periodic and disaggregated approach to ensure effective remedial action is taken
- Allocate the maximum available resources to education and enshrine the minimum expenditure for education in national legislation.

### ***B. Action at the international level***

#### *International and regional cooperation and increased funding*

International assistance and cooperation are referred to numerous times in various international human rights instruments, notably in the ICESCR, which requires such cooperation for the realization of the right to education. **Intergovernmental organizations** (IOs) such as UNESCO play a fundamental role in facilitating international cooperation as they provide a space for States to seek assistance. In this regard, through knowledge-sharing, capacity development and technical cooperation, UNESCO works closely with Member States to advance the right to education and meet SDG4 commitments. Beyond this, IOs also set new, and flesh out existing, educational norms and standards to face economic, social, digital and environmental changes.

As the pandemic showed, international mobilization has been essential for **sharing knowledge, experiences, best practices and resources**<sup>64</sup>. With unprecedented mass school closures, the world was far from prepared to deal with the prolonged consequences of COVID-19. Without international cooperation, the effects of the pandemic on schools could have been even more catastrophic. This experience showed how effective international cooperation can be and the promise it holds. Times of crisis should not, however, be the only time for such cooperation. States are encouraged to continue working together to address the challenges they face, building on collective knowledge, resources and support. In addition, the crisis showed that **international development aid** for education is expected to be drastically reduced<sup>65</sup>. This reveals the need to encourage international financing of education and ensure equitable funding to ensure that support is directed towards countries and regions with persistent inequalities. Lastly, while international **monitoring of the right to education** is relatively well-established, including through the different United Nations monitoring mechanisms (UN treaty bodies, the Human Rights Council (Universal Periodic Review and Special procedures), UNESCO and ILO), the crisis provided further evidence that human rights are interdependent and interrelated and this could be better reflected in international monitoring to ensure a holistic approach to the right to education.

#### **Recommendations:**

- Increase efforts for international cooperation through technical support and sharing of knowledge, experiences, best practices and resources
- Increase the share of international development aid directed towards global education, ensuring equitable funding
- Consider ways and means to ensure a comprehensive and holistic approach to monitoring the right to education.

<sup>64</sup> UNESCO notably organized regular webinars on the educational dimensions of the COVID-19 pandemic, providing a venue for stakeholders working in education to share practices, ideas and resources about country responses to school closures and other challenges stemming from the global health crisis. Visit the dedicated webpage here: <https://en.unesco.org/covid19/educationresponse/webinars> (Accessed 13 April 2021.)

<sup>65</sup> See: UNESCO GEMR. 2020. *Policy paper 41 - COVID-19 is a serious threat to aid to education recovery*, accessible at: <https://unesdoc.unesco.org/ark:/48223/pf000373844.locale=en> (Accessed 15 April 2021.)

## C. Action for all actors

### *Raising awareness and advocating for the right to education*

In order to realize the right to education, **all stakeholders and rights-holders need to be aware of what this right entails, as well as understanding the interdependency of human rights**. States should not treat this lightly. They should not only ensure human rights education in schools, in accordance with international legal obligations, but also include measures to raise awareness through workshops, reading materials and campaigns, and build the capacities of civil servants, teachers and school management, among others. In turn, at every level of society, students, parents, journalists, associations, NGOs, lawyers, judges, parliamentarians and policymakers each have a crucial role to play in helping advance the right to education<sup>66</sup>. It is encouraging to see that reporting States have made considerable efforts in this regard, such as organizing training on human rights or tackling obstacles to the full realization of this right by combatting stigmatization and stereotyping. It is also essential that States work to **publicize the relevant laws and policies that allow for the exercise of this right**, allowing right-holders to seek corrective and remedial action when their rights are not respected. As such, all the texts adopted should be made easily accessible and available.

UNESCO also works to conduct **regular campaigns** on the right to education. Most recently, the online celebrations marking the sixtieth anniversary of the Convention against Discrimination in Education (December 2020)<sup>67</sup> provided an opportunity for renewed attention to the rights and obligations laid down in this instrument aimed at ending all kinds of discrimination and ensuring equality of opportunity in education. Furthermore, **National Commissions** have an essential role in promoting UNESCO's mandate and activities, including with regard to the right to education, as they too advocate for, raise awareness of and debate this fundamental human right. Similarly, the **UNESCO Associated Schools Project Network** and **UNESCO Chairs** play an important part in promoting debate and awareness-raising.

#### **Recommendations:**

- Make the right to education, its various components and related obligations better known to all stakeholders and right-holders
- Ensure laws and policies on education are easily accessible and available
- Mobilize actors at all levels of society to advocate for and contribute to the right to education.

