



# General Assembly

Distr.: General  
19 September 2023

Original: English

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## Seventy-eighth session

Agenda item 71 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## Right to education

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to education, Farida Shaheed, in accordance with Human Rights Council resolutions 8/4 and [53/7](#).



## **Report of the Special Rapporteur on the right to education, Farida Shaheed**

### *Summary*

The present report is submitted to the General Assembly pursuant to Human Rights Council resolutions 8/4 and [53/7](#). In the report, the Special Rapporteur on the right to education, Farida Shaheed, addresses the crucial role and rights of teachers, their contribution to the full realization of the right to education and the challenges that this presents.

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## Contents

	<i>Page</i>
I. Introduction . . . . .	4
II. Key role of teachers in ensuring the right to education and rights in education. . . . .	5
III. States' obligations to respect, protect and fulfil the rights of teachers with the aim of ensuring inclusive, equitable and quality education . . . . .	11
IV. Contemporary issues and challenges of the teaching profession affecting the right to education . . . . .	20
V. Conclusions and recommendations . . . . .	24

## I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolutions 8/4 and 53/7, addresses the crucial role and rights of teachers, their contribution to the full realization of the right to education and the challenges that this presents.
2. The term “teachers” in the present report refers to persons responsible for the education of pupils and other learners,<sup>1</sup> professionally engaged in education and training at all levels and all thematic specializations, whether in formal, non-formal or informal educational structures,<sup>2</sup> including lifelong education settings,<sup>3</sup> across both public and private institutions.
3. The report is largely focused on schoolteachers as defined in the International Labour Organization-United Nations Educational, Scientific and Cultural Organization (ILO-UNESCO) Recommendation concerning the Status of Teachers (1966) (henceforth “ILO-UNESCO Recommendation”). The situation of higher education professionals, who face specific challenges, is addressed, *mutatis mutandis*, on the basis of the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997). It should be noted that all levels of education are interdependent and mutually reinforcing and, notwithstanding differences, many issues are common across education levels.
4. The Special Rapporteur recognizes the vitality of ancillary personnel, encompassing a wide range of professional, administrative, technical and general staff working within the education sector, such as teaching assistants, school nurses and psychologists, bursars, cleaning and security staff, cooks and bus drivers. The status and conditions of work of such education-related personnel deserve close attention, but are outside the scope of the present report.
5. The present report is focused on the interconnection between the internationally recognized human right to education and the human rights of teachers, which is twofold. On the one hand, teachers are at the forefront of every education system, responsible for the immediate delivery of educational content. In the 2030 Agenda for Sustainable Development (Goal 4, target 4.c), the importance of qualified teachers in achieving inclusive and equitable quality education and lifelong learning opportunities for all is recognized. On the other hand, and consequently, States carry special obligations towards teachers deriving from international standards requiring them to ensure the right of everyone to inclusive, equitable and quality education. In article 13 (2) (e) of the International Covenant on Economic, Social and Cultural Rights, it is recognized that the full realization of the fundamental right to education requires continuous improvement of the material conditions of teaching staff.
6. As repeatedly noted by the right to education mandate holder, teachers are pivotal to achieving the right to education. Today, teachers are constantly required to respond to the new demands of shifting circumstances and emergencies, adjust to new curricula, pedagogy and assessment requirements, and adapt to ever-evolving technologies and contexts,<sup>4</sup> including those relating to the changing purpose of education.

<sup>1</sup> Based on the definition provided in International Labour Organization-United Nations Educational, Scientific and Cultural Organization (ILO-UNESCO), “Recommendation concerning the Status of Teachers”, Paris, 1966.

<sup>2</sup> [A/HRC/35/24](#), para. 14.

<sup>3</sup> [A/71/358](#).

<sup>4</sup> [A/HRC/50/32](#), paras. 83, 84 and 98.

