

**Human Rights Council****Forty-seventh session**

21 June–9 July 2021

Agenda item 3

**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development****Right to education: the cultural dimensions of the right to
education, or the right to education as a cultural right****Report of the Special Rapporteur on the right to education, Koumbou
Boly Barry***Summary*

In the present report, submitted pursuant to Human Rights Council resolutions 8/4 and 44/3, the Special Rapporteur on the right to education considers the cultural dimensions of the right to education, which are crucial to ensuring that the universal right to inclusive and quality education is realized, as called for in Sustainable Development Goal 4.

In her analysis, the Special Rapporteur draws on experiences at the national level to identify factors conducive to ensuring respect for diversity and the cultural rights of everyone in education, including:

- (a) Making the most of cultural resources;
- (b) Participation in educational life of all relevant actors, including learners in all their diversity;
- (c) Decentralization in favour of local actors and the granting of a degree of autonomy for schools to ensure the cultural relevance of their teaching;
- (d) Participatory and holistic observation methods;
- (e) Respect for freedoms in the field of education.

The Special Rapporteur calls for the right to education to be viewed as a cultural right – that is, as the right of each person to the cultural resources necessary to freely follow a process of identification, to experience mutually rewarding relations his or her life long, to deal with the crucial challenges facing our world and to engage in the practices that make it possible to take ownership of and contribute to these resources.

What is unique about this approach is its conception of educational life as a living relationship between actors (students, educators, organizations and other associated actors) and collections of knowledge that form shared cultural resources, vectors of identity, values and meaning, without which action is impossible.



Contents

	<i>Page</i>
I. Introduction	3
II. Recognizing the right to education as a cultural right, and shifting perspectives	4
III. Cultural dimensions of the right to education in international instruments and the practice of international bodies	5
IV. Selected national experiences	8
V. Right to education as a cultural right	12
VI. Recommendations.....	16

I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolutions 8/4 and 44/3, the Special Rapporteur on the right to education considers the right to education from a perspective in which this right is viewed as a cultural right.

2. Despite the efforts that have been made in many countries, schools are not making the most of cultural diversity, which is viewed as an obstacle to overcome rather than as an asset to nurture. Nonetheless, the limited cultural relevance of education systems seriously impedes the realization of the right to education. The major challenge is to determine how these systems can be used to provide inclusive and quality education that promotes cultural diversity and cultural rights – which are human rights – and that reflects and draws on that diversity. This most basic failure to seize an opportunity and the serious injustices it leads to – the failure to make the most of the knowledge of which objects, institutions and people are repositories and the loss of that knowledge – must be addressed.

3. To ensure that the most is made of cultural diversity, the Special Rapporteur believes that it is crucial to understand the right to education and lifelong learning as a right with strong cultural dimensions, or even a cultural right in itself. Consequently, the right to education should be understood as the right of each person to the cultural resources necessary to freely follow a process of identification, to experience mutually rewarding relations his or her life long, to deal with the crucial challenges facing our world and to engage in the practices that make it possible to take ownership of and contribute to these resources. This approach is not purely theoretical, since it prompts shifts in perspective that greatly enrich the content of the right to an inclusive and quality education.

4. The aim of the Special Rapporteur is not to take a group-by-group approach (by listing the rights of minorities, migrants, indigenous peoples, persons with disabilities, women or children, although she nonetheless draws on their experiences) but to set out the main principles and plans of action making it possible for everyone, regardless of the communities he or she belongs to or identifies with, to respond more clearly to the challenge. The use of the term “cultural dimensions” in the plural denotes a diversity of forms of diversity: diversity of the people and of all participants in educational life, on the one hand; diversity of knowledge and disciplines, on the other. Making the most of the knowledge to hand and making the most of the diversity of people are mutually reinforcing activities.

5. There are three capacities on which the effective realization of the right to inclusive and quality education depends:

(a) The capacity of the actors of education systems to adapt to the diversity of learners’ cultural resources and the cultural resources available locally, which also necessitates the capacity to take ownership of these resources;

(b) The capacity of everyone to be enriched by the value of these particular cultural resources, while respecting human rights as a whole;

(c) The capacity to include people and resources in educational life (and as a result of educational life).

6. In preparing this report, the Special Rapporteur drew on the analysis of a number of experts at a meeting held in Geneva on 3 and 4 February 2020. She is also grateful to the ninety or so States, public authorities, national human rights institutions, non-governmental organizations and experts who submitted responses to her questionnaire.¹

¹ The responses to the Special Rapporteur’s questionnaire will be made available at www.ohchr.org/FR/Issues/Education/SREducation/Pages/Culturaldimensionrighteducation.aspx.

II. Recognizing the right to education as a cultural right, and shifting perspectives

7. Understanding the right to education as a right with strong cultural dimensions, or even as a cultural right, prompts various shifts in perspective.

8. The first shift in perspective is the adoption of the view that, despite conventional conceptions of the incompatibility of cultural diversity and universality, universality is in fact invented and transmitted through cultural practices. A universal right that is not informed by proper appreciation of cultural diversity cannot be truly universal; instead, it lays the groundwork for the domination of one country by another, for instance, or for the assimilation of one group in a country by another. Recognizing the cultural dimension of the right to education, however, does not translate into encouragement to appreciate nothing but the diversity of cultural identities; it is also about cultivating what underpins our common identities, our common humanity. Put simply, it is impossible to have one without the other.

9. Education systems are assimilation machines with reductive objectives, including blind obedience to the rules, norms and moral values of society; training aimed at meeting the needs of the labour market; the propagation of systems of domination; and adherence to State, nationalist or religious ideologies.² Education is also standardized in the name of efficiency and cost-cutting or for commercial reasons. As is made clear in some submissions, some parents keep their children away from school for fear of their being “acculturated” or indoctrinated³ rather than educated.⁴ Education systems, which are often highly centralized, remain ill suited to the needs of multicultural societies. They establish a hierarchy of different cultures, world views and ways in which people identify as human beings. It is not uncommon to encounter contempt for, indifference to and the degradation and destruction of the quality cultural resources that are required for the effective realization of the right to education. Violations of language rights or rights to memory,⁵ or a biased approach that renders some community groups and their contributions⁶ invisible, are serious matters and have a negative multigenerational impact, particularly when different groups are taught different narratives.⁷ Far from fulfilling the objectives of the right to education that are set out in international instruments, education systems are perpetuating discrimination, exclusion⁸ and segregation,⁹ processes that run counter to the principle of the Sustainable Development Goals of ensuring that no one is left behind.