### *Further reflections on the evolution of the right to education*

As emphasized by the COVID-19 pandemic, there is a need to **reconsider what the right to education means in the context of new challenges**. Even prior to the health crisis, there was a false but widespread understanding that the right to education was limited to access to schools. This understanding has been viewed in a whole new light as the use of digital technologies and devices temporarily replaced physical school settings during mass school closures. However, beyond questioning whether there should be a right to connectivity, digital inclusion and digital literacy, other areas, too, have received increasing attention. For instance, early childhood care and development, which, as explained in an earlier section, is fundamental for the realization of the right to quality education and for ensuring equal opportunities. In the early stages of life, the need for childcare and healthcare services is inextricably linked to the right to education, requiring relevant support and assistance for parents as well as education, to ensure the best

<sup>66</sup> For more information on their specific roles, visit: <https://en.unesco.org/news/what-can-i-do-help-advance-right-education> (Accessed 13 April 2021.)

<sup>67</sup> Visit the dedicated webpage here: <https://en.unesco.org/themes/right-to-education/campaign> (Accessed 13 April 2021.)

development of the child. At the other end of the spectrum, a lifelong learning perspective on education means providing learning opportunities right into old age. There has in fact been a shift towards fully embracing the learning dimension of the right to education. As such, the availability of learning opportunities (both formal and informal) and the recognition, validation and accreditation of learning outcomes are recognized as part of the right to education.

Indeed, while the right to education begins at birth and continues throughout life, encompassing a wide range of dimensions as laid out in soft law instruments, the **clearly established norms and standards in legally binding instruments are far more limited**. This creates an opportunity to rethink standard-setting human rights instruments to embrace new dimensions of the right to education, respond to emerging challenges and address the implications of ensuring equal opportunities for all in education.

There is also a need to **clearly define rights and obligations** to ensure that the most vulnerable can fully exercise their right to education. With the increase in global mobility, displaced persons, including refugees, stateless persons, internally displaced persons, climate-displaced persons and migrants should have the right to education wherever they are. This requires flexible approaches to recognizing and validating prior learning, accelerated learning programmes and remedial classes, among other things. There is a need to address education in emergency situations and protracted situations like pandemics, which also require measures to ensure a safe learning environment.

These are just a few of the areas requiring to be expressly addressed in legally binding instruments. They illustrate the importance of rethinking education systems, what the right to education entails and how its scope could be broadened, to further support States in their efforts to reach all people and address the emerging and ongoing challenges in education.

#### **Recommendation:**

- Conduct an examination of how the right to education could be further placed within a lifelong learning perspective and how the international human rights framework might lay down more comprehensive, detailed and explicit rights and obligations in this area, to better respond to new challenges and trends.<sup>68</sup>

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68 See the dedicate webpage on the Global Conversation on the Right to Education, available at: <https://en.unesco.org/futuresofeducation/get-involved/right-to-education> (Accessed 15 April 2021.)

## Annex: Reporting Member States

Table of reporting Member States disaggregated by regional group and by consultation

	7th consultation (2005-2007)	8th consultation (2011-2013)	9th consultation (2016-2017)	10th consultation (2017-2020)
<b>Western European and North American States (Group I)</b>	Austria, Canada, Cyprus*, Denmark*, France*, Germany*, Italy*, Norway*, Portugal*, San Marino, Spain*, Sweden*, Turkey, United Kingdom of Great Britain and Northern Ireland*	Canada, Cyprus*, Finland*, France*, Germany*, Luxembourg*, Norway*, Sweden*	Canada, Denmark*, France*, Germany*, Ireland, Malta*, Monaco*, Netherlands*, Norway*, Portugal*, Spain*, Sweden*, Turkey	Andorra*, Austria, Belgium <sup>69</sup> , Cyprus*, Denmark*, Finland*, Germany*, Ireland, Italy*, Luxembourg*, Malta*, Monaco*, Netherlands*, Norway*, Portugal*, San Marino*, Spain*, Sweden*, Switzerland, Turkey
Total	14	8	13	20
<b>Eastern European States (Group II)</b>	Croatia*, Czechia*, Georgia*, Hungary*, Latvia*, Russian Federation*, Slovakia*, Slovenia*, Uzbekistan*	Armenia*, Bosnia and Herzegovina*, Bulgaria*, Croatia*, Czechia*, Estonia, Georgia*, Hungary*, Latvia*, Montenegro*, Poland*, Romania*, Russian Federation*, Serbia*, Slovakia*, Uzbekistan*	Armenia*, Bosnia and Herzegovina*, Bulgaria*, Croatia*, Czechia*, Estonia, Georgia*, Hungary*, Latvia*, Poland*, Republic of Moldova*, Romania*, Russian Federation*, Serbia*, Slovakia*, North Macedonia*, Ukraine*, Uzbekistan*	Albania*, Armenia*, Azerbaijan, Belarus*, Bosnia and Herzegovina*, Bulgaria*, Czechia*, Estonia, Georgia*, Hungary*, Latvia*, Lithuania, Poland*, Romania*, Russian Federation*, Serbia*, Slovakia*, North Macedonia*, Ukraine*, Uzbekistan*
Total	9	16	18	20
<b>Latin American and Caribbean States (Group III)</b>	Brazil*, Chile*, Colombia, Ecuador*, Grenada, Jamaica*	Argentina*, Barbados*, Brazil*, Chile*, Costa Rica*, Cuba*, Dominican Republic*, Panama*	Argentina*, Bolivia (Plurinational State of), Brazil*, Chile*, Colombia, Costa Rica*, Cuba*, Ecuador*, Guatemala*, Haiti, Honduras*, Mexico, Venezuela (Bolivarian Republic of)*	Argentina*, Barbados*, Brazil*, Colombia, Cuba*, Guatemala*, Honduras*, Mexico, Peru*, Saint Kitts and Nevis

