Article 26:  
The Education Provision

Appendix E to the Report of the  
Global Citizenship Commission¹

¹ This memorandum has been prepared by the UCSD Center on Global Justice for the Global Citizenship Commission.
The right to education is foundational. The United Nations Committee on Economic, Social and Cultural Rights affirms: “Education is both a human right in itself and an indispensable means of realizing other human rights.” Education empowers individuals to raise themselves out of poverty and advance their socio-economic status. Politically and socially, education offers people the necessary skills to identify common goals, assume a full and active place in community life, recognize manipulative media practices, and resist oppression.

Education enables people to self-advocate for civil and political rights as well as social, economic, and cultural rights. Despite its vital importance in securing human rights and advancing socio-economic development, education commands too little media attention. There is a stubborn and unacceptable gap between education needs and available resources. Indeed, total global financial support for education has actually fallen in recent years. This right is also threatened by conflict and emergency situations that push students out of schools. Not fulfilling the right to education is a violation of fundamental human

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4 A World at School. 2015. “Donor Scorecard”

5 A World at School. 2015. “Policy in Brief: The Urgent Need to Fund Education in Emergencies.”
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...as accessible, affordable, and meaningful education has the power to transform lives across the globe.

The right to education is enumerated in UDHR Article 26:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. 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.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 26 emphasizes the importance of free education in at least the foundational and elementary stages, and that it should be compulsory. Additionally, the UDHR makes clear the potential of education to strengthen respect for human rights and freedoms, including peace and tolerance between nationalities, races, and religions.

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The right to education has been reaffirmed in many international covenants and treaties since 1948. Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) outlines the responsibility of states to recognize, respect, and uphold the right to education for everyone. In particular, Article 13 reinforces that education should “enable people to participate effectively in a free society”7 and strengthen respect for human dignity. Article 13(2) provides for the development of a robust education system, including scholarships and ongoing development for teachers. Article 13(3) of the ICESCR affirms the UDHR’s provision that states should respect the liberty of parents and guardians to choose non-public schools for their children. However, the ICESCR notes that such alternative options must “conform to such minimum educational standards as may be laid down or approved by the State.”8 Thus, the Covenant balances parents’ right to choose their children’s education type with children’s right to an acceptable level of education that enables them to develop critical thinking skills.

The Convention on the Rights of the Child (CRC) also affirms the right of children to education, with an emphasis on equal opportunity. Article 28(1) reinforces the importance of financial aid for those in need. Moreover, this provision emphasizes making educational and vocational information and guidance available to all children, and encouraging school attendance and reducing dropout rates. Concerning discipline at school, Article 28(2) outlines that any such disciplinary methods used

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8 Ibid.
should respect the child’s dignity. Article 28(3) encourages international cooperation regarding education, particularly in combating ignorance and illiteracy, and in sharing scientific advances in knowledge and teaching methods, with a view to increasing global equity. Article 29(1) of the CRC addresses the type of education children should receive, which includes education for the “development of the child’s personality, talents and mental and physical abilities to their fullest potential.” Education should also help foster in children respect for elders, cultural diversity, gender equality, the environment, and human rights and freedoms. Article 23(3) of the CRC especially affirms the right of children with disabilities to education, training, and preparation for employment.

Other international covenants affirming the right to education include the UNESCO Convention against Discrimination in Education, the International Covenant on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Convention on the Rights of Persons with Disabilities.

The major regional human rights instruments similarly recognize a universal right to education, including the African Charter on Human and Peoples’ Rights (Article 17(1)), the European Convention on Human Rights (Article 2 of the First Protocol), and the Association of Southeast Asian Nations Human Rights Declaration (Article 31). One exception is the American Convention on Human Rights, which lacks a specific provision on education.

In 1998, the Commission on Human Rights established a Special Rapporteur on the right to education. This position is currently held by Mr. Kishore Singh.

In 2000, the UN Special Rapporteur on the right to education, supported by ActionAid International, Amnesty International, Global Campaign for Education, Save the Children and Human Rights Watch,
developed the Right to Education Project, a collaborative, international initiative. The Right to Education project explains that education is indispensable for human rights because “both individuals and society benefit from the right to education. It is fundamental for human, social and economic development and a key element to achieving lasting peace and sustainable development.” Research demonstrates education is a key pathway to ensuring sustainable development. Finally, education helps people develop to their fullest potentials.

