Do children have to present a birth certificate to enrol in school? [1]

The requirement to present a birth certificate in order to enrol in school may be prescribed by local, regional or national law

Comments:
Such a requirement impairs access to education of children without birth certificates and may amount to discrimination

Human Rights Standards:
Article 30, Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Article 22, Convention relating to the Status of Refugees; Articles 2 (2) (3) & 13 (2), International Covenant on Economic, Social and Cultural Rights; Para 34, CESCR General Comment 13; Article 2, Convention on the Rights of the Child; Article 3 (e), UNESCO Convention against Discrimination in Education

Tags: Access to Education [2], Administrative Accessibility [3], Pre-Primary [4], Primary [5], Secondary [6], Vocational Education [7], Indigenous Peoples and Minorities [8], Migrants, Refugees and IDPs [9], Persons Living in Poverty [10], Structural Indicators [11]

International human rights treaties relevant to the right to education ratified by the State [12]


Comments:
The international human rights treaties relevant to the right to education ratified by the State provide a normative framework for the human rights commitments of the State regarding its obligations to implement the right to education. When using this indicator you should check whether the State has ratified the most relevant international human rights treaty, for example, if your project focuses on the right to education of girls, you should check whether the State has ratified the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol

Available data:
For information on ratification status see, here [13].

Tags: Structural Indicators [11]

Coverage of the right to education in the constitution or other forms of superior law [14]

This indicator measure the extent to which and which aspects of the right to education are guaranteed in law at the
highest level

Comments:
Does the constitution provide for free and compulsory primary education? Does it provide for progressively free secondary education, including technical and vocational education? Does it provide for progressively free tertiary education on the basis of capacity? Does it provide for basic education for adults who have not received or completed the whole period of their primary education?

Available data:
Right to Education Project, Where to Find Information [15]

Human Rights Standards:
Article 2 (1), International Covenant on Economic, Social and Cultural Rights

Tags: Access to Education [2], Quality of Education [16], Free Education [17], Educational Freedom/Private Education [18], Women and Girls [19], Indigenous Peoples and Minorities [8], Persons with Disabilities [20], Persons Living in Poverty [10], Structural Indicators [11]

Coverage of the right to education in domestic law [21]

This indicator examines the various provisions in domestic law that protect various aspects of the right to education

Comments:
The issues that should be covered in domestic laws include, *inter alia*, institutional arrangements to make primary schooling free and compulsory, the prohibition of corporal punishment, discrimination in access to education, making educational institutions barrier-free and inclusive education (eg children with disabilities, children in detention, migrant children, indigenous children)

Available data:
Right to Education Project, Where to Find Information [15]

Human Rights Standards:
Article 2 (1), International Covenant on Economic, Social and Cultural Rights

Tags: Structural Indicators [11]

Do domestic laws forbid discrimination in access to education? [22]

This indicator examines whether discrimination, both direct and indirect, are legally prohibited

Comments:
Check on which grounds discrimination is forbidden: age, gender, race, ethnicity, colour, origin, language, status, opinion, sexual orientation, disability, socio-economic status, and other pertinent grounds

Available data:
Right to Education Project, Where to Find Information [15]

Human Rights Standards:


Child marriage is defined as a marriage where at least one party is under the age of 18

Comments:
Child marriage could interfere with school attendance

Human Rights Standards:
Article 28 (1) (e); Article 10 (f) & 16 (2), Convention on the Elimination of All Forms of Discrimination against Women; Article 24 (3) & 16 (2) Convention on the Rights of the Child; Article 12 (2) (c), Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa


Is the expulsion of girls from school because of pregnancy or for having a baby explicitly forbidden in legislation? [26]

Comments:
Without an explicit prohibition, school principals may have the authority to arbitrarily decide to expel girls who are pregnant or have a baby, thereby violating their right to education

Human Rights Standards:
Article 11 (6), African Charter on the Rights and Welfare of the Child; Article 13 (4) (h), African Youth Charter; Articles 12 (1) (a) (c) & (d), Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa; Article 24, Convention on the Rights of the Child; Para 56, Committee on the Rights of the Child General Comment 14; Article 7, International Covenant on Civil and Political Rights


Do domestic laws protect the right of minorities to establish their own schools? [27]

Comments:
According to human rights standards, minorities have the freedom to establish their own schools and this should be protected by domestic law. At the same time, such schools should comply with minimum educational standards as set or approved by the State

Human Rights Standards:

Tags: Educational Freedom/Private Education [18], Indigenous Peoples and Minorities [8], Structural Indicators [11]