10. The second shift in perspective is to understand the adjective “cultural”, in its broadest sense, as covering not only the arts and heritages but also all educational disciplines. They are all components of culture writ large: languages, natural, human and social sciences, arts, techniques, ways of life, ethics, religions, human rights, citizenship and so on. The aim must be to create synergy among all these fields, not, as is common practice, to create compartments. The pursuit of interdisciplinarity in education, from the earliest age, fosters a real understanding of the surrounding world.

11. A third shift in perspective involves the frequent treatment of cultural issues as though they pertained only to linguistic, religious or ethnic communities. However, to address cultural diversity we must incorporate all forms of diversity, not just those that are historical,

² See submissions by Association for Monitoring Equal Rights, Maat Foundation for Peace, Development and Human Rights, Egypt Peace Foundation for Development and Human Rights, Nelson Mandela Foundation, p. 3, Human Rights Watch, pp. 1 and 2, and International Campaign for Tibet.

³ See submission by Alliance des imams du corridor Nord pour le développement humanitaire.

⁴ Submission by the Niger, point 1.

⁵ On history teaching, see A/68/296.

⁶ See submission by Roma Education Fund, point 1.

⁷ See submissions by Lebanese Coalition for Education, Arab Network for Popular Education and Arab Organization for Quality Assurance in Education.

⁸ See submissions by Nelson Mandela Foundation, p. 1, 6Rang (Iranian Lesbian and Transgender Network), p. 4, and Human Rights Watch, p. 3.

⁹ See submissions by Spanish Committee of Representatives of Persons with Disabilities (CERMI), p. 2, Roma Education Fund, point 2, and Pavee Point Traveller and Roma Centre, pp. 1 and 2.

social or related to heritage, gender or disability¹⁰ but also those resulting from particular routes taken in life (e.g., migration, displacement or flight from persecution) or from situations of poverty, extreme poverty, violence or extreme violence. Moreover, people have multifaceted identities and they belong to and identify with multiple communities.

12. A fourth shift in perspective is to view the right to education as not just the right to receive knowledge; it is as much about making the most of the capacity of learners and teachers to participate in educational life. The right to participate in quality education means the opportunity for each person to access, use and contribute to a diversity of knowledge that is built, developed and shared by any number of human beings.

13. Consequently, a fifth shift in perspective is to understand that to educate oneself and to be educated mean not just having access to and participating in cultural fields but also interacting with people, communities and institutions and having access to appropriate modes of transmission. It highlights the value of intergenerational transmission and how traumatic the breakdown of that process, whether it concerns a family, peoples or humanity as a whole, can be.

14. Understanding the strength in vulnerability and drawing on that strength constitute the sixth shift in perspective. This understanding unlocks the cultural potential of groups of people who are severely disadvantaged and whose rights are violated in a manner that tends to be more frequent, more severe, more systematic and, as a consequence, longer lasting. For example, people in poverty are potential sources of wealth for themselves and for our societies.

15. It is important to call attention to these different contributions. Educational institutions are essential places where the potential to resist violence and discrimination, and to create peace through the participation of all those present in a variety of quality cultural resources, must be developed. As the Special Rapporteur has already remarked, they must not be tools for division, propaganda and contempt.¹¹

16. This is not to deny the existence of vulnerability. The right to education, understood as a vehicle for the transmission and enhancement of the cultural values of communities – minority or indigenous communities, for example – in a spirit of universality and respect for human rights, forms the backbone of the right to development of those communities.

17. A seventh shift in perspective is to consider educational life and all cultural resources as public goods. For example, the right of each person to learn and express him- or herself in one or more languages is inseparable from the preservation of the richness of languages. This approach requires respect for legitimate debates on the interpretation of public goods in a society where the value of diversity is upheld.

III. Cultural dimensions of the right to education in international instruments and the practice of international bodies

18. According to article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights, education should be directed to the full development of the human personality and the sense of its dignity, and should strengthen respect for human rights. Education should enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. Peace, acceptance, the participation of all in the development of society, knowing and understanding the “other”, respect for cultural diversity and an education that is adequate and adapted to the specific needs of people in their own context are objectives of education that have been widely recognized by States and human rights mechanisms at the international and regional levels.¹²

¹⁰ See submission by World Federation of the Deaf, points I and II.

¹¹ See A/74/243.

¹² *Ibid.*, para. 20.

19. Over the years, the importance of the cultural dimensions of the right to education has been emphasized in various ways in international instruments and by international bodies.

20. Article I (3) of the World Declaration on Education for All, adopted in Jomtien, Thailand, in 1990, clearly states that a fundamental aim of education is the transmission and enrichment of common cultural and moral values. It is in these values that the individual and society find their identity and worth. Article 29 of the Convention on the Rights of the Child establishes that the education of the child should be directed to the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own. According to the Committee on the Rights of the Child, this provision recognizes the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference.¹³

21. According to the Committee on Economic, Social and Cultural Rights, the form and substance of education, including curricula and teaching methods, have to be acceptable (for example, relevant, culturally appropriate and of good quality) to students and parents; this is subject to the established objectives of education and national minimum educational standards. In addition, education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.¹⁴ The right of everyone to take part in cultural life is intrinsically linked to the right to education, through which individuals and communities pass on their values, religion, customs, language and other cultural references, and which helps to foster an atmosphere of mutual understanding and respect for cultural values.¹⁵ Education must be culturally appropriate and enable children to develop their personality and cultural identity and to learn and understand the cultural values and practices of the communities to which they belong, as well as those of other communities and societies.¹⁶ Lastly, the exercise of the right to take part in cultural life individually, or in association with others, is a cultural choice and, as such, should be recognized, respected and protected on the basis of equality,¹⁷ including, according to the Special Rapporteur, in the field of education.

22. Article 5 of the Universal Declaration on Cultural Diversity of 2001 recognizes that "all persons are entitled to quality education and training that fully respect their cultural identity", a principle that is expanded upon in article 6 of the Fribourg Declaration on Cultural Rights, a civil society text that refers to the right of everyone "to education and training that, in response to fundamental educational needs, contribute to the free and full development of one's cultural identity while respecting the rights of others and cultural diversity".¹⁸ As New Humanity points out in its submission, quality education should extend beyond cultural specificities but should also be based on them.

23. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has adopted a large number of texts and tools.¹⁹ The Special Rapporteur notes in particular the UNESCO Guidelines on Intercultural Education, which state that intercultural education "respects the cultural identity of the learner through the provision of culturally appropriate and responsive quality education for all" (principle I).

24. Other important provisions include article 13 of the International Covenant on Economic, Social and Cultural Rights, which establishes the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions and to choose for their children schools other than those established by the public authorities, and the liberty of individuals and bodies to establish and direct educational institutions. It has been well established by the relevant bodies that both this article and article 18 of the International Covenant on Civil and Political Rights should be interpreted as protecting the

¹³ Committee on the Rights of the Child, general comment No. 1 (2001), para. 4.

