



7 and 8 December 2021



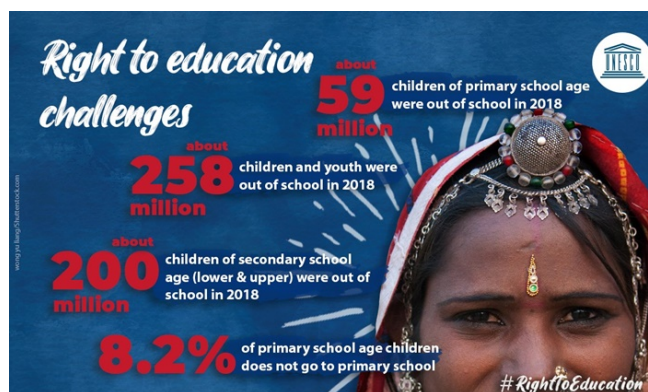
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## About

As a contribution to the Human Rights Day 2021, which marks the 73<sup>rd</sup> Anniversary of the Universal Declaration of Human Rights (1948), but also a year-long campaign celebrating the 60th anniversary of the UNESCO Convention against discrimination in education (1960) - the first and only legally binding international treaty dedicated exclusively to the right to education, UNESCO organizes an international Seminar to foster the global dialogue around the evolving dimensions of the right to education. This year, Human Rights Day will focus on equality, as the solution to provide opportunities within and access to a fairer and more inclusive society. While it is well-known that education is a great equalizer, this Seminar will examine how to strengthen the international human rights framework on the right to education through the clarification of State obligations to ensure true equality in education worldwide.

## Context and background

Education as a human right is not a slogan. It means that the right to education is legally guaranteed for all by the international human rights normative framework. It also means that, based on these legal guarantees, countries have the obligation to respect, protect and fulfil this right and that there are ways to hold them accountable for violations or deprivations. The fulfilment of the right to education can be assessed using the '4 As framework', which asserts that for education to be a meaningful right, it must be available, accessible, acceptable and adaptable.



Norms are defined by international human rights instruments, which reaffirm main principles and give shape to States' commitment to the right to education to be translated into concrete national-level action. However, despite the well-established rights and related well-defined obligations, as well as progress made over the last decades, especially in pursuit of the Sustainable Development Goal on education (SDG4), eliminating inequalities and disparities and reversing the growing tendency in this field are major challenges the world faces today.

Considering the evolving context and new emerging challenges of the 21st century, there is need to reflect upon the possible evolving dimensions of this right and its corresponding obligations, broadening its scope, to further ensure its effective enforcement for every single person, in every context, in the pursuit of SDG4 - Education 2030, and beyond.

## Rationale

The 60th anniversary of the UNESCO Convention was celebrated in the context of the COVID-19 pandemic, which, by forcing countries to face an inevitable change in education and to reflect on how to build back better in the educational recovery and transformation, has instigated a transitional period in how education is conceived and delivered. This was the occasion for UNESCO to launch a 'Conversation' in view of examining the potential expansion of the right to education and reflect on how this could be shaped to better respond to current and future needs and challenges.

The right to education encompasses all dimensions as laid out in several soft law instruments. However, legally binding instruments lay out a limited number of clearly defined obligations. The global reflection focuses on identifying new areas, and defining their related obligations, to respond to emerging challenges and their implications for ensuring education for all.

This reflection builds on, and will be widely informed by, the Futures of Education Initiative, aiming to spark conversations on how knowledge and learning can shape the future of humanity and the planet. Taking into account the futures of education, rethinking the future of the right to education is to be considered. Among the nine ideas for public action put forward by the International Commission to

advance tomorrow's education, one is dedicated to this necessity: "Expand the definition of the right to education so that it addresses the importance of connectivity and access to knowledge and information. The Commission calls for a global public discussion - that includes, among others, learners of all ages - on ways the right to education needs to be expanded".

This Seminar, which is based on the global reflection and gives concrete substance to the recommendation formulated by the Future of Education Initiative, will launch the process leading eventually to the development of an overall framework to fully respond to new challenges.

