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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Argentina, Armenia, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Bulgaria, Canada,* Chile,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy, Latvia,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Morocco,* Nepal, Netherlands, North Macedonia,* Paraguay,* Peru,* Philippines, Poland, Portugal,* Qatar,* Romania,* Serbia,* Slovakia,* Slovenia,* Somalia, Spain,* Sweden,* Switzerland,* Thailand,* Ukraine, United States of America* and Uruguay: draft resolution

47/... The right to education

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Reaffirming also the 2030 Agenda for Sustainable Development and the Sustainable Development Goals contained therein, particularly, Goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all, its specific and interlinked targets, and other education-related Goals and targets, and recalling the importance of education for reaching all Sustainable Development Goals,

Reaffirming further Human Rights Council resolution 8/4 of 18 June 2008, and recalling all other resolutions of the Council on the right to education, the most recent of which is resolution 44/3 of 16 July 2020, and also the resolutions adopted by the Commission on Human Rights on the subject,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education, which both underline the importance of human rights education as an integral part of the right to education,

* State not a member of the Human Rights Council.



Expressing concern that, in spite of the progress achieved in the implementation of Sustainable Development Goal 4, according to the United Nations Educational, Scientific and Cultural Organization, there are still 773 million adults who are not literate, two thirds of whom are women, and 258 million children, adolescents and youth who do not attend school, and that, according to the United Nations Children's Fund, 50 per cent of pre-primary-age children around the world – at least 175 million – are not enrolled in pre-primary education,

Recalling the Incheon Declaration: Education 2030 – towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea, which aims to mobilize all countries and partners and provide guidance on achieving the effective implementation of Sustainable Development Goal 4 and meeting the related targets on education for all, including for women and girls, persons belonging to national or ethnic, religious and linguistic minorities, stateless and internally displaced persons, migrants, asylum seekers and refugees,

Reiterating the commitments to strengthen the means of implementation, including Goal 17 of the Sustainable Development Goals and the commitments under each Goal, and the actions outlined in the Addis Ababa Action Agenda of the Third International Conference on Financing for Development for ensuring the realization of the Sustainable Development Goals,

Reaffirming the obligations and commitments of States parties to the International Covenant on Economic, Social and Cultural Rights to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of economic, social and cultural rights by all appropriate means, in particular the adoption of legislative measures,

Expressing deep concern about the impact of the coronavirus disease (COVID-19) pandemic on the right to education for all, taking into account that more than 1.5 billion learners have been affected by the closure of educational institutions worldwide,

Expressing concern also that, despite the tremendous efforts made by States and other stakeholders, the COVID-19 pandemic has disproportionately affected those in the most vulnerable and marginalized situations, including in particular girls and women, persons with disabilities, persons living in poverty, migrants, asylum seekers, refugees, stateless and internally displaced persons and students in developing countries, and has exposed and exacerbated the entrenched structural inequalities in the enjoyment of human rights, including the right to education,

Reiterating the importance of early childhood development as a valuable foundation of lifelong learning and the entire education system, and the need to invest in early childhood education and care,

Strongly condemning the recurring attacks on students, teachers, schools and universities, and the military use of educational facilities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, the fact that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on and the military use of educational institutions, natural disasters and pandemics continue to disrupt education and development globally,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults owing to, inter alia, gender-based discrimination and violence, including sexual violence and harassment; lack of a safe learning environment; child, early or forced marriage or unplanned pregnancy; the lack of appropriate water and sanitation facilities and menstrual health and hygiene supplies; discriminatory laws; gender stereotypes; patriarchal social norms; lack of empowerment, including on economic grounds, especially when education is not free; and discrimination based on any other grounds, such as race, colour, age, language, religion, political or other opinion, national or social origin, property, birth, migration or other status,

Recognizing further the role that access to information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education, in particular in situations of emergencies, and recalling its important role during the COVID-19 pandemic, when on-site education has had to be suspended,

Expressing concern at the inequalities in access to information and communications technology, which have increased the digital divides and expanded technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and with their negative impact on the realization of the right to education,

Stressing in this respect that the incorporation of digital technologies in education, notwithstanding its potential to expand and complement access to education, is not a long-term replacement for on-site schooling, and the need for a thorough debate on the role of digital technologies in education, keeping in mind not only equality of opportunities, including for conflict-affected areas, but also its potential unintended negative effects, including on children's and young persons' health, education and interpersonal development, the changes it may create in the organization of education systems and the potential to serve as an equalizer for marginalized children and young persons,

Reaffirming that the human rights principles of non-discrimination and equality are central to the full realization of the right to education as enshrined in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and the International Covenant on Economic, Social and Cultural Rights, and emphasizing that everyone is entitled to the right to education without discrimination of any kind,

Noting that education systems should nurture cultural diversity with a view to protecting cultural rights and fostering mutual understanding, respect for diversity and tolerance,

Welcoming the steps taken to fully realize the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators, and ensuring justiciability of this right, and aware of the role that communications procedures at the regional and international levels can play in promoting the justiciability of the right to education,

Noting the development by experts of guiding principles and tools for States, such as the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education,

Noting also the efforts aimed at promoting and protecting the right to education and facilitating continuation of education in armed conflict, including the efforts of States that are signatories to the Safe Schools Declaration,

1. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means and without discrimination of any kind;

2. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

3. *Also calls upon* States to implement the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 4, in accordance with human rights laws and standards, in order to ensure inclusive and equitable quality education and to promote lifelong learning opportunities for all;

4. *Urges* all States to strengthen their legal frameworks, to adopt adequate policies and programmes and to allocate sufficient resources, either individually or through international assistance and cooperation, to the full realization of the right to education;

5. *Also urges* all States to expand educational opportunities for all, without discrimination, including by:

