



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2005/L.23  
11 April 2005

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 10

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Albania\*, Algeria\*, Andorra\*, Argentina, Armenia, Austria\*, Belgium\*, Bosnia and Herzegovina\*, Brazil, Burkina Faso, Cameroon\*, Chile\*, Costa Rica, Croatia\*, Cyprus\*, Czech Republic\*, Denmark\*, Ecuador, Estonia\*, Finland, Germany, Greece\*, Guatemala, Honduras, Hungary, India, Indonesia, Israel\*, Italy, Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Malta\*, Mexico, Monaco\*, Netherlands, Nigeria, Norway\*, Panama\*, Paraguay, Poland\*, Portugal\*, San Marino\*, Senegal\*, Slovakia\*, Slovenia\*, South Africa, Spain\*, Sweden\*, Switzerland\*, Thailand\*, Tunisia\*, United Kingdom of Great Britain and Northern Ireland, Uruguay\* and Venezuela\*: draft resolution**

**2005/... The right to education**

*The Commission on Human Rights,*

*Recalling* its previous resolutions on the right to education, inter alia, resolution 2004/25 of 16 April 2004,

*Recalling also* that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the

---

\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

*Recalling further* the Convention against Discrimination in Education adopted on 14 December 1960 by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination that has the purpose or effect of nullifying or impairing equality of treatment in education,

*Bearing in mind* the relevant provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly on 18 December 1992,

*Recalling* the Dakar Framework for Action adopted at the World Education Forum, held in Dakar in April 2000 and the goals agreed upon at its adoption,

*Recalling also* that in the United Nations Millennium Declaration, it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015, and emphasizing the importance of realizing the right to education in attaining the Millennium Development Goals,

*Affirming* that the realization of the right to education, especially for girls, contributes to the eradication of poverty,

*Welcoming* the attention given to education in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Recalling* the outcome document of the twenty-seventh special session of the General Assembly on children, entitled “A world fit for children”, annexed to its resolution S-27/2 of 10 May 2002, and its emphasis on education as a human right and the provision of quality education as a key factor in reducing poverty and child labour and promoting democracy, peace, tolerance and development,

*Deeply concerned* that some 120 million children, two thirds of whom are girls, have no access to education,

*Recognizing* the important role that educational institutions can play in preventing and detecting all forms of abuse and physical or mental violence against children,

*Affirming* that good governance and the rule of law will assist all States to promote and protect human rights, including the right to education,

*Bearing in mind* the need for adequate financial resources so that everyone can realize their right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

1. *Welcomes* the report of the Special Rapporteur on the right to education (E/CN.4/2005/50) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2005/39);

2. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education, notably general comments No. 11 (1999) on plans of action for primary education (article 14 of the International Covenant on Economic, Social and Cultural Rights) and No. 13 (1999) on the right to education (article 13 of the Covenant), adopted by the Committee on Economic, Social and Cultural Rights, general comment No. 1 (2001) on the aims of education (article 29, paragraph 1, of the Convention on the Rights of the Child) and the recommendations concerning the right to education issued as a result of the day of general discussion on implementing child rights in early childhood, adopted by the Committee on the Rights of the Child at its thirty-seventh session (see CRC/C/143);

3. *Welcomes* the proclamation by the General Assembly of the World Programme for Human Rights Education, which began on 1 January 2005, and the continued progress of the United Nations Literacy Decade launched on 13 February 2003;

4. *Commends* the collaboration between the United Nations Educational, Scientific and Cultural Organization and the Office of the United Nations High Commissioner for Human Rights;

5. *Welcomes* the second meeting of the Joint Expert Group of the United Nations Educational, Scientific and Cultural Organization and the Committee on Economic, Social and Cultural Rights on the Monitoring of the Right to Education, held in May 2004 to continue discussions on how collaboration between the United Nations Educational, Scientific and Cultural Organization and the Economic and Social Council in monitoring and promoting the right to education could be further strengthened, and encourages continued collaboration between these two bodies;

6. *Also welcomes* the contribution of the United Nations Children's Fund, as well as that of the United Nations Educational, Scientific and Cultural Organization, towards attaining the Millennium Development Goal of eliminating gender disparity in primary and secondary education, preferably by 2005, and at all levels of education no later than 2015, especially in the twenty-five countries that are experiencing the greatest difficulties in meeting the target;

7. *Urges* all States:

(a) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children affected by infectious diseases, including HIV/AIDS, sexually exploited children, children deprived of their liberty, children living in the street, working children and orphaned children:

Taking all necessary legislative measures to prohibit explicitly discrimination in education on the basis of race, colour, descent, national, ethnic or social origin, sex,

language, religion, political or other opinion, property, disability, birth or other status which has the purpose or effect of nullifying or impairing equality of treatment in education;

(c) To improve all aspects of the quality of education aimed at ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills, and, in this regard, to emphasize the development of quality indicators and monitoring instruments, to promote a sound school environment, school health, education on reproductive health issues, preventive education against HIV/AIDS and drug abuse, and science and technology education, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(d) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches to increase access and attendance for all, for example by providing a minimum monthly income to the families of poor children attending school on a regular basis or free meals for children attending school;

(e) To mainstream human rights education in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(f) To enhance the status, morale and professionalism of teachers and to address shortages of qualified teachers;

(g) To recognize and promote lifelong learning for all, both in formal and in informal settings;

(h) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;

(i) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for

employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;

(j) To adopt effective measures to encourage regular attendance at school and reduce school dropout rates;

(k) To support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, to ensure that they enjoy the right to education and acquire the life skills necessary to overcome poverty and exclusion;

(l) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(m) To adapt education, if necessary, in order to suit the specific needs of women, girls and teenagers;

(n) To take all appropriate legislative, administrative, social and educational measures, in accordance with the best interest of the child, to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, and in this context to take measures to eliminate corporal punishment in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims;

(o) To consider undertaking or supporting studies on best practices for elaborating and implementing strategies for improving the quality of education and meeting the learning needs of all;

(p) To give appropriate priority to the collection of quantitative and qualitative data relating to disparities in education, including gender disparities;

(q) To submit information on best practices for the elimination of discrimination in access to education, as well as for the promotion of quality education, to the Special Rapporteur;

(r) To ensure that no child is prevented from receiving free primary education on account of his or her disability;

(s) To contribute to efforts to mobilize resources by the international community to assist all States to achieve the goal of education for all children by 2015;

8. *Invites* the Special Rapporteur, within his mandate:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right to education, and to make recommendations on appropriate measures to promote and protect the realization of the right to education;

(b) To intensify efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education;

(c) To pursue the collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and the cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees, and the dialogue with the World Bank;

(d) To cooperate with other special rapporteurs, representatives, experts and members and chairpersons of working groups of the Commission, and United Nations bodies, including human rights treaty bodies;

(e) To review the interdependence and interrelatedness of the right to education with other human rights;

(f) To apply a gender perspective in his work;

9. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, other partners that pursue the goals of the Dakar Framework for Action and the Special Rapporteur, with a view to integrating further the right to education into the operational activities of the United Nations system, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

10. *Requests* all States to continue cooperating with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;

11. *Invites* the United Nations Development Programme, the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to assist the Special Rapporteur in promoting further the development of indicators on the right to education, in cooperation with States and relevant international organizations and non-governmental organizations;

12. *Requests* the Special Rapporteur to report to the Commission at its sixty-second session;

13. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate;

14. *Decides* to consider the right to education at its sixty-second session under the same agenda item.

-----