



The human right to education

The right to education is established in the international human rights instrumentsⁱ and it is also guaranteed in almost all the constitutions of the world. Education is a human right in itself, but it is also the gateway for people to realise their full potential in societies, so it is known as an enabling right.

The right to education principles and standards, as contemplated in the international human rights law, has been developed and further commented by the various UN Special Rapporteursⁱⁱ and Treaty Bodiesⁱⁱⁱ. Their thematic reports, general comments and recommendations are widely used as human rights sources for the implementation of state obligations on education and bring substantive orientation on the changes the world needs to take for fulfilling this basic human right.

Features of the Right to Education

According to the Committee on Economic, Social and Cultural Rights, education in all its forms and at all levels shall exhibit the following interrelated and essential features^{iv}:

- **Availability:** functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology.
- **Accessibility:** educational institutions and programmes have to be accessible to everyone, without discrimination. Accessibility has three overlapping dimensions:
 - **Non-discrimination:** education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds.
 - **Physical accessibility:** education has to be within safe physical reach, either by attendance at some



reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme);

- **Economic accessibility:** education has to be affordable to all. Whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education.

- **Acceptability:** the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents.
- **Adaptability:** 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.

These components are interrelated, so access, retention and completion cannot be achieved if education is not suited to people’s needs, and if it is not relevant and appropriate, ie good quality.

The link to Quality & Inclusive Education

Then, quality of education cannot be reduced to some quantifiable measurement of efficiency, but rather it encompasses the full scope of education processes, never reduced to learning outcomes only.

The right to education goes beyond access and in addition to an individual guarantee; it is a social right whose maximum expression is the person in the exercise of their citizenship; which is not subjugated to a period of life but to the full performance of the existence of men and women.

This idea is clearly expressed in the Education Agenda [SDG4/E2030](#).

Education is the most sustainable long-term driver of social, economic and environmental justice; and that education is key to foster sustainable, gender equal, peaceful, democratic and resilient societies.

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The State should not ensure the right to education only to children and young people, since it is a human right that, but by definition, to all people, regardless of their age, can demand.

What is at stake is education for equality and, hence, a more just, dignifying, equitable and peaceful society, recognising that it is a right of permanent practice, which should be protected in the context of convergence and the learning of all other human rights.

Policy implications of realising the right to education

The Global Campaign for Education is committed to facilitate those changes by building in children, youth, adults and communities the capacity to respect and exercise their human rights and responsibilities in education and through education. We campaign and advocate at the international, regional and national level to put pressure on governments and the international community to deliver the right of everyone to a free, quality, public education^v.

It is urgent to consider that the full realisation of the right to education presupposes the necessary conditions to guarantee access to a free, inclusive and quality education financed by the State that develops beyond technical competences and focus on the full potential of the human being.

Struggle against privatisation and commercialization and curriculum reduction remains as key advocacy actions from civil society. In fact, GCE believes that growing privatisation and commodification in and of education systems has worsened inequity in education, deepened broader economic inequality, threatened progress towards quality education for all and undermined the delivery of quality public education. This concern goes beyond the operation of individual private schools, and focuses primarily on whether privatisation trends are helping – or hindering – movement towards making a quality, free education available to ALL children, adults and youth.

At the same time, lack of financing and tax justice, gender discrimination, exclusion of youth and adults, persons with disabilities, little children and people living in emergency contexts from education opportunities, among others, are still pending challenges for states.

It is impossible at this time to present a comprehensive picture of the factors that hinder the right to education, but undoubtedly international economic policies indifferent to social needs and the imposition of a single political model, rigidly based on economic liberalism,



have great impact and require the growing recognition of the need to develop more flexible and sensitive models for the realisation of human rights.

The need to reformulate public policies and development processes to link them with real educational purposes, emerges as a prevailing fact, so that they are more and better connected to opportunities and rights for all people.

The conceptual and normative framework established by the international human rights law has established the full development of the human personality and the strengthening of human rights as the aim of education. The understanding, respect and practice of diversity, appears today as the main challenge of the transformation of the public sector and the education sector in particular. It is not possible to aspire to inclusive schools that do not represent inclusive communities and inclusive states!

This purpose can only be achieved if at the same time progress is made in the task of amplifying democracy and advancing in the construction of more just and equal societies.

The right to education includes the practice of freedom, because it concentrates all the potential of its effect and dissemination. Respect for human rights is a premise for the development of personality; the development of personality implies the construction of knowledge, skills and values that allow individuals to progress in peace in the realisation of the human rights of all people.

ⁱ [Universal Declaration of Human Rights 1948](#), [International Covenant on Economic, Social and Cultural Rights 1966](#), [International Covenant on Civil and Political Rights 1966](#), [Convention on the Rights of the Child \(CRC\)](#), [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), [Convention on the Rights of Persons with Disabilities](#), [International Convention on the Elimination of all Forms of Racial Discrimination \(ICERD\)](#), [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(ICPMW\)](#), [Vienna Declaration and Programme of Action](#), [United Nations Declaration on Human Rights Education and Training](#).

ⁱⁱ <https://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx>

ⁱⁱⁱ <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

^{iv} UN Committee on Economic, Social and Cultural Rights. General Comment No. 13. (E/C.12/1999/10), parrag. 6.

^v <https://www.campaignforeducation.org/en/who-we-are/about-gce/>