¹⁴ Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999), para. 6 (c)–(d).

¹⁵ Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009), para. 2.

¹⁶ *Ibid.*, para. 26.

¹⁷ *Ibid.*, para. 7.

¹⁸ Observatoire de la diversité et des droits culturels, "Fribourg Declaration on Cultural Rights", art. 6.

¹⁹ Submission by UNESCO.

right of every person to be exempted from instruction in a particular religion.²⁰ These freedoms are valuable because they allow for diversity in education and may promote the realization of the right to education with due respect for cultural diversity and the cultural rights of learners. However, public education systems cannot simply offload this task on private schools and must take these aspects into account.

25. In addition, there are many instruments aimed at the protection of minorities, indigenous peoples, migrants and persons with disabilities that prohibit forced assimilation and advocate the inclusion and participation of all in a society respectful of diversity, an approach that inevitably has an impact on education.²¹ These instruments emphasize that the transmission of knowledge and values specific to a group – particular languages, for example, and the transmission of knowledge and values in those languages – contributes to the development of learners in their social and cultural context. They also note the importance of ensuring access to the knowledge and values of other communities. Providing an education that contributes to the free and full development of a person’s cultural identity while ensuring respect for the rights of others and cultural diversity does not mean segregation or confinement to a community; it requires offering people access to a wide variety of cultural resources, including from outside the communities to which they belong or with which they identify.²²

26. The United Nations treaty bodies and special procedure mandate holders call for an approach that is both inclusive and respectful of cultural diversity in the field of education.

27. In some cases, they urge or recommend the avoidance of certain courses of action. The Special Rapporteur notes in particular the importance of: (a) not discriminating against or segregating people in schools on the basis of their cultural identity or particular situation; (b) not directly or indirectly excluding certain populations through school dress regulations²³ or school calendars that do not take into account local agricultural seasons; (c) not using or allowing the use of textbooks that are full of stereotypes that stigmatize certain populations; (d) not subordinating the multitude of cultural identities present in a territory to a single approach to education in a way that is likely to create a situation of institutionalized discrimination; and (e) not indoctrinating students, but rather encouraging critical and creative thinking.

28. Equally important are their recommendations regarding the promotion of: (a) inclusive, intercultural and bilingual education, including the learning of and provision of education in native languages,²⁴ sign language and Braille; (b) mutual learning about the cultural references, heritage and history of population groups and their various contributions to the development and life of society as a whole;²⁵ (c) the adaptation of education systems to different lifestyles through, for example, the creation of mobile schools for nomadic populations; (d) the adoption of culturally appropriate teaching and learning methods; (e) the diversification of teaching staff and the training of teachers in combating discrimination, ensuring respect for cultural diversity and providing intercultural education; (f) the participation of the populations concerned, including in the development of the school

²⁰ Human Rights Committee, general comment No. 22 (1993), para. 6, and Office of the United Nations High Commissioner for Human Rights, #Faith4Rights toolkit, module 12.

²¹ See, for example, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, art. 4, United Nations Declaration on the Rights of Indigenous Peoples, art. 14, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 45 (3), and Convention on the Rights of Persons with Disabilities, art. 24 (3) (b).

²² E/CN.4/Sub.2/AC.5/2005/2, para. 69, United Nations Declaration on the Rights of Indigenous Peoples, art. 14, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, art. 45 (2), and Convention on the Rights of Persons with Disabilities, art. 24.

²³ See E/CN.4/2006/5 for a discussion of the issue of religious symbols.

²⁴ See, in particular, Office of the United Nations High Commissioner for Human Rights, “Language Rights of Linguistic Minorities: A Practical Guide for Implementation”.

²⁵ See, in particular, Committee on Economic, Social and Cultural Rights, general comment No. 21 (2009), para. 27.

curriculum; and (g) non-formal education as a means of further promoting the cultural dimension of the right to education.

29. In the view of the Special Rapporteur, all these elements confirm that inclusive education, as called for in Sustainable Development Goal 4, must necessarily be intercultural and based on the diversity of the quality cultural resources of which learners are repositories and of those that are accessible to people of different backgrounds. The Goal therefore extends well beyond the appreciation of cultural diversity and of culture's contribution to sustainable development, as mentioned in target 4.7. As noted in several submissions, inclusive education should be seen as a process of addressing the diverse needs of all students through more participatory learning and enabling teachers and students to thrive on diversity and to view it not as a problem but as a challenge and an opportunity to enrich the learning environment.²⁶ Diversity is an essential human element that must guide public action with respect to the organization of education systems, including the issues of participation and representation. Taking this diversity into account is not only a way to improve learning but also a learning objective in itself.²⁷ Simply adopting compensatory measures to assist a group of students with difficulties is not enough:²⁸ it is important to reconnect education with its cultural context and re-establish the links between schools and their communities.²⁹

30. As stated in article 4 of the Universal Declaration on Cultural Diversity, "the defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope."

IV. Selected national experiences

31. From the submissions received, it can be concluded that, on paper at least, schools are often viewed as places of cultural interaction and inclusion.

32. Some States promise an education that prioritizes access to the national culture while promoting an understanding of other countries and cultures.³⁰ However, they do not clarify in their submissions what they mean by the term "national culture", which can be understood in all its diversity or as a reference to a dominant culture.

33. Other States, particularly in Latin America, take a more substantive approach to the cultural dimension of the right to education and some of them, such as Argentina³¹ and Nicaragua,³² have adopted legislation on intercultural education. The Constitution of Ecuador stipulates that members of ethnic groups have the right to receive an education that preserves and develops their cultural identity,³³ and the country's Organic Act on Intercultural Education is based on respect for individual, collective, cultural and linguistic rights.³⁴ In Mexico, schools must provide an education to indigenous, migrant and Afro-Mexican children as subjects of law, with a focus on inclusion, equity, excellence and intercultural relations.³⁵ Some local governments, such as the municipal government of Mexico City,

²⁶ See submissions by Caritas Ecuador, p. 2, Colombia, para. 4, and CERMI, p. 2.

²⁷ Submission by Chile, point 2.

²⁸ Submission by Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, point 2.

²⁹ Submission by UNESCO, p. 2.

³⁰ See submissions by Denmark, p. 1, Sweden, UNESCO Chair – Serbia, point 1, and Turkey, point 1 (Turkey noted that cultural values and diversity issues had been taken into account in the updating of school curricula).

³¹ See the following submissions: Knowledge Management Commission (Latin American and Caribbean Network for Academic Cooperation in the Field of Intangible Cultural Heritage); and Argentina, point 1.