<sup>69</sup> Report concerning only the Flemish Community of Belgium. 9

	<b>7th consultation (2005-2007)</b>	<b>8th consultation (2011-2013)</b>	<b>9th consultation (2016-2017)</b>	<b>10th consultation (2017-2020)</b>
Total	6	8	13	10
<b>Asian and Pacific States (Group IV)</b>	Australia*, Bangladesh, Malaysia, Nepal, Sri Lanka*	Afghanistan, Australia*, Bangladesh, Cook Islands, Democratic People's Republic of Korea, Iran (Islamic Republic of)*, Nauru, Pakistan, New Zealand, Philippines*, Sri Lanka*	Afghanistan*, Australia*, Bangladesh, Cook Islands, Iran (Islamic Republic of)*, Japan, Mongolia*, New Zealand*, Pakistan, Turkmenistan	Australia*, Brunei Darussalam*, China <sup>70</sup> , Democratic People's Republic of Korea, Japan, Lao People's Democratic Republic, Micronesia (Federated States of), Mongolia*, Myanmar, New Zealand*, Republic of Korea, Turkmenistan
Total	5	11	10	12
<b>African States (Group V(a))</b>	Benin*, Burundi, Cameroon, Côte d'Ivoire*, Gabon, Guinea*, Malawi, Mali*, Mauritius*, Niger*, Senegal*, South Africa*, Uganda*, United Republic of Tanzania*, Zimbabwe*	Burkina Faso*, Ethiopia, Ghana, Lesotho, Mauritius*, Nigeria*, United Republic of Tanzania*, Zimbabwe*	Burkina Faso*, Côte d'Ivoire*, Democratic Republic of the Congo, Gambia, Niger*, South Africa*, United Republic of Tanzania*, Zambia	Botswana, Burkina Faso*, Democratic Republic of the Congo, Equatorial Guinea, Guinea*, Mauritius*, Nigeria*, Rwanda*, Seychelles*, South Africa*,
Total	15	8	8	10
<b>Arab States (Group V(b))</b>	Algeria*, Bahrain, Egypt*, Jordan*, Kuwait*, Qatar	Bahrain, Egypt*, Iraq*, Jordan*, Kuwait*, Morocco*, Qatar, Syrian Arab Republic	Egypt*, Iraq*, Kuwait, Qatar*, Tunisia*	Algeria*, Bahrain, Egypt*, Iraq*, Jordan*, Kuwait*, Lebanon*, Morocco*, Saudi Arabia*
Total	6	8	5	9
<b>NGO reports</b>				
	0	0	0	1
<b>Total Reports</b>	55	59	67	82

\* Refers to Parties to the Convention

<sup>70</sup> Report concerning only the Macao Special Administrative Region of the People's Republic of China.



# unesco

United Nations  
Educational, Scientific  
and Cultural Organization

## From rights to country-level action

Results of the tenth consultation of Member States  
on the 1960 Convention and Recommendation

The year 2020 marked a turning point for education worldwide. The impact of the COVID-19 pandemic not only amplified the difficulties and revealed existing weaknesses, but also brought the unpreparedness and lack of resilience of national education systems to the fore.

The tenth consultation on the 1960 Convention against Discrimination in Education was conducted in precisely this context.

Providing a valuable opportunity for States to take stock of the progress made in implementing Convention and sharing interesting national practices, the Consultation revealed continuous and new challenges the education sector faces. The unique timing of the consultation also created an opportunity to report on actions taken to face adverse effects of the pandemic.

This report analyzes and presents the Consultation findings, draws trends, and provides guidance for action. It shows how, by implementing the provisions of the Consultation, States can accelerate progress towards achieving Sustainable Development Goal 4, while invites a reflection on possibly reviewing the framework of the right to education to further respond to new challenges and put an end to increased inequalities worldwide.

### Stay in touch

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