7. Despite international recognition of their pivotal role, teachers are often undervalued and undercompensated,<sup>5</sup> sometimes living below the poverty line even in some high-income countries,<sup>6</sup> and paid less than other professions requiring similar levels of qualification. Teachers are often poorly trained and held back by outdated roles, methods and tools of instruction,<sup>7</sup> do not receive the support that they need and are frequently excluded from decision-making. They experience manifold curtailments of rights, including in terms of working conditions, academic freedoms, security and liberty. Such unjustified limitations on their rights significantly impede their contribution to the realization of the right to education.

8. From the perspective of education systems, there are four major challenges related to the education workforce: personnel shortages; difficulties in ensuring adequate qualifications, skills and professional development needs of teaching personnel; low status and poor working conditions; and a lack of opportunities to develop teacher leadership, autonomy and innovation.<sup>8</sup> A fifth key challenge is the limited participation of teachers in educational policy formulation and reform.

9. The Special Rapporteur thanks all those who have contributed to the present report,<sup>9</sup> including students of the Graduate Institute of International and Development Studies, in Geneva, for research data on the situation of migrant teachers. The report will be complemented by a subsequent report focused on academic freedom and freedom of expression in academic settings, to be submitted to the fifty-sixth session of the Human Rights Council.<sup>10</sup>

## II. Key role of teachers in ensuring the right to education and rights in education

10. In the ILO-UNESCO Recommendation, the “essential role of teachers in educational advancement”<sup>11</sup> is recognized, and it is reconfirmed that advances in education depend “largely on the qualifications and ability of the teaching staff in general and on the human, pedagogical and technical qualities of the individual teachers.”<sup>12</sup>

11. The nature and content of the human right to education is well established in international human rights law,<sup>13</sup> encompassing not only issues of access to education but also the standard and quality of education and the conditions under which it is provided.<sup>14</sup> One of the most comprehensive taxonomies of protected elements of the right to education is provided by UNESCO in its *Right to Education Handbook*, in which the essential role of teachers in delivering the right to education is demonstrated.

<sup>5</sup> A/HRC/53/27, para. 98. Available at [www.ohchr.org/en/documents/thematic-reports/ahrc5327-securing-right-education-advances-and-critical-challenges](http://www.ohchr.org/en/documents/thematic-reports/ahrc5327-securing-right-education-advances-and-critical-challenges).

<sup>6</sup> See <https://www.teachingabroadirect.co.uk/blog/teaching-salary-index>.

<sup>7</sup> Vision statement of the Secretary-General, “Transforming education: an urgent political imperative for our collective future”, presented at the Transforming Education Summit, 2022. Available at [www.un.org/sites/un2.un.org/files/2022/09/sg\\_vision\\_statement\\_on\\_transforming\\_education.pdf](http://www.un.org/sites/un2.un.org/files/2022/09/sg_vision_statement_on_transforming_education.pdf).

<sup>8</sup> “Teachers, teaching and the teaching profession”, thematic action track 3, discussion paper presented at the Transforming Education Summit, 2022.

<sup>9</sup> All contributions are published on the mandate holder’s website: [www.ohchr.org/en/special-procedures/sr-education](http://www.ohchr.org/en/special-procedures/sr-education).

<sup>10</sup> For the current context, see A/75/261.

<sup>11</sup> Preamble.

<sup>12</sup> Para. 4.

<sup>13</sup> For the most recent account of applicable international standards, see A/HRC/53/27.

<sup>14</sup> UNESCO, Convention against Discrimination in Education, art. 1, 1960.

12. Most recently, the Transforming Education Summit, held in 2022, recognized that teachers are at the heart of quality education and at the forefront of ensuring learners' success.<sup>15</sup>

#### **A. The 4 As framework: availability, accessibility, acceptability and adaptability**

13. The Special Rapporteur stresses the importance of using the 4 As framework, as it is the most common analytical framework for interpreting and understanding the normative content of the right to education: availability, accessibility, acceptability and adaptability.<sup>16</sup> Each has implications for teachers.