The 10<sup>th</sup> Consultation organized as part of the efforts to monitor the implementation of the Convention and Recommendation against Discrimination in Education (2020-2021) unveiled new challenges encountered by Member States. The result of the consultation revealed the need for further reflections on the evolution of this right and paved the way for work in this area.

## Linkages with ongoing initiatives

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The International Seminar will build on a range of initiatives focusing on rights-based perspective in education ranging from right to early learning, to right to higher education and adult learning and education.

The International Seminar will be also the occasion to launch the Global Partnership Strategy (GPS) on early childhood care and education (ECCE) (launch to be held on 6 December 2021). Led by UNESCO, the creation of the GPS is a bold cross-national and inter-agency initiative to bring together all countries with a partnership of major international, regional and national agencies, organizations, and networks to achieve a vision and drive a mission. Early learning is an important dimension of the evolution of the right to education, as this initial stage of life sets the foundations for lifelong learning. The right to education begins at birth and international human rights law recognizes specific rights in the early ages of life. However, early childhood education has not been fully recognized as a fundamental right under international human rights law in a way that would create binding obligations for States in order to provide critical protective measures for all children. A solid normative framework enshrining ECCE as a right will support the realization of universal access to all levels and types of education, and this Seminar will be an occasion to foster the discussion on full incorporation of pre-primary education in the process of the evolving right to education.

In addition, mindful of the current context, the Seminar will allow to build upon research on the right to higher education developed with UNESCO International Institute for Higher Education in Latin America and the Caribbean (IESALC) to bring greater clarity on the existing legal obligations and how to reinforce them further. Higher education is an integral part of the right to education, yet this is often disregarded and as a result, higher education is generally limited to only a few privileged students. For the first time, the Sustainable Development Agenda includes higher education in the education goal (SDG4); recognizing the importance of ensuring inclusion at this level to effectively leave no one behind.

The ongoing preparation of the CONFINTEA VII reaffirms that adult education is recognized as an essential element of the right to education, and there is a need to chart a new and urgent course of action to enable all young people and adults to exercise this right. Against this background, the aim of CONFINTEA VII is to

bring up opportunities to shape policy directions for Adult Learning Education (ALE) within a lifelong learning perspective, in the framework of the 2030 Agenda and beyond, so as to anticipate and strengthen adult learning and education in both the nearer and the more distant future.

Besides, in its 211<sup>th</sup> session, the Executive Board of UNESCO recognized the need to revise the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974) and decided to put it on the agenda of the 41<sup>st</sup> session of the General Conference. As such there is also a need to engage in discussions on how legally binding instruments can be strengthened to constitute the foundation for the delivery of not only human rights education, but also Education for Sustainable Development (ESD), Global Citizenship Education (GCE) and Education for Health and Wellbeing.

## Objective and main expected outcomes

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The Seminar, from a holistic approach, aims at fostering and advancing the discussion on this necessary evolution from different aspects, be it conceptual, legal, political, or technical, as well as further identifying the areas that need further regulation in order to respond to new and emerging challenges, and their implications for ensuring quality education and lifelong learning opportunities for all.

The global reflection will eventually lead to the development of a global framework for the evolution of the right to education, and focuses on **key questions**:

- What are the new dimensions, including related standards and norms, that the right to education should further embrace?
- What are the conditions (including legal obligations) needed for realizing the new dimensions?
- How can responsibilities be shared between the State and other stakeholders - considering that the main duty-bearer should remain the State?
- What concrete form could the evolution of the right to education take? And what would be the implications?

In this context, the **specific objectives** of the Seminar are to:

- Identify and discuss common and specific emerging challenges that the right to education and related obligations would need to tackle further to ensure equality, inclusion and equity for right-holders
- Explore, elaborate and define specific domains of the right to education that would need further regulation and/or precision in order to better respond to the current context and emerging challenges
- Launch the discussion leading to the framework development, and its desirability, and draw some guidance to inform the global reflection.