³² Submission by Nicaragua, point 1.

³³ Submission by Bogotá City Council, p. 4.

³⁴ See submission by Caritas Ecuador.

³⁵ Submission by Mexico, point 1. See also, regarding Colombia, Programme of Action for Equality and Social Inclusion, University of the Andes, point 1.

guarantee that the local education system will adapt to the needs of the school community and respond to its social and cultural diversity.³⁶

34. The Special Rapporteur is pleased to note that, in some countries, such as Switzerland and Chile, intercultural education is considered to play an important role in addressing the needs not only of national minorities and indigenous communities but also of persons of African descent, migrants and refugees.³⁷ In other countries, however, observers regret that there is a reductive approach to intercultural relations, which does not include migrants or persons of African descent.³⁸ In such cases, textbooks may fail to cover the history of human migration or reflect the multicultural realities of the classrooms in which they are used.³⁹

35. In Colombia, the law also provides for bilingual and bicultural education for hard-of-hearing persons, involving the use of sign language.⁴⁰ Problems can arise when different forms of diversity are addressed in isolation – for example, when students with disabilities do not have access to classes on cultural diversity.⁴¹

36. An interesting idea put forward in some countries, such as Denmark, is the use of a variety of teaching approaches based on the principle of differentiated instruction, which involves taking into account the interests, skills and needs of each student in learning activities, thus promoting respect for cultural diversity.⁴² However, it is difficult to focus on the individual when classes are overcrowded, as is the case in many African countries, for example.⁴³

37. In several countries, problems have arisen as a result of an approach whereby intercultural education programmes are limited to areas with an indigenous population, meaning that urban populations are effectively excluded.⁴⁴ As Switzerland notes, now that society has become highly mobile, the promotion of minority languages can no longer be limited to certain cantons.⁴⁵

38. The broader political and constitutional context and the way in which cultural diversity is handled at the national level have a significant impact on the consideration given to the cultural dimensions of the right to education. If there is awareness of cultural rights at the highest level, this will be reflected in the education system, as in Ecuador⁴⁶ and Mexico.⁴⁷

39. The same applies to language policies and the recognition of minority and indigenous languages, as in Colombia.⁴⁸ As the Niger notes, promoting national languages in all their diversity paves the way for providing more culturally relevant education.⁴⁹ Morocco, meanwhile, has promulgated a new law confirming the official status of the Amazigh language, which covers the inclusion of that language in school curricula.⁵⁰ In November

³⁶ See submissions by Mexico City Human Rights Commission and Office of the Secretary for Culture of Mexico City.

³⁷ See submissions by Switzerland, point 2, Chile and Bogotá City Council, p. 4.

³⁸ Or the Montubio people in Ecuador (see submission by Caritas Ecuador). See also, on the issue of migrants, the submission by Andorra, point 4, and the submission by the European Association of History Educators (EUROCLIO), p. 6.

³⁹ Submission by EUROCLIO, point 2.

⁴⁰ Submission by Colombia, paras. 29–30. On this issue, see also the recommendations of the World Federation of the Deaf.

⁴¹ Submission by CERMI, p. 3.

⁴² Submission by Denmark, p. 2.

⁴³ Submission by Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco – Africa, point 2.

⁴⁴ See the following submissions: Mexico, point 3; Knowledge Management Commission (Latin American and Caribbean Network for Academic Cooperation in the Field of Intangible Cultural Heritage); and Programme of Action for Equality and Social Inclusion, University of the Andes, point 6.

⁴⁵ Submission by Switzerland, point 4.

⁴⁶ Submission by Ecuador, point 3.

⁴⁷ See submissions by Mexico City Human Rights Commission and National Human Rights Commission of Mexico, pp. 1–2.

⁴⁸ See submissions by Colombia, para. 28, and Bogotá City Council, point 3.

⁴⁹ Submission by the Niger, point 1.

⁵⁰ Submission by Morocco, point 3.

2019, 16 countries in the Asia-Pacific region endorsed the Bangkok Statement on Language and Inclusion, thus recognizing the linguistic diversity of the region and taking an important step forward by undertaking to incorporate the languages spoken by minority, migrant and refugee communities into formal and informal education.⁵¹

40. As the national human rights institution of Nigeria points out, the prioritization of some languages over others can lead to discrimination.⁵² This occurs when the authorities prohibit or severely restrict the use of a minority or indigenous mother tongue in education, as in the Islamic Republic of Iran⁵³ or China,⁵⁴ or when children are not allowed to speak to each other in a language other than the official one.⁵⁵

41. Initiatives are not limited to the issue of languages; they also concern the philosophy, knowledge, science and technology of specific communities.⁵⁶ The steps taken – in Brazil, for example – to include aspects of the history and culture of persons of African descent and indigenous peoples in the official curriculum are to be welcomed.⁵⁷ On the other hand, the practice of translating books into native languages without using appropriate cultural references is problematic.⁵⁸

42. The submissions make several key points relating to the cultural dimension of the right to education. The first point is that private schools, such as religious schools, schools for minority groups and international schools, contribute to diversity in education,⁵⁹ including in terms of the teaching provided.⁶⁰ However, it is important not to minimize the risk of divisions between communities that comes with leaving the cultural dimension to private schools and thus to those who can afford a private education.⁶¹ Conversely, measures such as shutting down private schools that serve specific communities, banning children from attending classes at local religious institutions⁶² and prohibiting homeschooling, without legitimate justification under international law, cannot be considered compatible with the cultural dimensions of the right to education.

43. Some submissions emphasized the importance of giving schools a degree of freedom when it came to defining their learning programme.⁶³ According to Denmark, establishing standard requirements for each subject by identifying compulsory common objectives, themes and topics but without defining specific learning content, allows each school to take into account the cultural diversity of its students and to identify the learning content and teaching methods that are appropriate to their specific context.⁶⁴ It is also common for schools to be allowed to tailor part of the curriculum to their local context and students.⁶⁵ However, in many cases, education systems remain highly centralized and local actors are deprived of the opportunity to develop curricula that take into account cultural diversity and the local situation.⁶⁶ Nevertheless, there are countries where alternative historical narratives have developed as a result of national policies on minorities.⁶⁷

⁵¹ Submission by UNESCO, p. 8.

⁵² Submission by the national human rights institution of Nigeria, point 3.

⁵³ Submission by Nelson Mandela Foundation, p. 3.

⁵⁴ Submission by Human Rights Watch, pp. 1–2.

⁵⁵ Submission by Nelson Mandela Foundation, p. 3.

⁵⁶ See the submission by Caritas Ecuador. See also the submission by the Ombudsman of Ecuador, question 1.

⁵⁷ Submission by Brazil, point 2.