14. Availability necessitates, inter alia, that functioning educational institutions and programmes be available in sufficient quantity. This requires sufficient numbers of teaching staff with the necessary skills, qualifications and training enjoying decent working conditions and social protection.<sup>17</sup> Teachers must be trained, receive domestically competitive salaries<sup>18</sup> and have adequate and sufficient teaching and pedagogical materials, methodologies and practices, teaching equipment, libraries, computer facilities, information technology and, where appropriate, mentoring and ongoing support. Functional educational facilities must include access to safe drinking water and gender-separated sanitation facilities for teachers and learners alike.<sup>19</sup>

15. Accessibility of educational institutions and programmes entails non-discrimination and physical and economic accessibility.

16. Non-discrimination requires that educational systems structurally address issues such as language, gender, geographical location, poverty or social status, disability and national or ethnic origin with a view to ensuring access and, more widely, inclusive education for all. It means, for example, teaching in local or minority languages.<sup>20</sup> Teachers are expected to respect and value social and cultural diversity in their classes, rather than to stigmatize it, and to contribute to providing appropriate support or adjustment to the extent possible.<sup>21</sup>

17. Physical accessibility requires schools to be within physical reach, including for nomadic populations and/or in remote areas, without posing safety risks. Severe teacher shortages or difficult working conditions may impede the establishment of schools in remote districts, obstructing the access of vulnerable groups. The access of learners with physical disabilities must be ensured, and teachers must be qualified to work with children with developmental needs.

18. To be economically accessible to all, education must be free of school fees, as well as of ancillary or hidden costs for books, stationery, uniforms and examinations, or other fees. Inadequate salaries may sometimes lead to informal financial relationships between teachers and families, making access increasingly discriminatory.

<sup>15</sup> "Learning and skills for life work", thematic action track 2, discussion paper presented at the Transforming Education Summit, 2022.

<sup>16</sup> [A/HRC/53/27](#), paras. 85–93.

<sup>17</sup> *Ibid.*, para. 86.

<sup>18</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education, para. 6.

<sup>19</sup> [A/75/178](#).

<sup>20</sup> [A/77/324](#), para. 53.

<sup>21</sup> *Ibid.*, para. 54.

19. Acceptability refers to the form and substance of education. This includes the requirement that curricula and teaching methods be relevant to and culturally appropriate for students and, as needed, parents or legal guardians. Curricula should always be human rights-compliant, free from stereotypes and directed towards the aims and objectives of education guaranteed under international human rights law. Relevance includes due attention to the linguistic and cultural needs of children, in particular minorities, migrants or refugees.<sup>22</sup> All these considerations must be reflected in teacher training courses, in particular in the area of human rights education.

20. Acceptability also requires adequate responses to the rapid digitalization of education, including addressing its negative effects, such as student isolation, related physical and mental health issues, respect for privacy and data protection.<sup>23</sup> States, in consultation with teachers and parents, have an obligation to set and enforce relevant educational standards applicable to both public and private educational settings. The right of teachers to choose at least some teaching materials reflecting the students' needs contributes to acceptability.

21. Adaptability demands that education be flexible, adapting and responding to changing needs and students' dissimilar sociocultural backgrounds at all levels of education and in a continuous, system-wide manner. This may entail adapting language and pedagogies in response to changing migration and refugee flows, new conflicts, environmental disasters and climate change. It may also require rapid and efficient responses to crises such as the coronavirus disease (COVID-19) pandemic. Adaptability necessitates measures to develop multiple talents and literacies – digital, scientific, textual, ecological and mathematical – enabling individuals to enhance their agency amid the rapid spread of misinformation and disinformation, as well as their ability to distinguish between true and false information.<sup>24</sup> The right of teachers to continuous professional development, as well as to access to information, including digital resources, is a guarantee of adaptability.

## B. Accountability in education

22. The 4 As framework could be expanded to include accountability as a fifth element necessary for the full implementation of the right to education.