Is there legislation recognising the right of children with disabilities to education? [28]


Comments:
Check if the legislation makes provision for the necessary equipment and support to enable students with disabilities to attend school

Human Rights Standards:
Articles 4 (1) (a) (b) (d) (e), 2, 3, 4, 5 & 24, Convention on the Rights of Persons with Disabilities; Article 13, International Covenant on Economic, Social and Cultural Rights; Paras 13, 16, & 35, CESCR General Comment 5; Para 59, CESCR General Comment 13; Article 3 (1) (a), Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities


International human rights treaties relevant to the right to education of girls and women ratified by the State [29]

The relevant international and regional human rights treaties include: Convention on the Elimination of All Forms of Discrimination against Women (and its Optional Protocols) International Covenant on Economic, Social and
Cultural Rights (and its Optional Protocols), Convention on the Rights of the Child, and UNESCO Convention against Discrimination in Education.

In Europe: Protocol 1 to the European Convention on Human Rights, and (Revised) European Social Charter (including Article 17)


Comments:
The international human rights treaties relevant to the right to education of girls and women ratified by the State provide a normative framework for the human rights commitments of the State regarding its obligations to implement the right to education of girls and women.

It may also be worth checking whether reservations or declarations have been made which limit the domestic applicability of relevant provisions

Available data:
For information on ratification status see, here [13]

Tags: Access to Education [2], Quality of Education [16], Free Education [17], Women and Girls [19], Structural Indicators [11]

Is there legislation expressly prohibiting any form of discrimination against students and teachers affected by HIV/AIDS? [30]

Comments:
Such legislation may be necessary to prevent this type of discrimination which is common in many countries

Human Rights Standards:
Article 2 (2), International Covenant on Economic, Social and Cultural Rights; Paras 33 & 37 of CESCR General Comment 20; Article 2 & 4 Convention on the Rights of the Child; Paras 9 & 40 (c), Committee on the Rights of the Child General Comment 3; Article 3 (b) (c), ILO Convention 111


Is corporal punishment illegal? [32]

Corporal punishment is defined by the UN Committee on the Rights of the Child as: “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light” (Committee on the Rights of the Child, General Comment 8 [33])

Comments:
Corporal punishment of children breaches their fundamental human rights to respect for human dignity and physical integrity. You should check that corporal punishment is prohibited both in the home and at school

Available data:
Global Initiative to End All Corporal Punishment of Children [34]

Human Rights Standards:
Articles 4, 19 & 28 (2), Convention on the Rights of the Child; Articles 2 (2) & 7, International Covenant on Civil and Political Rights; Article 11 (5), African Charter on the Rights and Welfare of the Child; Article 3, European Convention on Human Rights; Article 17 (1) (b), (Revised) European Social Charter; Rule 67, United Nations Rules for the Protection of Juveniles Deprived of their Liberty; Article 16, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
What is the legal minimum age of employment?

Comments:
According to ILO standards, the general minimum age for admission to any employment should not be lower than the age of completion of compulsory schooling and, in any case, no less than fifteen years old. For more details, see here.

Human Rights Standards:
Article 2, ILO 138 Minimum Age Convention; Article 32 (2) (a), Convention on the Rights of the Child; Article 10 (3), International Covenant on Economic, Social and Cultural Rights; Article 7, (Revised) European Social Charter; Article 7 (f), Protocol of San Salvador; Article 32, European Union Charter of Fundamental Rights; Article 27 (3), ASEAN Human Rights Declaration

What is the legal minimum age of military recruitment?

Comments:
The Convention on the Rights of the Child sets fifteen years old as the minimum age for military recruitment and for taking direct part in hostilities. The 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, drafted in order to raise the minimum ages set out in the Convention, sets the higher age of eighteen years old as the minimum for recruitment or participation in armed conflict. If the legal minimum age of military recruitment is lower than the legal maximum age of completion of compulsory education, military recruitment may effectively undermine compulsory education

Available data:
CIA

Does the State have a plan on how to comply with minimum educational standards during natural disasters?

Comments:
Having such a plan before an emergency occurs is crucial to ensuring that children can enjoy the minimum levels of enjoyment of the right to education during or in the wake of natural disasters. For minimum educational standards during emergency situations, see: The Inter-Agency Network for Education in Emergencies (INEE)

Does an independent body (eg parliamentary committee) monitor the budget?