⁵⁸ Submission by the International Campaign for Tibet, point 1.

⁵⁹ See submissions by Jordan, points 2 and 3, the national human rights institution of Bahrain, p. 2, Denmark, p. 2, Turkey, point 2, Lebanese Coalition for Education, Arab Network for Popular Education and Arab Organization for Quality Assurance in Education.

⁶⁰ Submission by European Council for Steiner Waldorf Education, p. 1.

⁶¹ See the submission by Partners for Transparency.

⁶² Submission by Human Rights Watch, pp. 1–2.

⁶³ See submissions by Colombia, para. 10, and Jordan, point 5.

⁶⁴ Submission by Denmark, p. 3.

⁶⁵ See the following submissions: Italy, p. 3; and Chile, point 3.

⁶⁶ See submissions by Association for Monitoring Equal Rights, on the situation in Turkey, United Cities and Local Governments, question 4, EUROCLIO, point 3, and Azarias Selvi, p. 2.

⁶⁷ Submission by EUROCLIO, p. 6.

44. Many submissions noted the importance of stakeholder participation in ensuring the cultural relevance of education.⁶⁸ Some States, such as Chile, have organized nationwide consultations,⁶⁹ while others, such as Cyprus, ensure that the Ministry of Education engages with associations of parents and students, trade unions, political parties and religious groups.⁷⁰ In Ecuador, the Organic Act on Intercultural Education provides for the participation of the community and social actors, although there are still some challenges.⁷¹ The Act also provides for comprehensive community development through community education centres.⁷² In Mexico, the “school community”, composed of students, teachers, parents and school authorities, is considered the natural foundation of the education system.⁷³ In Colombia, ethnic groups can adapt the provision of education to suit their interests and aspirations through so-called ethno-education projects.⁷⁴ In Côte d’Ivoire, there are plans to develop a system whereby rural communities choose members of the community to serve as preschool teachers.⁷⁵ The importance of ensuring respect for the cultural rights of children as active contributors to and creators of culture, including their right to take part in cultural life in the context of education, was also emphasized.⁷⁶

45. The role of parent and student councils in schools is considered important.⁷⁷ However, parents are not necessarily in favour of inclusive education.⁷⁸ The fear of discussion of sensitive issues such as secularism sometimes discourages participation.⁷⁹ Other subsisting problems include a lack of participation⁸⁰ and the inadequacy of existing structures.⁸¹ In some cases, the participation of Roma and other communities depends on the initiative of civil society organizations rather than the action of public authorities.⁸²

46. Some submissions emphasized the importance of taking into consideration non-formal education and promoting the necessary exchanges and connections between formal knowledge and knowledge derived from everyday practices. Civil society actors,⁸³ bookshops, cultural centres and community spaces have an important role to play.⁸⁴ Lessons can be learned from the experience of school and public libraries that cooperate with schools in order to, for example, facilitate the creation of new materials by persons whose work and practice are informed by their knowledge of minority cultures.⁸⁵

47. Some submissions noted that the school calendar could be adjusted to take into account local festivals and agricultural seasons.⁸⁶ In Río Negro Province in Argentina, students and teachers are allowed to miss school to participate in certain Mapuche festivals or ceremonies.⁸⁷

48. Allowing students some freedom in terms of school dress and the wearing of religious symbols is a way of respecting cultural diversity.⁸⁸ According to the submissions, in Japan

⁶⁸ Submission by the National Human Rights Commission of Mexico, p. 3.

⁶⁹ Submission by Chile, point 5.

⁷⁰ Submission by Cyprus, point 5.

⁷¹ Submission by Ombudsman of Ecuador, question 2.

⁷² See submission by Caritas Ecuador.

⁷³ See submission by Mexico City Human Rights Commission.

⁷⁴ Submission by Colombia, para. 13.

⁷⁵ Submission by Côte d’Ivoire, point 4.

⁷⁶ See the submission by the Association of Finnish Children’s Cultural Centers and the conclusions of the International Children’s Culture Forum (Tampere, 2019) annexed to that submission.

⁷⁷ See submissions by Cyprus, point 5, Denmark, point 5, Lithuania, point 5, Morocco, point 5, and EUROCLIO, p. 5.

⁷⁸ Submission by EUROCLIO, p. 5.

⁷⁹ Submission by Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco – Uruguay, point 2.

⁸⁰ *Ibid.*, points 4 and 5.

⁸¹ Submission by Plan&Go, point 2.

⁸² Submission by Roma Education Fund, point 5.

⁸³ See submissions by United Cities and Local Governments, question 1, and Culture 21: Actions, p. 22.

⁸⁴ See submission by Office of the Secretary for Culture of Mexico City.

⁸⁵ See submission by International Federation of Library Associations and Institutions.

⁸⁶ Submission by Ombudsman of Ecuador, question 3.

⁸⁷ Submission by Argentina, point 1.

⁸⁸ Submission by the national human rights institution of Nigeria, point 2.

and the Philippines there are strict school uniform regulations that promote rigid gender norms and pose problems with respect to the rights of lesbian, gay, bisexual, transgender and intersex persons.⁸⁹

49. A number of practical difficulties were reported.⁹⁰ In particular, training teachers to adopt an inclusive approach that incorporates multiple perspectives and a variety of narratives remains a challenge. As noted by Cyprus, teachers sometimes find themselves in a complex situation, faced with very diverse classes.⁹¹ They rarely have the appropriate training, are overwhelmed by the number of students per class⁹² and have to re-examine their own biases and misgivings.⁹³ Where training is available, it is often provided by civil society organizations and does not lead to a certificate that would allow teachers to develop professionally and advance in their careers.⁹⁴ Another obstacle is the lack of books in the relevant languages⁹⁵ and the lack of inclusive teaching materials, including on cultural knowledge and practices that are endogenous to particular communities.⁹⁶

50. Some submissions raised the important point that arguments based on cultural background are not always compatible with international law, particularly if they are used to exclude or discriminate against people, such as pregnant girls and young mothers,⁹⁷ or to prevent access to specific classes, such as drama, swimming and sex education classes,⁹⁸ or access to information about lesbian, gay, bisexual, transgender and intersex persons.⁹⁹

V. Right to education as a cultural right

51. The Special Rapporteur in the field of cultural rights has stated:

Cultural rights protect the rights of each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their world view and the meanings they assign to human existence and development through, *inter alia*, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They also protect access to tangible and intangible cultural heritage as important resources enabling such identification and development processes.¹⁰⁰

52. The right to education – as the right of each person to the cultural resources necessary to freely follow a process of identification, to experience mutually rewarding relations his or her life long, to deal with the crucial challenges facing our world, to engage in the practices that make it possible to take ownership of and contribute to these resources – is, in substance, a cultural right. As United Cities and Local Governments notes, “any transmission of knowledge or the development of knowledge through research, comparison, and experimentation, is a cultural act. In fact, lifelong education and training are an important cultural right.”¹⁰¹

⁸⁹ Submission by Human Rights Watch, p. 3.