12 Right to Education Project. 2013. “Understanding Education as a Right: Why is the right to education fundamental?” http://www.right-to-education.org/node/3
14 Right to Education Project. 2013. “Understanding Education as a Right: Why is the right to education fundamental?” http://www.right-to-education.org/node/3
3. Progress in implementing the right

MDGs

Over the past half-century, since the 1960s when the UN declared “the Decade of Development,” the international community has set many goals to achieve universal primary education and literacy; however, we have always fallen short. In 2000, world leaders came together in New York at the United Nations to commit to the Millennium Development Goals (MDGs). Two of the eight MDGs (Goal 2: Achieve Universal Primary Education and Goal 3: Promote Gender Equality and Empower Women) focused on education. While progress was made toward reaching these goals, they were not realized. In fact, progress has stalled or reversed; for instance, the number of out-of-school children at the primary level went from 58 million to 59 million in recent years.\textsuperscript{15}

EFA goals

At the same time as the MDGs were being set, the international community also met at the World Education Forum in Dakar, Senegal, to develop the Dakar Framework for Action, Education for All: Meeting our Collective Commitments, known as the Education for All (EFA) goals. These were agreed upon by 164 countries and aimed to achieve six specific education goals by 2015:

1. Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;

\textsuperscript{15} UNESCO. 2015. “A growing number of children and adolescents are out of school as aid fails to meet the mark.” Paris: UNESCO.
2. Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;

3. Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programs;

4. Achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;

5. Eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access to and achievement in basic education of good quality;

6. Improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.

To track progress on meeting the EFA goals, UNESCO initiated the EFA Global Monitoring Reports (GMRs). However, the latest GMR report for 2015 demonstrates we still have far to go in achieving the right to education.

4-A framework

The former UN Special Rapporteur on the right to education, Katarina Tomasevski, outlined the 4-A framework for the right to education. This framework sets out essential, interrelated features for education: availability, accessibility, acceptability, and adaptability, described in turn below.\(^\text{16}\)

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Available education includes functioning and well-funded educational institutions and programs in sufficient quantity for the population. Functional elements include: buildings or protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching and library materials, and information technologies.

Accessible education means educational institutions and programs are physically and economically accessible to everyone, without discrimination. Legal and administrative barriers to education must be eliminated.

Acceptable education means curricula and teaching methods are relevant, culturally appropriate, non-discriminatory, and of good quality. Schools must be safe, teachers must be professional, and students should receive human rights education, focusing on respect for diversity.

Adaptable education must be flexible to meet the needs of changing societies and communities and respond to the needs of students within diverse social and cultural settings, particularly for students with special requirements.

Tomaševski’s 2006 report calls for poverty reduction strategies to eliminate economic exclusion from education. The World Bank has recognized differential resource capacities of Member States and promised, “No country with a viable and sustainable plan for achieving Education for All will be unable to implement it for lack of external resources.” However, Education for All has not been fulfilled. Tomaševski notes the biggest barrier in attaining universal primary education is the lack of political will and financial resources in the form of donor aid to low and lower-middle income states from wealthy states.

SDGs

The Sustainable Development Goals (SDGs) extend the unrealized Millennium Development Goals and provide the new international

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17 Tomaševski, Katarina. 2006. “Executive Summary and Introduction to The State of the Right to Education Worldwide Free or Fee.”
19 Tomaševski, Katarina. 2006. “Executive Summary and Introduction to The State of the Right to Education Worldwide Free or Fee.”
framework for tackling poverty, inequality, and climate change and also set targets for the right to education. By 2030, the SDGs promise to ensure all girls and boys complete free, equitable and quality primary and secondary education, in addition to attaining specific goals related to quality early childhood development and eliminating gender disparities in education. The GMRs also provide recommendations for meeting the Sustainable Development Goals.

Achievements

While the international community has not fully attained Education for All, it has made progress on the right to education. For instance, the elimination of school fees in sub-Saharan African countries in the early 2000s marks a pivotal development toward achieving the right to education. Data show school enrollment and attendance rise dramatically when school fees and other charges are eliminated.20 For example, Burundi’s net enrollment ratio for primary education went from less than 41 percent in 2000 to 94 percent in 2010.21 While the elimination of school fees achieved a lot of success, it created new challenges, such as larger class sizes. School overcrowding can contribute to vulnerable children being more likely to drop out.22 Thus, a need exists to ensure both accessible and quality schooling.

Governments that compensate families for lost revenue in sending children to school increase retention of children in education.23 The Bolsa Família (“family allowance”) program in Brazil, which started in 2003, provides families who live below the poverty line with a monthly stipend between approximately USD$13-28 for ensuring their children attend school and are vaccinated. Bolsa Família reduces inter-generational poverty by ensuring quality education for children whose families would otherwise be unable to send them to school.24

23 Tomaševski, Katarina. 2006. “Executive Summary and Introduction to The State of the Right to Education Worldwide Free or Fee.”
24 India Brazil South Africa International Conference on South-South Cooperation. 2012. “Brazil’s Conditional Cash Transfer Programme Bolsa Família.”
Another incentive program to encourage parents to send their children to school is the provision of meals at school. Research shows rural schools that provide free meals to students have higher attendance and lower initial dropout rates than schools that do not provide meals, although this effect wears off over time, as the cost of not contributing to the family economy becomes too high for older youth. Provision of school meals to children from poor families also contributes to improved IQ, height, weight, immunity to disease, and overall health.