23. Accountability in education is a multifaceted process aimed at establishing public trust in the education system,<sup>25</sup> which involves numerous actors with a variety of responsibilities. It includes various policies and mechanisms used to hold governments, schools, teachers, parents, the international community and the private sector accountable for inclusive, equitable and quality education.<sup>26</sup> Accountability relationships are social processes between those carrying out their responsibilities and those whose rights and expectations are being met. While accountability is an essential element to ensure quality in all educational settings, accountability must be a means of attaining the aims of education, not an end in itself.<sup>27</sup>

<sup>22</sup> Ibid., para. 55, and [A/HRC/47/32](#), para. 63.

<sup>23</sup> [A/HRC/50/32](#), para. 32, and [CRC/C/GC/25](#), sect. XI.A.

<sup>24</sup> UNESCO, International Commission on the Futures of Education, *Reimagining Our Futures Together: A New Social Contract for Education* (Paris, 2021), p. 149.

<sup>25</sup> Claire Shewbridge and Florian Köster, *Promoting Education Decision Makers' Use of Evidence in Flanders*, chap. 6, Organisation for Economic Co-operation and Development (OECD) (Paris, 2021).

<sup>26</sup> UNESCO, Global Education Monitoring Report 2017/8, *Accountability in Education: Meeting Our Commitments* (Paris, 2017).

<sup>27</sup> Ibid., p. 2.

24. Accountability should be based on a shared purpose and emphasize building more inclusive, equitable, good-quality education systems and practices, rather than apportioning blame. No single accountability approach is universally effective in all educational contexts, and no approach can be successful without a strong enabling environment that provides actors with the resources, capacity, motivation and information necessary to fulfil their responsibilities.

25. Accountability mechanisms should not create unsustainable bureaucratic burdens for already overworked teachers. Appropriate accountability mechanisms are a necessary component, but they must incorporate a supportive environment and infrastructure to ensure teachers' well-being, especially in terms of workload.<sup>28</sup> Teachers need to be part of the accountability system as a whole; they must actively and meaningfully help to design accountability mechanisms across the system.<sup>29</sup>

### C. Inclusive education

26. It is vital to “boost inclusion by ensuring that teacher diversity mirrors student diversity”.<sup>30</sup> Indeed, teachers are at the forefront of ensuring that education is inclusive in terms of gender, disability, ethnicity, country of origin, social class, economic status and other factors. Teachers are important agents of change through their work, but also by who they are.<sup>31</sup>

27. In article 24 of the Convention on the Rights of Persons with Disabilities, States Parties are requested to ensure inclusive education systems at all levels and lifelong learning opportunities for all persons with disabilities. This requires, for instance, measures to employ teachers qualified in sign language and/or Braille, including teachers with disabilities. It requires training staff at all educational levels on disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with various disabilities.<sup>32</sup>

28. The role of teachers in ensuring the inclusivity element of quality education has been highlighted by the Committee on the Rights of Persons with Disabilities.<sup>33</sup> In particular, the insufficient education of teaching staff significantly impedes the access of persons with disabilities to inclusive education,<sup>34</sup> while truly inclusive education systems demand necessary education, training and support for teachers.<sup>35</sup> The Committee encouraged States to ensure that all teachers at all levels are trained on inclusive education and that the core content of teacher education incorporates the human rights model of disability.<sup>36</sup>

29. Teachers with disabilities face numerous challenges in executing their duties, such as the non-provision of assistive technologies. The motivation to continue in the profession dissipates when they are stuck in the same position for many years due to discriminatory practices and lack of support while able-bodied colleagues are promoted. The underutilization of teachers with disabilities not only deprives such

<sup>28</sup> Transforming Education Summit, thematic action track 3.

<sup>29</sup> See also UNESCO, International Institute for Educational Planning and International Academy of Education, “Accountability in education” (Paris, 2005).