⁹⁰ See submissions by Mexico, point 3, and National Human Rights Commission of Mexico, p. 3.

⁹¹ Submission by Cyprus, point 4.

⁹² See submissions by Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco – Spain, point 4, and Roma Education Fund, point 2.

⁹³ Submission by Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco – Spain, point 6.

⁹⁴ Submission by the Roma Education Fund, point 2.

⁹⁵ Submission by Côte d’Ivoire, point 5.

⁹⁶ Submission by Enfants du monde, p. 2.

⁹⁷ Submission by Human Rights Watch, p. 3.

⁹⁸ See submission by IPAS.

⁹⁹ Submission by Human Rights Watch, p. 3.

¹⁰⁰ A/67/287, para. 7.

¹⁰¹ Submission by United Cities and Local Governments, question 1. See also www.agenda21culture.net/fr/documents/culture-21-actions.

A. Recognizing the right to participate in educational life

53. A person takes ownership of a cultural resource not only by discovering it and taking advantage of it but also by contributing to it. Participation entails an access/practice/contribution loop, all three components of which are essential, each in its own way, to all parties with a stake in educational life, even if the relationships among stakeholders – teachers, learners, parents, community members and others – are not symmetrical.

54. Educational life is based on living relationships between actors (students, educators, organizations and other associated actors) and collections of knowledge that form shared resources. The originality of taking a cultural approach to education is to understand that productions (languages, for example, sciences, arts, books, games, classrooms), which are cultural resources because they are vectors of “identity, values and meaning”,¹⁰² constitute potential without which action is impossible.

55. Not all resources are equal, however: some of them, or the ways they are interpreted, are inadequate or turn out to be dead ends, closing minds rather arousing curiosity; they lead to contempt, discrimination and restrictions on freedom. A high-quality cultural resource, whether it is a religion, an art or a science, is one that enables informed debate, thereby making room for potential interpretation, freedom and creativity and eliciting, in a spirit of respect and critique, everyone’s opinion and contributions.

56. The key values of educational life can be summarized as follows:

(a) Reciprocity. Learning experiences are both reciprocal and asymmetrical: they involve not just transmission of knowledge but also the mixing of people who live in different milieux;

(b) Recognition of oneself, of others and of things with the help of communities of knowledge;

(c) Experience of progress at all three levels of participation (access, practice and contribution). It is the discovery that while excellence may not be guaranteed, it can still be attained because there are excellent and accessible people, traditions and works;

(d) Experience of interrelationships in an ecosystem in which many public, civic (non-profit) and private actors are active.

57. The Special Rapporteur notes that educational life incorporates private actors, including private schools, which facilitate diversification of the educational landscape. Public action, respectful of educational freedoms, can, depending on the situation, take the form of any of a wide range of measures, from funding private schools¹⁰³ to including intercultural and multicultural education reflecting the diversity of learners in the general education system. These two possibilities should not be seen as mutually exclusive alternatives. What counts is the effectiveness of the right as a cultural right respectful of cultural diversity and capable of apprehending what is universal.

58. With regard to the management of a public good, under the guarantee of the rule of law, the principle of subsidiarity applies. In other words, if each stakeholder plays its natural role, it can step in to assist another stakeholder, without taking its place, in order to ensure the common good. Private and civil society actors, for example, often make up for public shortcomings, but the reverse – when a private or civil society actor is subsidized by a public actor, for instance – is also true. Analysis must take into account this systemic social and cultural wealth and its potential, which is key to the development of democratic cultures.

59. The Special Rapporteur emphasizes in this respect the importance of being alert to the possible commodification of education, which, far from fostering respect for cultural diversity, often leads to impoverishing standardization. Increased privatization of education

¹⁰² Universal Declaration on Cultural Diversity, art. 8.

¹⁰³ See submissions by European Council of National Associations of Independent Schools, letter and submission 1, and European Council for Steiner Waldorf Education, p. 4.

also leads to increased segregation and discrimination.¹⁰⁴ In this connection, the Special Rapporteur stresses the relevance of the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education. According to the Abidjan Principles, due regard for cultural diversity and the cultural rights of learners is a responsibility of both public and private educational institutions. The right to education does not entail an obligation for States to fund private educational institutions. State funding is nonetheless possible as long as several requirements are met, especially when it comes to promoting respect for cultural diversity and ensuring the realization of the cultural rights of learners, in line with the right to an inclusive education.¹⁰⁵ The Special Rapporteur also stresses the need to prioritize the funding of free, high-quality public education and to ensure that it is truly inclusive and respectful of cultural diversity.

B. Understanding the four conditions necessary for the realization of the right to education in view of its cultural dimensions

60. The realization of the right to education requires that four conditions – usually referred to as the 4-A scheme – be met.¹⁰⁶

61. The first condition is to make culturally relevant educational institutions and programmes available and to allow everyone to be an active member of a relevant and high-quality system of cultural resources. Travelling schools, for example, can be set up for nomadic populations. With regard to staffing, all partners, including learners, should be respected and invited to contribute as repositories of a diversity of important knowledge. Furthermore, equipment has value only insofar as the partners know how to and can use it.

62. The second condition is for educational institutions and programmes to be accessible without discrimination. The factors that lead to discrimination (distance, language, gender, social status, poverty and others) must be taken into account, and discrimination must be countered by turning grounds for discrimination into advantages:¹⁰⁷ to make it an advantage to be a girl, to live in the countryside or to know another language, including sign language.

63. The third condition, making education acceptable, is usually described as requiring, inter alia, that the form and content of instruction, including curricula and teaching methods, be acceptable to students and parents and oriented towards the aims and objectives guaranteed by international human rights law. This condition, viewed from the perspective of a cultural dimension, entails the recognition of the right of each person, alone and in community, to experience universal values in an appropriate manner, while respecting and developing the cultural resources present in a particular environment open to diversity.

64. As part of the fourth condition, making education adaptable, instruction must be flexible so that it can meet the needs of changing societies and communities and respond to the needs of students in their social and cultural milieux. Making education adaptable ensures that the partners have the permanent freedom to find the best possible links between one available resource and another. This presupposes, among other things, that they know how to make the most of the diversity of cultural resources.

65. In the Special Rapporteur's view, the form of education best suited to achieving such objectives is intercultural education. As UNESCO points out, it cannot be just a simple addition to the regular curriculum. It needs to concern the learning environment as a whole, as well as other dimensions of educational processes, such as school life and decision-making,

¹⁰⁴ See A/HRC/41/37.