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4. Current outlook and challenges

As of 2013, 59 million children remain out of school. While this represents progress since 1990, when there were 120 million children out of school, substantial challenges remain. Those children out of school are often the most marginalized and the hardest to reach: ethnic minorities, students with disabilities, and those living in conflict or rural areas. Further, dropout rates are an issue, as in over 30 countries, 20 per cent of currently enrolled students are projected to not reach the last grade. Major challenges in achieving the right to education include: financing, quality control and privatization, a lack of gender equity, child labor, child marriage, emergencies, and special concerns for adult learners. Additionally, insufficient data prevents governments and NGOs from adequately measuring and evaluating progress on achieving the right to education.

Due to lack of investment in public education, especially in low-income countries, the quality of education has suffered. While student-teacher ratios declined in approximately 83 percent of the 146 countries with data at the primary education level, the ratio of students to trained teachers remains unacceptably high (100:1) in some countries: Central African Republic, Chad, Guinea-Bissau and South Sudan. Teacher training is of concern, as “in one-third of the 91 countries with data for

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27 UNESCO. 2015. “A growing number of children and adolescents are out of school as aid fails to meet the mark.” Paris: UNESCO.
29 Ibid.
2012, less than 75% of primary school teachers were trained according to national standards.” Teachers must be well-compensated and trained in a thorough and on-going manner. Moreover, schools need investment in infrastructure and resources, such as gender-appropriate toilets and textbooks.

Financing remains one of the most significant obstacles to achieving the right to education for all globally. If the international community is to achieve universal pre-primary, primary, and secondary education of good quality in low and lower middle income countries, an annual financing gap of USD$39 billion for the period 2015-2030, USD$585 billion total, will have to be met. Only one funding mechanism exists for education, the Global Partnership for Education (GPE) and its current budget is approximately $USD 500 million per year. The GPE requires 80 times more funding than current levels to achieve the right to education. International aid is necessary to meet this gap, as lower-income countries around the world lack the necessary resources.

One direct result of this financing gap is the emergence of low-fee private schools in low-income countries. Low-fee private schools, while touting themselves as the answer to “failing” public schools, provide neither affordable nor accessible options for those living in poverty to educate their children, as for many poor families even low fees still constitute a barrier to educating their children. Numerous international treaties uphold the human right to free, compulsory primary education; investing public funds in low-fee private schools misdirects funding that should instead finance public schools with quality education.

Gender equity continues to be a challenge. A recent Global Monitoring Report shows if recent trends in sub-Saharan Africa
continue, the richest boys will achieve universal primary completion in 2021, but the poorest girls will not catch up until 2086.\(^{35}\)

### Special challenges in achieving the right to education for all

When considering the right to education, it is common to think exclusively of the right of children or young people to education. However, today, there are approximately 781 million illiterate adults in the world. While the rate of global illiteracy has dropped slightly, from 18 per cent in 2000 to an estimated 14 per cent in 2015, the Dakar target of halving illiteracy was not attained.\(^{36}\) Acquiring reading, document use, and numeracy skills enables people to successfully accomplish the tasks of daily living.

The right to education in emergencies is often neglected, as financing is almost nonexistent. Humanitarian aid only provides 1.4 percent of total revenues toward education in emergencies, which falls below the 4 percent requested by the UN Secretary-General’s Global Education First Initiative.\(^{37}\) Yet, countries in conflict emergencies account for 36 per cent of the world’s out-of-school children.\(^{38}\) Interestingly, evidence shows educational inequality itself has been correlated with increased violent conflict.\(^{39}\) Providing education in emergency situations is complicated; however, it has a protective, life-saving potential. During emergencies, schools can provide children a safe place, offer disaster risk reduction information to the wider population, and serve as a physical location for food, water, and medicine distribution. Education in emergencies can respond to immediate needs arising during emergencies and facilitate

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recovery projects, conflict resolution, environmental conservation, and future disaster prevention.