## Modalities, format and participants

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The Seminar will bring together representatives from Member States, national experts, UN agencies, civil society representatives, and international human rights experts in specific domains. The first day will be dedicated to a high-level plenary session where trends, progress and challenges faced in the realization of

the right to education will be discussed. The second day will be the occasion, through parallel sessions, to delve further into the issues at stake while identifying challenges faced by contemporary education systems in effectively ensuring the right to education for all without any discrimination in the pursuit of SDG4.

The parallel sessions will enable to feed into the global reflection on the evolving dimensions to make this right better enforced in the present and future contexts. The sessions will be organized around the right to lifelong learning, including digital learning considerations, and equality and inclusion.

The contributions provided during the consultative process via the online platform dedicated to the '[Conversation](#)' and the complementary [online survey](#), which are both open to the general public, partners and networks, as well as the findings of the 1960 Convention consultation, allow for preliminary reflections. Drawing on these reflections a background paper will be prepared and will serve as a basis for discussions during the seminar.

## Parallel sessions – Guiding questions

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*Please see Annex I for more information on the themes which will be addressed in the parallel sessions*

### **Lifelong learning approach:**

- What are the levels and types of education that require clarifying existing and/or establishing new State obligations that ensure the realization of the right to education?
- How to establish lifelong learning entitlements? Who are the right-holders and who are the duty bearers?
- How to ensure that education governance systems adopt a lifelong learning approach to education from a rights-based perspective?
- To what extent should some aspects linked to digital education be explicitly protected or reinforced in the international normative framework? (E.g., online safety, privacy, data protection, connectivity, etc.)?
- What should the international normative framework further guarantee to ensure the right to connectivity and digital inclusion in national education and learning systems? How to regulate private providers in this context?

### **Equality and inclusion:**

- Which vulnerable groups (refugees, migrants, indigenous people, etc.) face challenges because legal obligations are not sufficiently explicit and as a result, the obligations are not adequately protected or enforced? What measures should the State take to further protect their right to education?
- What international guarantees should be foreseen to ensure the right to education is fully enforced in emergency contexts such as pandemics, climate disasters and conflicts?
- How can we further guarantee the realization of the right to higher education, as part of the right to education, to ensure equality and inclusion with a social justice perspective?
- What developments are needed to ensure the full implementation of human rights education, Education for Sustainable Development (ESD), Global Citizenship Education (GCE) and education

for health and wellbeing, to respond to the potential evolving threats and advance justice, freedom, human rights and peace?



## Annex: Background information on the parallel sessions

### Parallel session 1: Lifelong learning entitlements

The right to lifelong learning is not an explicit right under international human rights law, yet from early childhood education to education for the elderly, in all life-wide contexts and through a variety of modalities, be them **formal, non-formal and informal**, the transformative power of education and value of learning benefits people of all ages. The discussions will focus on the need to clarify existing, and/or establish new, State obligations to ensure the realization of the **lifelong right to education**, which encompasses adult education, professional training opportunities and education for the elderly, as well as reinforcing a sector-wide and multisectoral lifelong learning approach to governance systems. Learning accounts and vouchers are concrete example of lifelong learning entitlements ensuring that every citizen has an entitlement to learning opportunities enshrined in law or in their country's constitution, and those opportunities can be accessed at any time in their life. **Functional literacy and numeracy**, which should also include digital skills and attention to linguistic and cultural diversity, are to also to be discussed, along with addressing the learning needs of all adults by providing equitable access to quality learning opportunities.

### Parallel session 2: Right to early learning

The early years of a child's life are critical to their brain development which impacts multiple areas of a person's life, yet significant inequalities persist within ECCE worldwide. While the right to care and nutrition are established, the **right to ECCE** is not. With SDG4 target 4.2, along with other international commitments and national efforts, there is a strong will to guarantee this right and ensure the **free and compulsory** nature of this level of education. Participants are invited to share their thoughts on how to ensure that ECCE is **inclusive and developmentally appropriate** to each child by reflecting on possible legal obligations. A holistic approach to ensure that early learning is culturally and linguistically appropriate will be discussed as well as the need for well-defined rights to support parents. **Pre-service and in-service training and the work conditions of educators** at this level of education also require further clarification and strengthening, in order to ensure the quality of ECCE.