(a) Implementing targeted programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education;

(b) Recognizing the significant importance of investment in public education, and doing so to the maximum of available resources;

(c) Increasing and improving domestic and external financing for education, including in sanitary and humanitarian emergencies and conflict situations;

(d) Ensuring that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments;

(e) Strengthening engagement with all relevant stakeholders, including communities, children and youth, parents and legal guardians, local actors and civil society, to contribute to education as a public good;

6. *Calls upon* States to promote holistic technical vocational education and training, and work-based learning in all its forms for all, including in-service training, apprenticeship and internships, by implementing appropriate policies and programmes as a means of ensuring the realization of the right to education;

7. *Also calls upon* States to take all measures necessary, including by making education a priority in their national budgets by granting sufficient budgetary allocations to education, to ensure accessible, inclusive, equitable and non-discriminatory quality education to all at all levels, and to promote lifelong learning opportunities for all, paying particular attention to women and girls, children in the most vulnerable and marginalized situations, older persons, persons with disabilities, persons belonging to national or ethnic, religious and linguistic minorities and all persons in vulnerable and marginalized situations, including those affected by humanitarian emergencies and conflict situations;

8. *Further calls upon* States to continue to strengthen the protection of preschools, schools and universities against attacks, making them free from all forms of violence, including by taking measures to deter the military use of schools, such as by considering implementing the Guidelines for Protecting schools and universities from military use during armed conflict, and encourages efforts to provide safe, non-violent inclusive, effective and enabling learning environments and quality education for all within an appropriate time frame, including all levels of education in the context of humanitarian emergencies and conflict situations;

9. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination, harmful practices such as female genital mutilation and child, early and forced marriage, and all forms of violence abuse and harassment, including moral and sexual harassment, school-related sexual and gender-based violence, and bullying in schools and other educational settings both online and offline, in particular against those persons who are most vulnerable, discriminated against and marginalized, and to guarantee gender equality and the right to education for all;

10. *Urges* States to take all necessary measures with a view to eliminate gender bias and gender stereotypes in education at all levels, including through the facilitation of gender-neutral learning environments and the promotion of equal opportunities in all fields of study;

11. *Calls upon* all States to take appropriate measures to accelerate efforts to bridge digital divides and technological gaps, including but not limited to those based on gender, age, disability and migration or refugee status, and not only to combat discrimination and bias in the development and use of new technologies, particularly in terms of access to products and services that are essential for the enjoyment of the right to education, but also to ensure accessible and quality education at all levels, in order to increase the digital competencies and innovation skills of all, including of women, girls and persons with disabilities, while ensuring the protection of personal data in the use of technology in education;

12. *Urges* all States to regulate and monitor all education providers, private and public, including those operating independently or in partnership with States, inter alia by

putting in place adequate mechanisms to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, to address the negative impact of the commercialization of education, and to strengthen access to appropriate remedies and reparation for victims of violations of the right to education;

13. *Takes note with appreciation* of the two most recent reports of the Special Rapporteur on the right to education presented to the Council, on the impact of the coronavirus disease crisis on the right to education: concerns, challenges and opportunities,¹ and on the cultural dimensions of the right to education, or the right to education as a cultural right;²

14. *Calls upon* States, in the context of the current COVID-19 pandemic, to consider re-opening education institutions as a priority with adequate attention to the health and safety of students, teachers and all other educational personnel; to conduct a careful assessment of the impact of the closures of educational institutions on all learners from early childhood to adulthood, taking into account the intersectionality of discrimination, and to adopt or enhance targeted measures, including through international cooperation, to mitigate the impact of such closures, especially on those learners in most vulnerable situations;

15. *Also calls upon* States to urgently take measures to encourage and facilitate the safe and responsible return of children to school, with a special emphasis on girls and women, who have had their right to education particularly affected by the pandemic;

16. *Encourages* all States to develop and strengthen emergency education preparedness within their respective education systems, grounded on human rights, and to train educational planners at all levels;

17. *Urges* all States to recognize that cultural diversity, in its broadest sense, is a fundamental characteristic of contemporary societies that should be reflected at all levels of education systems, and to take appropriate measures to ensure that all education institutions, public or private, promote respect for the universal values of human rights and fundamental freedoms and cultural diversity in their curricula and learning methods, and in their determination to respect persons with different cultural references;

18. *Encourages* States to promote the diversity of the educational landscape, to develop a governance of education systems that is participatory, and to allow an adequate degree of decentralization and autonomy of education institutions to set up projects in response to the educational needs of students with specific cultural references;

19. *Welcomes:*

(a) The work of the Special Rapporteur on the right to education;

(b) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, and the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(c) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, the Office of the United Nations High Commissioner for Refugees and other relevant United Nations agencies and bodies towards attaining the goals of the Education for All agenda and the education-related Sustainable Development Goals;

20. *Stresses* the importance of international cooperation, including policy dialogue and the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in facilitating the realization of the right to education, including through the strategic and adapted use of information and communications technology;

¹ A/HRC/44/39.

² A/HRC/47/32.

21. *Encourages* all States to measure progress in the realization of the right to education, inter alia by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

22. *Encourages* States to give domestic legal effect to the right to education, including by ensuring its justiciability;

23. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure to consider doing so as a matter of priority;

24. *Encourages* the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

25. *Encourages* the High Commissioner to collaborate with relevant United Nations agencies, including the United Nations Educational, Scientific and Cultural Organization, the Global Partnership for Education, and civil society organizations to provide technical support to States to realize the right to education in the COVID-19 and post-COVID context;

26. *Commends* the contribution of national human rights institutions, national mechanisms for implementation, reporting and follow-up, civil society, including non-governmental organizations, children and youth and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

27. *Decides* to remain seized of the matter.
