



Right to Education

Right to Education Initiative welcomes the report of the UN Special Rapporteur on the right to education on early childhood care and education as a key milestone in the realisation of young children's right to education

The final [report](#) of outgoing UN Special Rapporteur on the right to education, Ms [Koumbou Boly Barry](#), addressing the right to early childhood care and education (ECCE), highlights the wide ranging 'developmental, educational, social, cultural and economic benefits' of ECCE to children, their families and wider society, and urges states to recognise and enshrine ECCE rights from birth until primary school, significantly calling for a more specific legal instrument to be established to complement the protections already established in international human rights instruments.

This report reflects a milestone in the realisation of young children's right to education, and thus paves the way for long-term change and improvement to education systems, entrenched inequalities, and cohesive social development.

We wish to offer our sincere thanks to the outgoing Special Rapporteur Koumbou Boly Barry and acknowledge her for giving precedence to the right to education of young children in her report, and also for the overall contribution towards the realisation of the right to education during her mandate.

Delphine Dorsi, Executive Director at the [Right to Education Initiative](#), commented: *'The UN Special Rapporteur, Ms Koumbou Boly Barry, has been an unfaltering advocate of the right to education for all children, young people and adults, and has significantly advanced understanding and recognition of the multiple dimensions of the right to education and its relationship to other rights.'*

'As leading advocates of the right to ECCE, RTE has frequently related concerns to the office of the Special Rapporteur regarding the right to education in this crucial educational and developmental stage. We thus welcome this report and the potential it offers to galvanise multiple stakeholders around the need for concrete steps and financial commitments to ensure this right.'

The report adopts a rights-based approach to ECCE, acknowledging the existence of this right as part of the universal right to education under various International human rights treaties, including the Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families.

At the same time, it observes that ECCE rights are ‘captured piecemeal in multiple instruments’ and lack explicit reference. As such, the UN Special Rapporteur calls for a more specific legal instrument that provides guidance at all levels to ensure that ECCE rights are defined and enshrined, and that every child receives free, high-quality ECCE which aligns international legal human rights obligations to the political commitments contained within SDG4.

Reiterating the vital importance of a rights-based approach to ECCE, Ms Boly Barry recommends that:

‘All States and stakeholders work to define and enshrine a right to ECCE, from birth until primary school, in a legally-binding human rights instrument. Without derogating from already established rights, and recognising the multisectoral nature of that right and the changing nature of the needs of the child from birth to primary school, the contents of the right should be determined in a wide-ranging consultative process, including States, communities, and families, civil society, international organisations, and academia, and should include perspectives from actors working in human rights, development, and humanitarian affairs, among others’

The Special Rapporteur is also concerned about the growing phenomenon of privatisation, in conjunction with lower levels of public expenditure on ECCE than other educational levels. She believes that the failure to recognise ECCE in the same way as other levels of education and the lack of a rights-based framework has led to the increase in private provision. According to Boly Barry, ***‘Privately -funded ECCE, which predominates in most countries at the global level, limits the realisation of many human rights to those who can afford them, furthering the division within society rather than healing them’,***

Consequently, she recommends:

‘Implementing the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education when considering options for financing the development of ECCE’.

She also calls upon States:

‘To reverse the high level of private ECCE provision by progressively implementing free, public human-rights-based ECCE and ensure full respect for the Abidjan Principles and the Guiding Principles on Business and Human Rights’.

Similarly, the Special Rapporteur reiterates that the ‘human-rights-compliant ECCE system will require significant investments’ and recommends that states allocate at least 10 percent of education budgets, while also calling upon donors and funding agencies to allocate 10 percent of education aid to ECCE.

Recalling the benefits of ECCE, particularly the potential it holds to reduce social inequalities, this report calls for focused attention and targeted funding to reach children from marginalised communities. Highlighting the challenges to equal access faced by vulnerable children and the worsening impact of the COVID-19 pandemic on children’s lives and the overall economy, this report seeks to prioritise the ECCE agenda and the implementation of rights-based ECCE programmes. It also provides insights on the key characteristics of rights-based ECCE, including the clause of free, compulsory, and non-discriminatory education.

At RTE we again reiterate our thanks to Kombou Boly Barry for her role in advancing the right to education worldwide, and celebrate the two terms of her mandate. The publication of this report ahead of the [UNESCO World Conference on ECCE](#) to be held from 14-16 November in Tashkent, Uzbekistan, sets the stage for the multiple stakeholders in attendance at the conference to consider ECCE through a human rights lens, while renewing political and financial commitments to ECCE in line with the UN Special Rapporteur’s recommendations, by aligning with the legal obligations that guarantee free, equal and quality ECCE to all children.

The report was [presented at the 77th session of UN General Assembly](#) on 18 October by the newly appointed UN Special Rapporteur on the right to education, [Farida Shaheed](#). We look forward to working with her to further ensure the realisation of ECCE rights.

Resources

Consult the report in [English](#), [French](#), [Spanish](#) and [Arabic](#)

View the [recording of the session](#)