<sup>30</sup> “Inclusive, equitable, safe and healthy schools”, thematic action track 1, discussion paper presented at the Transforming Education Summit, 2022.

<sup>31</sup> Transforming Education Summit, thematic action track 3.

<sup>32</sup> United Nations, *Treaty Series*, vol. 2515, No. 44910.

<sup>33</sup> [CRPD/C/GC/4](#).

<sup>34</sup> *Ibid.*, para. 4 (e).

<sup>35</sup> *Ibid.*, para. 12 (d).

<sup>36</sup> *Ibid.*, paras. 36 and 71.

teachers of their right to work on an equal basis with peers but also deprives students with disabilities of important role models and mentors. Hence, the Committee on the Rights of Persons with Disabilities recommends that States invest in and support the recruitment and continuous education of teachers with disabilities, whose very presence promotes equal rights for persons with disabilities.<sup>37</sup>

30. The term “inclusive education” has been expanded and now encompasses equal opportunities for teachers and students from migrant, refugee and marginalized backgrounds. The United Nations Children’s Fund (UNICEF) defines inclusive education as a system that includes all students and welcomes and supports them to learn, regardless of abilities and requirements.<sup>38</sup> Indeed, the right to inclusive education, an approach developed for persons living with disabilities, should be applied to all marginalized groups.<sup>39</sup>

31. Inclusive education must be responsive to cultural diversity. The right to education as a cultural right means that each person has the right to access all the cultural resources necessary to freely follow a process of identification, experience mutually rewarding lifelong relations and engage in practices that make it possible to take ownership of and contribute to cultural resources.<sup>40</sup> Education systems need to be culturally sensitive both in teaching cultural values and in incorporating the cultural diversity of their population. The teacher’s role in promoting cultural awareness in education through what is known in English as the “ABCDE framework” (acceptance, belonging, critical thinking, diversity and empathy) is essential. Teacher training should therefore contain a strong intercultural component in which the mechanisms of cultural exclusion are recognized and the development of intercultural and inclusive schools is promoted, in close collaboration with parents and local communities.<sup>41</sup>

#### D. Education in home languages

32. Closely connected to the element of inclusiveness is instruction in one’s home language (also called the first language or the mother tongue(s)).<sup>42</sup> In article 30 of the Convention on the Rights of the Child, the right of every child belonging to an ethnic, religious or linguistic minority or of Indigenous origin to use their own language is recognized.<sup>43</sup> In article 5 (c) of the Convention against Discrimination in Education and article 5 of the 2001 UNESCO Universal Declaration on Cultural Diversity, the educational rights of persons belonging to minority groups, the importance of mother tongues and the promotion of cultural diversity are stressed.<sup>44</sup>

33. A UNESCO survey has shown that children studying in their mother tongue learn better and faster than children using second languages or non-mother tongues.<sup>45</sup> Home language usage has a positive impact on both educational outcomes and attendance, especially of disadvantaged, vulnerable groups. To reduce the

<sup>37</sup> Ibid., para. 37.

<sup>38</sup> United Nations Children’s Fund (UNICEF), “Inclusive education: including children with disabilities in quality learning – what needs to be done?” (New York, September 2017).

<sup>39</sup> [A/HRC/53/27](#), para. 46.

<sup>40</sup> [A/HRC/47/32](#), para. 52.

<sup>41</sup> Ibid., para. 87.

<sup>42</sup> UNICEF, *The Impact of Language Policy and Practice on Children’s Learning: Evidence from Eastern and Southern Africa* (2016); and Jeroen Smits, Janine Huisman and Karine Kruijff, *Home Language and Education in the Developing World*, UNESCO, background paper prepared for the Education for All Global Monitoring Report 2009 (2008).

<sup>43</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>44</sup> Regarding linguistic rights in education, see [A/HRC/43/47](#), paras. 37–40.