¹⁰⁵ Abidjan Principles, para. 65.

¹⁰⁶ The following lines owe much to the second phase of a participatory research project conducted in Burkina Faso between 2016 and 2019. See Association pour la promotion de l'éducation non formelle, Association Vittorino Chizzolini and Observatoire de la diversité et des droits culturels, *Le droit à l'éducation, un droit culturel au principe des droits de l'homme – Actes de colloque international* (Ouagadougou, Éditions Œil collection, 2019).

¹⁰⁷ Abdoulaye Sow, "Le respect des droits culturels comme condition de la réalisation de la paix civile en Mauritanie", in *Droits culturels et traitement des violences*, S. Gandolfi, A. Sow, C. Bieger-Merkli and P. Meyer-Bisch, eds. (Paris, L'Harmattan, 2009).

teacher education and training, curricula, languages of instruction, teaching methods and student interactions and learning materials.¹⁰⁸

C. Including different cultural fields in education and ensuring cross-fertilization of knowledge

66. Several submissions show that some disciplines are habitually perceived as particular vectors of the cultural dimensions of education: art education, cultural education, citizenship education, human rights education, anti-racism education, history and the teaching of languages and religions.¹⁰⁹ Many regret the limited attention given to these subjects or to culture in the broad sense of the term in formal education programmes.¹¹⁰ Developing modules to supplement the regular curriculum, however excellent they may be, cannot be as effective as a coherent diversity programme.¹¹¹ In practice, openness to diversity often involves little more than an emphasis on folklore.¹¹²

67. The Special Rapporteur notes with interest that several States, such as Lithuania,¹¹³ Nicaragua¹¹⁴ and Andorra,¹¹⁵ report that they are adopting, in some cases as a supplement, a cross-cutting approach to ensuring openness to cultural diversity in all subjects.

68. The Special Rapporteur is of the view that the two paths should be followed simultaneously: access must be provided to specific disciplines, including arts education, heritage education, language education, education on the contributions of various religions and citizenship and human rights education, to ensure that the cultural dimension of the right to education is not neglected. As noted by UNESCO, these areas, although crucial in their own right, must also make it possible to ensure that instruction is informed by local circumstances, that it is culturally relevant and that it is open to diversity and critical thinking.¹¹⁶

69. All disciplines, however, should be viewed as collections of works and knowledge. No discipline is more “cultural” than any other; each, in its particular way, is a component of culture writ large, and each offers an interpretation and a way of apprehending the world. There should be dialogue across disciplines, as each discipline, in isolation, cuts itself off from the contributions of the others and can hold itself above the others, thereby failing to show due regard for the complexity of life. An approach that is not only intercultural but also interdisciplinary, bringing all disciplines together, must therefore be taken.

70. Making discoveries and learning from the hybridization of knowledge, including hybridization within a single field, are at the heart of the right to education in that they facilitate informed debate, which feeds into an understanding of facts and problems by multiplying perspectives and analyses. The Special Rapporteur notes, for example, that the operational directives for the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage encourage States to “ensure that intangible cultural heritage is integrated as fully as possible into the content of educational programmes of all relevant disciplines, both as a contribution in its own right and as a means of explaining or demonstrating other subjects at the curricular, cross-curricular and extracurricular levels”.¹¹⁷

¹⁰⁸ Submission by UNESCO, p. 4.

¹⁰⁹ See submissions by UNESCO, in particular pp. 5 and 10, Cyprus, point 1, Colombia, para. 33, Portugal, points 1–3, Association of Finnish Children’s Cultural Centers, Ministry of Culture of Mexico, Lebanese Coalition for Education, Arab Network for Popular Education and Organization for Quality Assurance in Education.

¹¹⁰ See submissions by United Cities and Local Governments, questions 2 and 4, and ConArte Internacional.

¹¹¹ Submission by Pavee Point Traveller and Roma Centre, p. 3.

¹¹² Submission by UNESCO Chair – Serbia, point 1.

¹¹³ Submission by Lithuania, point 1.

¹¹⁴ Submission by Human Rights Advocate of Nicaragua, pp. 4 and 5.

¹¹⁵ Submission by Andorra, point 3.

¹¹⁶ Submission by UNESCO, pp. 5 and 15.

¹¹⁷ UNESCO, Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, UNESCO, 2018), p. 68, para. 180 (a) (ii), and submission by UNESCO, p. 15.

71. The Special Rapporteur adds that, in each discipline, the diversity of schools of thought and institutions is generally accompanied by a diversity of teaching methods. There is a diversity of ways of learning and imparting knowledge.

D. Observing interactively and developing indicators

72. Respecting, protecting and realizing human rights requires knowledge of the situation and reconnaissance of existing dynamics – observation, in other words. As outside experts cannot, on their own, give voice to all the actors concerned or grasp the complexity of interactions, observation must involve all relevant actors. A State cannot do everything. Local governments and educational institutions should be invited to develop or initiate interactive observation processes. Everyone, in accordance with his or her situation and knowledge, must be given the opportunity to participate in the governance – and therefore in the structure – of the system in which he or she plays an active role.

73. More generally, the aim is to evaluate an educational ecosystem, with all the actors present, at the relevant levels:

(a) At what might be called the micro level, the relationships between classmates, families and small communities are analysed: people's educational pathways are studied;

(b) At what is referred to as the meso level, small and large ecosystems (a school, for example, or all the educational facilities of a municipality, province or region) are analysed: the way the components of the educational ecosystem interact is studied;

(c) At the macro level, the sharing of political responsibility takes shape: the understanding and political management of the varied components of the educational fabric as a public good are studied.

74. The Special Rapporteur advocates the development of a systemic method of observation that focuses on the effectiveness of the right to education in specific ecosystems, the settings in which high-quality learning takes place. Developing indicators is not limited to producing statistical tables alone. Further evaluation should make it possible to analyse particular situations and assess resource quality, the interaction of a variety of resources, participation in educational life, the multiplier effects and outcomes in terms of capacity.

VI. Recommendations

75. **The following recommendations are addressed to States and all relevant public, private and civil society actors.**

A. Cultural diversity and universality of human rights

76. **States and other actors must recognize that cultural diversity is a fundamental characteristic of contemporary societies that must be both reflected and made the most of at all levels of the education system, formal or not. Cultural diversity should be understood here in a broad sense, including all forms of diversity:**

(a) **Not only linguistic, ethnic and religious diversity but also social and gender-related diversity, in addition to diversity linked to any other situation, such as poverty or disability;**

(b) **Diversity not only of learners and members of educational staff but also of everyone else involved in educational life;**

(c) **Diversity of the cultural resources (works and knowledge) of which people are repositories or which are present or accessible in a particular setting open to diversity;**

(d) **Diversity of educational disciplines.**

77. All educational institutions, public or private, should seek to promote respect for universal values and the diversity of cultural touchstones not only in their curricula and teaching methods but also in their determination to respect and welcome people of different cultural traditions.