Comments:
Without such a monitoring body it may not be possible to regularly monitor whether the government’s budget and allocation of resources are in accordance with human rights standards

Human Rights Standards:
Arab Charter; Article 4, UNESCO Convention against Discrimination in Education

Tags: Accountability [46], Education Financing [47], Structural Indicators [11]

Do domestic laws protect the right to establish private schools? [48]

Comments:
According to human rights standards, the State should not interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject to the requirement that the education given in such institutions shall conform with minimum standards set by the State

Human Rights Standards:

Tags: Educational Freedom/Private Education [18], Structural Indicators [11]

Do domestic laws expressly recognise the liberty of parents to choose the religious and moral education of their children in conformity with their own convictions? [49]


Comments:
According to human rights standards, States have to respect the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions. This includes, inter alia, allowing children to be exempted from attending schools on important holy days for their respective religions, taking into account dietary requirements relating to religion and allowing children to be exempted from religious or moral classes not in accordance with their religious or moral convictions

Human Rights Standards:
Article 18 (4), International Covenant on Civil and Political Rights; Article 13 (3), International Covenant on Economic, Social and Cultural Rights; Article 14 (2), Convention on the Rights of the Child; Article 12 (4), Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; Article 14 (3), European Union Charter of Fundamental Rights; Article 5 (b), UNESCO Convention against Discrimination in Education; Article 2, Optional Protocol 1, European Convention on Human Rights; Article 17 (1) (a), (Revised) European Social Charter; Article 13 (4), Protocol of San Salvador; Article 12 (4), Pact of San Jose; Article 50, Geneva Convention 4; Article 78 (2), AP1 Geneva Convention; Article 4 (3) (a), AP2 Geneva Convention

Tags: Educational Freedom/Private Education [18], Structural Indicators [11]

Is the education data gathered by the State publicly available? [50]

Comments:
Public access to data on education is essential for enabling civil society to participate in monitoring the right to education and holding the government accountable for the realisation of this right

Human Rights Standards:

Tags: Transparency [51], Accountability [46], Structural Indicators [11]

If the educational system is decentralised, are the responsibilities of each level of government for education clearly defined and available to the public? [52]
Comments:
This indicator is necessary to assess whether there is duplication and / or lack of clarity in division of roles between different levels of government which can often weaken accountability for the delivery of educational services

Human Rights Standards:
Article 25 (c), International Covenant on Civil and Political Rights; Articles 13 (1) & (2), African Charter of Human and People's Rights; Article 23 (c), American Convention on Human Rights

Tags: Transparency [51], Decentralisation [53], Structural Indicators [11]

Links
[1] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[8] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[10] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[12] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[16] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[17] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[18] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[19] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[21] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[22] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[23] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[25] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[26] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[27] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[28] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[29] https://www.right-to-education.org/monitoring/content/do-children-have-present-birth-certificate-enrol-school
[30] https://www.right-to-education.org/monitoring/content/there-legislation-expressly-prohibiting-any-form-discrimination-against-students-and
[31] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_key_issues%3A104
[32] https://www.right-to-education.org/monitoring/content/corporal-punishment-illegal
[34] http://www.endcorporalpunishment.org/progress/country-reports/
[35] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_key_issues%3A106
[36] https://www.right-to-education.org/monitoring/content/what-legal-minimum-age-employment
[37] http://www.endcorporalpunishment.org/progress/country-reports/
[38] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_marginalised_groups%3A110
[39] https://www.right-to-education.org/monitoring/content/what-legal-minimum-age-military-recruitment
[40] http://www.endcorporalpunishment.org/progress/country-reports/
[41] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_contextual_issues%3A110
[42] https://www.right-to-education.org/monitoring/content/does-state-have-plan-how-comply-minimum-educational-standards-during-natural-disasters
[44] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_contextual_issues%3A96
[45] https://www.right-to-education.org/monitoring/content/does-independent-body-eg-parliamentary-committee-monitor-budget
[46] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_policy_processes%3A86
[47] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_policy_processes%3A112
[48] https://www.right-to-education.org/monitoring/content/does-independent-body-eg-parliamentary-committee-monitor-budget
[49] https://www.right-to-education.org/monitoring/content/does-independent-body-eg-parliamentary-committee-monitor-budget
[50] https://www.right-to-education.org/monitoring/content/do-domestic-laws-protect-right-establish-private-schools
[51] https://www.right-to-education.org/monitoring/content/do-domestic-laws-protect-right-establish-private-schools
[52] https://www.right-to-education.org/monitoring/content/do-domestic-laws-protect-right-establish-private-schools
[53] https://www.right-to-education.org/monitoring/tool?f%5B0%5D=field_policy_processes%3A87