<sup>45</sup> *Home Language and Education*, pp. 6 and 8.

disadvantages experienced by children with a language background that differs from the language of instruction, mother tongue-based bilingual and multilingual education is considered to be the best solution. The Special Rapporteur on minority issues has recommended that minority language in education be used as much as possible, at the highest level possible, and that, where practical, for pedagogical and other reasons, a mother tongue should be the language of instruction.<sup>46</sup>

34. To ensure education in home languages, initial teacher training and professional development should provide skills for working efficiently in bilingual and multilingual language settings, at least at the level of primary education and especially in territories where Indigenous languages or dialects prevail. Importantly, language policies in education should be aimed at counteracting the effects of colonial heritage.

## **E. Gender equality in education**

35. International human rights standards encompass an obligation to guarantee non-discrimination and inclusion – essential elements of the right to education. This includes ensuring gender parity in attendance and learning outcomes and the equal treatment of people of all genders in education, as stressed in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. In Sustainable Development Goal 4, inclusive and equitable quality education and lifelong learning for all are also called for, while in target 4.5 of Goal 4, eliminating gender disparities in education is specified.

36. Gender inequality in and through education includes gender disparities with regard to access to education, discrimination and bias within the education system for learners and teachers, including in curricula, and discriminatory cultural beliefs and practices affecting both teachers and learners. Some 67 per cent of teachers in primary education are female,<sup>47</sup> but women’s representation decreases as the level of education increases, and women are underrepresented in decision-making bodies.

37. Gender equality should be mainstreamed into training, promotion and decision-making bodies, as well as in pedagogy and curricula. Teachers can play an effective role in dismantling gender stereotypes, combating gender bias and promoting gender-sensitive teaching only if they are equipped with the necessary knowledge, skills and resources. Gender-transformative pedagogies should be developed and teachers supported in their effort to help learners to adopt healthier choices and challenge rigid gender norms.<sup>48</sup>

## **F. Safe and non-violent learning environment**

38. Every learner and teacher has the right to physical, psychological and emotional safety and security.<sup>49</sup> This means preventing bullying in classrooms and playgrounds, as well as en route to and from school, and it applies to threats to and by learners, teachers and other school staff, whether online or offline. It also means abolishing corporal punishment.

39. Safety in education is a critical concern. More than 11,000 attacks on schools, universities, students and personnel occurred between 2015 and 2019, harming over

<sup>46</sup> A/HRC/43/47, para. 59.

<sup>47</sup> UNESCO Institute for Statistics, “Education”, Other policy relevant indicators, Percentage of female teachers by teaching level of education database. Available at <http://data.uis.unesco.org/index.aspx?queryid=3801> (accessed on 29 September 2023).

<sup>48</sup> Transforming Education Summit, thematic action track 1.

<sup>49</sup> A/HRC/53/27, para. 62. See also E/CN.4/2005/50, paras. 119–124, and E/CN.4/2004/45, paras. 50–52.

22,000 students and educators in at least 93 countries.<sup>50</sup> Globally, the military occupation of schools and universities more than doubled in 2020 and 2021, compared with 2018 and 2019, to over 570 reported incidents.<sup>51</sup> Attacks on students, as well as on teachers and other education personnel, include killings, injuries, torture, abductions, forced disappearances and threats of violence, such as coercion or extortion, that occur at, on the way to or en route from schools. In international law, States, especially parties to armed conflict, are urged to refrain from actions that impede children's access to education and to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law.<sup>52</sup>

40. The role of teachers in ensuring a safe and non-violent learning environment is crucial, but may also depend on teachers enjoying a safe environment themselves. Although bullying of students by teachers is more widely reported, teachers, too, are confronting increasing bullying and attacks. States should provide training and support for teachers in this respect and establish reporting mechanisms to respond to violence and bullying, including that directed towards teachers.<sup>53</sup> This will help to create a safer and more inclusive learning environment for all. It is essential that teachers and their unions be involved in the design and implementation of prevention interventions regarding all manner of school violence.<sup>54</sup>