78. No one should be able to use cultural diversity as a pretext for violating or limiting the scope of the human rights enshrined in international law. Culture, whether a community's or a country's, must not be understood as a singular, undiversified system of presumably shared values that can be invoked to limit the exercise of the right to education by censoring curricula, engaging in discriminatory and exclusionary practices or adopting inflexible rules that prevent people from expressing cultural identities while they are in educational institutions or over the rest of their lives.

79. States and other actors must recognize and respect:

(a) The right of learners to a culturally appropriate and relevant education enabling them to gain access to the cultural resources that can be found in a particular setting open to diversity and contributions from abroad and to engage in practices that make it possible for them to take ownership of and contribute to these resources – thus entailing the promotion of intercultural and, where relevant, bilingual or plurilingual education, including the teaching of native languages, sign language and Braille and the teaching of other subjects in native languages, sign language and Braille;

(b) The right of learners in public or private educational institutions not to be subjected, directly or indirectly, to discrimination or segregation on the basis of their cultural identity or particular situation;

(c) The right to recognition and reciprocal learning in respect of cultural touchstones, heritage, the arts, the sciences, religions and the histories of particular community groups, as well as the diverse contributions of those groups to the development and life of societies as a whole, a right that should lead to periodic review of school textbooks, which, instead of being vectors of discrimination, contempt and hate speech, should highlight community groups' diverse stories and contributions;

(d) Academic freedom for teachers at all levels, who should be allowed a degree of flexibility in connection with the contents of the required curriculum to allow them to focus, as they should be encouraged to do, on topics locally and culturally relevant to their students;

(e) The right of learners not to be subjected to indoctrination, including the right not to be given instruction in a particular religion;

(f) The freedom of parents to provide their children with a religious and moral education in line with their own convictions and to choose for them institutions that, though not themselves public institutions, meet the minimum standards established by the State and are respectful of human rights;

(g) The liberty of individuals and bodies to establish and direct educational institutions, provided that the right to education is respected and that they conform to such minimum standards as may be laid down by the State;

(h) The rights of the child, in accordance with the Convention on the Rights of the Child, on the understanding that while it is important to respect the responsibilities, rights and duties of parents or members of the extended family or community to provide, in a manner consistent with the child's developing capacities, appropriate direction and guidance in the exercise of his or her rights, it is equally important to respect the child's rights, including the rights to freedom of expression, thought, conscience and religion, the right to information and education and the right to express his or her own views freely in matters affecting him or her, in accordance with his or her capacity;

(i) The importance of modes and methods of transmission of cultural heritage, as well as innovative preservation methods, which are themselves recognized by community groups and, where appropriate, individuals as forming part of their

cultural heritage – efforts should be made to harness the potential of these modes and methods in formal and non-formal education systems.

B. Systems governance and educational synergies in a culture of the commons

80. Showing due regard for the cultural dimensions of the right to education requires respect for and promotion of the diversity of the educational landscape in addition to:

(a) A degree of decentralization allowing local public authorities to place an appropriate value on local cultural resources;

(b) Enjoyment of a degree of autonomy by educational institutions seeking to set up an educational project that may be oriented towards specific cultural touchstones, including religious or instructional ones.

81. The focus of the participatory governance of education systems must be on the interaction of those seeking to exercise their right to education (learners) and those with obligations that, as a matter of right – with the aim of ensuring that everyone shares in a diversity of synergistic knowledge – underpins all educational life.

82. With a view to inclusive education, States and other actors should ensure the inclusion of:

(a) People in educational life, valuing their cultural diversity;

(b) Actors who cultivate a diversity of pathways and synergies, crucial to reaching a diversity of people, while interpreting and describing each educational institution and activity as an ecosystem with its stakeholders, in line with the Abidjan Principles;

(c) Cultural resources (works and knowledge) in all their diversity, in particular by conducting intercultural analyses and developing educational programmes facilitating the cross-fertilization of those diverse arrays of works and knowledge;

(d) Disciplines that should be drawn on to highlight the cultural dimensions of the right to education by nurturing a culture of interdisciplinarity and cross-fertilization of knowledge that emphasizes the complementarity and necessary interaction of educational fields and by ensuring that education in the arts, in heritage, in languages, in the contributions of various religions, in citizenship and in human rights is offered in schools at all levels and is accessible to all.

83. It would be useful to encourage frank discussion and comparative analyses of the impact – positive in some cases and negative in others – of cultural practices on human rights.

84. Intercultural and inclusive education requires decision-making with a participatory basis. States and other actors should:

(a) Establish mechanisms for the participation of the different education actors in several activities, including curriculum development, teacher training and language revitalization;

(b) Encourage educational institutions to recognize their place in and ties to their environment – that is, to see themselves as open to the organizations and diverse groups in their midst.

85. States and other actors should encourage libraries, educational institutions and other relevant actors to cooperate with a view to ensuring that materials drawn from diverse cultural experiences are available and accessible, including from a financial perspective, in education. More broadly, non-formal and informal education actors should be considered full participants in educational life.

C. Observation strategies and tools

86. States and other actors should take a participatory approach to analysing and observing educational ecosystems at the micro, meso and macro levels, without limiting analyses to statistical results. The factors that are conducive to the realization of the right to education or not should be identified, and indicators that make it possible to show how all actors and their resources are interlinked should be developed.

D. Training of teachers and other education personnel

87. States and other actors should strengthen institutional training, including in-service training, of teachers and all members of staff of educational institutions to ensure quality inclusive and intercultural quality education, not least with a view to:

- (a) Recognizing the mechanisms of cultural exclusion and actively combating everything that stands in the way of the development of intercultural and inclusive and possibly bilingual or plurilingual schools;
- (b) Encouraging the adoption of diverse and inclusive stories;
- (c) Teaching subjects often considered sensitive and controversial;
- (d) Encouraging learners to accept themselves and others and to develop a sense of belonging, an ability to think critically, an understanding of diversity, and empathy for others (the “ABCDE” framework);¹¹⁸
- (e) Enlisting parents and the various local communities in efforts to promote respect for cultural diversity.

88. States and other actors should take measures to ensure that the training of teachers and all members of staff of educational institutions is supported and encouraged by their institutions and supervisors. This training should lead to a diploma and facilitate the career progress of the persons concerned.

¹¹⁸ See A/74/243.