### Parallel session 3: Right to digital learning

Digitalization of education is not recent, however, with the COVID-19 pandemic, it has not only expanded but moved at the centre of education systems in many countries. Digital learning has also increased disparities and learning divides. Countries acted to bridge the digital learning adopting different strategies. The international community also mobilized large scale programmes and human-centred initiative including UNESCO's Global Education Coalition, the work on Connectivity Declaration and GIGA initiative among others. Yet, international human rights law does not establish norms or standards in relation to the provision of such education. The session will delve into the need for **connectivity and investment in technological infrastructure** as well as the need for teaching **digital literacy**, which extends to understanding the infrastructure, business practices, persuasive strategies, uses

of automated processing and personal data and surveillance. In this regard, the **right to privacy, appropriate processing of learners' personal data** (such as transparency in data collection, security of data processing, informed consent and the right to access and modify one's own personal data), **accountability** and **learner's protection** (from online violence, bullying and discrimination) will be key points of discussion with the aim to identify rights that should be reinforced in the international normative framework.

As growing actors in the education sector, the role of **private providers** in the context of the digitalization of education also needs further clarification and regulation. The session will also look into how to ensure that they abide by the national approved minimum education standards and align the curriculum with educational objectives set out in international standards.

#### **Parallel session 4: Right to education of vulnerable groups**

Ensuring inclusion of all learners is at the heart of SGD4. Vulnerable groups require specific measures to overcome the barriers to and within education for their full inclusion. From a general perspective, discussions will cover how to ensure that the learning environment is free from stigmatization and stereotypes, guaranteeing the right to receive instruction in the mother tongue and that cultural, religious and linguistic diversity are fostered. Specifically, the session will look at how to guarantee the right to education of **pregnant and parenting girls** and combat discrimination in education faced by girls and women through legal obligations. Measures to overcome language and administrative barriers of **refugees, migrants, asylum-seekers, stateless persons and IDPs** will be considered. While the UNESCO Convention against Discrimination in Education offers certain rights to national minorities, protecting cultural practices and the right to receive education in their mother tongue is also important to ensure that **indigenous people and other minorities** can fully realize their right to education. **People with disabilities** also have clearly established rights, however they continue to face challenges in enforcing them, especially people who suffer mental or intellectual impairments.

In addition, participants will be invited to share what international guarantees should be foreseen to ensure the right to education is fully enforced in **emergency contexts** such as pandemics, climate disasters and conflicts.

#### **Parallel session 5: Right to higher education**

From an equity and social justice perspective, ensuring **access to higher education** is particularly crucial to leave no one behind. There is a false perception that higher education is not given the same importance as primary and secondary education under international human rights law. Yet, while it is explicitly part of the right to education, there is a need to delve into how to ensure equal opportunities for all. Discussions will notably cover the obligation to progressively make it **free** and the need to ensure access to financial support. Clarifying **what constitutes merit-based access** is also important in a context where many could be left behind due to entrenched social inequalities. In addition, participants are invited to discuss whether higher education should not only prepare students for employment, but also satisfy individual interests. **TVET**, which in some cases is part of tertiary education, also deserves specific attention to ensure that it aims to achieve steady economic, social and cultural development, full and productive employment by



establishing recognition of skills and qualifications, quality assurance mechanisms and the involvement of a wide range of public and private stakeholders in the governance of TVET systems.

### **Parallel session 6: Human rights through education**

In a world which is increasingly interconnected, climate change, environmental degradation, human rights violations, poverty and inequality are everyone's issue. There is a need to empower each and every person, to understand the challenges and actively participate in making society more peaceful, tolerant and inclusive. While the international human rights framework offers certain principles regarding these aspects, there is a need to clarify what could be the State obligations to ensure the full implementation of **human rights education, Education for Sustainable Development (ESD), Global Citizenship Education (GCE) and education for health and wellbeing**, in order to respond to the potential evolving threats and advance justice, freedom, human rights and peace.