



Why is it time to expand the international legal framework?

Right to education experts express their views during the Transforming Education Pre-Summit
Meeting report

29 May 2022

UNESCO and partners held a side meeting during the Transforming Education Pre-Summit, at UNESCO Headquarters entitled 'Transforming education: the need to expand the international legal framework'. The report presents the main issues raised and suggested areas requiring further protection in the international legal framework on the right to education.

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Introduction

For three days (28-30 June 2022), education ministers, youth representatives, civil society and the private sector gathered together to share their experiences, ideas and concerns for transforming education. Borhene Chakroun, (Director of the Division of Policies and Lifelong Learning Systems, UNESCO), who chaired the side meeting '[Transforming education: the need to expand the international legal framework](#)' recalled that human rights are the driving force behind all the events which took place during the Pre-Summit. Transformation starts with human rights. How concretely should states respect and protect human rights, and particularly, the right to education, is however far more complex as the world has drastically changed since the elaboration of the first international human rights treaties.

As part of the [Initiative on the Evolving Right to Education](#), UNESCO is conducting a reflection on how to ensure that the current, education challenges do not hinder its realization, and that opportunities are seized in a human rights compliant manner. Following several consultations, including the [international seminar on the evolving right to education](#) last December (2021), putting the right to education at the heart of the transforming education agenda appears as essential.

Together with UNESCO partners, the discussions during this side meeting highlighted areas that require better protection in the international legal framework.

Discussion highlights

1. Aims of education

Delphine Dorsi's (Director, Right to Education Initiative) intervention focused on the need to expand the aims of education which has an important grounding in several instruments, including the [Convention against Discrimination in Education \(1960\)](#). Referring to the [Futures of Education report](#) as well as the [revision of the Recommendation concerning education for international understanding, co-operation and peace \(1974\)](#), she highlighted the need to guarantee a humanistic vision of education. This is particularly necessary in light of strong business interest in education. The best interest of the child needs to be at the front and center of education.

Increasingly alarming effects of climate change are an urgent global concern. She noted that education must build the knowledge and understanding of the relationship between human beings and the earth. Education is also a tool to build respectful relationships and help acquire soft skills like solidarity, empathy and compassion in order to combat violence and hate speech. Delphine Dorsi concluded her intervention by emphasizing that the aims of education are the foundation to build an inclusive society.

2. Digital education

The [recent report](#) by Koumbou Boly Barry (UN Special Rapporteur on the right to education), explores the impact of digitalization on the right to education. Koumbou Boly Barry, began by reminding the audience that there are entrenched inequalities affecting the realization of the right to education for millions of people, including girls and women, refugees and migrants, to name a few. Digital education can both be a solution but also a threat.

While in her report, Koumbou Boly Barry accentuated that the existing legal framework remains fully applicable to digital education, she recognized that this does not preclude the need to develop or expand the framework in a way that make its implementation clearer for states or other stakeholders. Some aspects to reflect upon: education policies must cover digital education from early years to higher education, formal and non-formal education; comprehensive digital education is important to support people in acquiring the digital competencies to actively and fully participate in all dimensions of human life (civil, cultural, economic, political and social); digital education must be deployed in a manner that fully respects people's cultural life; and legal frameworks need to protect learner's data.

Regardless of the complexity, reviewing the international legal framework cannot afford to be silent on this issue.

3. Legal guarantees for education throughout life

Borhene Chakroun framed the discussion from a lifelong, system-wide perspective. Recalling the recent [event at the World Higher Education Conference](#) (May 2022), the discussions during [CONFITEA VII](#) (June 2022), as well as bringing attention to the upcoming [World Conference on Early](#)

[Childhood Care and education](#) (November 2022), he mentioned that the lifelong learning approach weaved throughout these conferences is fundamental, adding that learning, as a continuous process throughout life, requires enhancing the interdependence of human rights. The right to education is not exercised in a vacuum as one human right cannot be fully enjoyed without the realization of other human rights.

Echoing Borhene Chakroun's comment, Mercedes Mayol Lassalle (World President, World Organization for Early Childhood Education (OMEPE)) noted that the interdependence of human rights also applies to early childhood. The right to education is closely linked to the child's right to maximum development, which should be understood in a holistic manner. As such, Mercedes Mayol Lassalle stated that education should embrace life experiences and learning practices which enable children to develop their personalities, talents and abilities to live a full and happy life within society. The right to culture is equally important in early childhood, and education provision must allow for the exercise of this right. She concluded that every child has the right to participate in social life as well as the right to play, two essential aspects for the full realization of the right to early childhood care and education.