During the 2014 Ebola outbreak across West Africa, nearly five million children were out of school across Guinea, Liberia, and Sierra Leone.\(^\text{40}\) This is troubling as children out of school even temporarily are less likely to re-enroll in the future.\(^\text{41}\) The Liberian Ministry of Education and partners conducted an assessment to understand the impact of the Ebola outbreak on education and found most children did not continue learning while schools were closed. While the majority of regular Parent-Teacher Association activities halted as schools closed during the outbreak, about 10 percent of schools had PTAs involved in Ebola-related safety activities.\(^\text{42}\)

The Inter-Agency Network for Education in Emergencies (INEE) connects international and domestic partners administering quality and accessible education in emergencies. INEE has developed minimum standards for education in emergencies, focusing on preparedness, response, and recovery, according to a standardized measure adjustable to local contexts.\(^\text{43}\)

A variety of data sources documenting progress on the right to education exist. UNESCO’s Global Database on the Right to Education provides detailed country profiles with information on ratification of normative instruments and monitoring, including national reports, constitutional and legal frameworks, and education policies.\(^\text{44}\) However, education statistics often entirely miss the number of children out of school, simply because they are hard to reach. Additionally, data is limited throughout much of the developing world regarding the


\(^{41}\) de Janvry, Alain, Frederico Finan, Elisabeth Sadoulet, and Renos Vakis. 2006. “Can conditional cash transfer programs serve as safety nets in keeping children at school and from working when exposed to shocks?” *Journal of Development Economics* 79: 349-373.


\(^{44}\) UNESCO Global Database on the Right to Education: http://www.unesco.org/education/edurights/index.php
learning outcomes of children with disabilities and working children. Given the limited resources available in low-income countries to support public education, little financing is available to run accurate, objective sampling on attendance and outcomes.

The Right to Education Project provides a list of key indicators for Measuring Education as a Human Right. In contrast with developmental perspectives, this approach measures the extent to which individual right-holders enjoy their rights to education and the extent to which states (duty-bearers) fulfill their legal human rights obligations regarding education.45

RESULTS Educational Fund is currently piloting the Right to Education Index (RTEI), which measures success on meeting specific targets in the ICESCR and the CRC. A longitudinal study, the Index includes a double-blind peer-review process by civil society organizations, national research organizations, and universities and government offices to help ensure data accuracy.

In order to best meet educational goals set by the Post-2015 MDG framework, the Sustainable Development Goals (SDGs), the international community must ensure these goals are clear and measurable, which will allow essential tracking and monitoring for both governments and donors alike.46

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The right to education is indispensable, as it empowers marginalized groups and provides routes out of poverty, at the same time as it helps people realize other human rights. To realize this right, any existing legal barriers barring certain social groups from accessing education should be immediately disbanded, e.g., laws preventing pregnant girls from attending school. All countries should ratify the Convention on the Rights of the Child. Additionally, free pre-primary, or early childhood education should be protected in international legal treaties.

Instrumental in meeting this right is the necessary political will to invest resources into combatting economic exclusion from education. International organizations and domestic governments should cooperate at all levels to facilitate and prioritize free and compulsory education for all children until at least the minimum age of employment, 14 years of age. Investment in education should ensure the 4A framework of available, accessible, acceptable, and adaptable education. One possible solution to improve availability of education, specifically in dealing with overcrowding in schools, is double-shift schooling, where schools serve two separate student groups during the same day by having two

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47 The suggestions outlined in this section are illustrative and non-exhaustive proposals for promoting and protecting the right to education in the 21st Century.  
48 Tomaševski, Katarina. 2006. “Executive Summary and Introduction to The State of the Right to Education Worldwide Free or Fee.”
shifts. Additionally, adults should be supported in accessing learning options appropriate to their age and current literacy needs, including a focus on accomplishing tasks of daily living, acquiring skills for work, and obtaining knowledge of legal rights.

Emergency humanitarian rapid response teams should prioritize education in emergencies in an integrated manner. Education in emergencies must be made a donor priority and financial investments should be made into the Global Humanitarian Platform and Fund for Education in Emergencies.

Given existing gaps in data on the right to education, the international community should support the collection of survey data and statistics on marginal groups. Researchers should be cognizant of diverse local contexts and cross-cultural differences when developing global measures of education outcomes. Emphasizing data on the long-term benefits of education may invite awareness and funding for achieving this right. The Global Partnership for Education highlights how education provides the centerpiece to achieving the 17 Global Goals for Sustainable Development, providing clear statistics on the returns on investment for education, including: “four million child deaths have been prevented thanks to the global increase in women’s education”; “if all children left school with basic reading skills, 171 million people could be lifted from poverty, [a] 12 per cent drop in poverty”; and “a 0.1 percent improvement in a country’s education equality can, over 40 years, raise its per capita income by 23 per cent.”

Human rights education has the power to create a more peaceful world. Education about human rights should impart knowledge about living together in tolerance and respect for different religions, races, ethnicities, genders, and socio-economic backgrounds.