Bede Sheppard (Deputy Director, Children's Rights Division, Human Rights Watch) addressed the financial barriers to secondary education, explaining that despite having huge benefits for children lives, the international legal framework does not guarantee free secondary education. He pointed out the inconsistency of the international legal framework: as long as free secondary education is not guaranteed as a right, there will be the risk that children work to fund their education or drop out completely to focus on their employment, which goes against the international legal obligation to protect children from work that is likely to interfere with their education. He added that parents' ability or willingness to pay fees as a threshold barrier to whether a child can access secondary education also cannot be reconciled with the best interest of the child nor the recognition of their evolving capacities. As a child matures, their decision-making autonomy on whether and how to continue their education, is constrained by their parents' decision regarding the school fees. This decision is furthermore influenced by social pressures causing parents to prioritize boy's education over girls. Imposing fees therefore can become a discriminatory barrier based on gender. Finally, financial assistance is not the answer either. Requiring a child to flaunt their lack of financial capability is contrary to the very purpose of socio-economic rights that were elaborated to protect child's dignity and sense of worth.

Regarding adults, Ana Raquel Fuentes (Human Rights Advocacy - Education Policy Research, Latin American Campaign for the Right to Education (CLADE)), spoke of the imperative to ensure that education is accessible and available to those who have had their right to education previously violated, but also for those wishing to pursue their studies in higher education and learning. Education opportunities should be allowed at any time of their life and without any barriers. Highlighting the benefits of higher and adult education in improving the lives of the individual, their families and societies at large, Ana Raquel Fuentes noted the urgency in providing free education to overcome inequalities and thereby highlighted the need of adequate financing of public education. In addition, education must be acceptable in terms of being free of discrimination and violence but also free from patriarchal or racist views, as well as adaptable to allow for flexible approaches to education, especially in times of emergency.

4. Strengthening governance systems

To progressively secure a free, inclusive and well-funded quality public education at all levels of education, the international legal framework needs to address, inter alia, the involvement of non-state actors in education. Vernor Muñoz (Head of Policy, Advocacy and Campaigns, Global Campaign for Education (GCE)) shared concerns over the increasing privatization of education and the need to strengthen regulation, but also its implementation. While recognizing the important role of non-state actors in complementing the provision of education, Muñoz stressed that the obligation of states to provide quality education cannot be transferred. He further shared that the commercialization of education is known to exacerbate inequalities and emphasized the need to safeguard the human right to education against it being regarded as a consumer good.

As Borhene Chakroun noted, several of the propositions put forward by the panelists require financing. Maria Ron Balsera (TaxEd Alliance Coordinator, ActionAid) tackled this challenge by recognizing that while not all the States have the same amount or quality of resources at their disposal, action needs to be taken. Referring to the obligation to allocate maximum available resources, Maria Ron Balsera stated that this includes mobilizing potential domestic resources, international cooperation and development as well as extra-territorial obligations of countries (whereby wealthier countries must aid poorer ones). Mobilizing resources, which must be done in a human rights compliant way, may be done through progressive taxation which not only increases revenue but also enhances the redistribution of wealth, the reduction of inequalities and allows for the funding of education in a fair and sustainable way. She suggested that States consider increasing: the size of the government budget (e.g. increasing the tax/GDP ratio through progressive taxation, macroeconomic policies, trade, and tackling debt), the share of the national budget dedicated to education while ensuring collaboration with other public spheres (to avoid competition, while respecting the minimum international benchmark of 15-20% of the government budget allocated to education), the sensitivity (promoting equity as well as the gender-sensitive and inclusive approach to budget allocation) and the scrutiny and transparency of the budget (e.g. to avoid tax revenues being lost to corporate tax abuses).

She concluded her intervention by questioning whether the international legal framework could be expanded to strengthen national and extra-territorial obligations of the state to increase the available resources for education, including through progressive tax reforms and ending tax evasion as well as addressing issues such as financing lifelong learning and privatization.

Conclusion

The discussions during the side meeting are part of the ongoing [dialogue on the evolving right to education](#) to identify which aspects of the right to education framework may need to be reframed in the light of 21st century trends and challenges. The need to ensure a human rights-based approach to the transformation of education was apparent. States need clearer guidance to know how to address current and future challenges in education and beyond. On the other hand, the establishment of legal guarantees are necessary to protect all learners, especially the most vulnerable, from the fast-paced changes that our world is facing.

The rich contributions from right to education experts will feed further into the research paper which aims to discuss aspects of education that are lacking in sufficient protection and areas where modern norms and standards are now exceeding those that are defined in the existing international framework.

Education systems today look nothing like what they did when the first human rights treaties were elaborated. Engaging in these conversations on expanding the right to education will allow for a comprehensive and deep understanding of what is at stake in education and what needs to be reflected in the international human rights framework.



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