### **III. States' obligations to respect, protect and fulfil the rights of teachers with the aim of ensuring inclusive, equitable and quality education**

41. The training of teachers, their status and their working conditions are all integral parts of the internationally recognized and protected content of the right to education. The Committee on Economic, Social and Cultural Rights has established that "trained teachers receiving domestically competitive salaries" is essential for the availability of education.<sup>55</sup> The Committee has stressed that the deterioration of teachers' working conditions is inconsistent with article 13 (2) (e) of the International Covenant on Economic, Social and Cultural Rights and a major obstacle to the full realization of the right to education.<sup>56</sup> The increasing shortages of teachers and their inadequate working conditions are regularly documented in concluding observations of treaty bodies.<sup>57</sup> States have an international obligation to create and maintain a functional education system with a sufficient number of teachers at all levels.

42. Teachers, including those working in informal and non-formal education or in other knowledge systems, such as Indigenous systems, must be recognized and valued as professionals. Their professional autonomy needs to be guaranteed through adequate support for their well-being. To guide and empower learners, educators

<sup>50</sup> Global Coalition to Protect Education from Attack, *Education under Attack 2020* (2020). Available at <https://eua2020.protectingeducation.org/>.

<sup>51</sup> Global Coalition to Protect Education from Attack, *Education under Attack 2022* (2022). Available at <https://eua2022.protectingeducation.org/>.

<sup>52</sup> Security Council resolutions 1998 (2011) and 2143 (2014). See also Safe Schools Declaration, available at [https://protectingeducation.org/wp-content/uploads/documents/documents\\_safe\\_schools\\_declaration-final.pdf](https://protectingeducation.org/wp-content/uploads/documents/documents_safe_schools_declaration-final.pdf), and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, available at [https://protectingeducation.org/wp-content/uploads/documents/documents\\_guidelines\\_en.pdf](https://protectingeducation.org/wp-content/uploads/documents/documents_guidelines_en.pdf).

<sup>53</sup> Transforming Education Summit, thematic action track 1.

<sup>54</sup> Submission by Education International.

<sup>55</sup> General comment No. 13, para. 6 (a).

<sup>56</sup> *Ibid.*, para. 27.

<sup>57</sup> Over 200 concluding observations mention conditions of work, quality of teachers, number of qualified teachers, non-payment of salaries.

themselves need to be empowered and equipped as facilitators of learning, for example through the use of innovative, learner-centred pedagogies.

43. States' obligations to respect, protect and fulfil the rights of teachers through the lens of the requirement to deliver inclusive, equitable and quality education are grounded in international legal standards, as outlined below. They are applicable in various educational settings and regimes, such as education in emergencies, development or humanitarian settings, as well as in private and other contexts.

## A. Nature of States' obligations

44. The content and the nature of States' legal obligations to ensure the full enjoyment of the right to education are well defined.<sup>58</sup> They must be considered in conjunction with the related rights of teachers.

45. States have an immediate obligation to provide compulsory and free primary education for all while taking deliberate, concrete and targeted steps towards the progressive realization of free secondary and higher education. Progressive realization is not an excuse for de facto non-implementation of the right to education or failure to take action.<sup>59</sup> It should be understood in conjunction with the concept of maximum available resources, both domestic and international.<sup>60</sup> Even when resources are very limited, States should allocate a sufficient proportion of the national budget to education and ensure that the money is used effectively and equitably to guarantee education for all and to redress inequalities. In the Jomtien Statement of 2011, it is recommended that States spend at least 6 per cent of their gross domestic product and/or at least 20 per cent of their national budget on education to achieve quality education for all. Allocating adequate resources to education is thus a crucial element of States' obligations to fulfil the right to education, with most resources directed to ensuring decent working conditions of teachers: on average, 75 per cent and often increasing to 90 per cent.<sup>61</sup>

46. The progressive realization of the right to education means that States should not take deliberate retrogressive steps by adopting measures that will repeal or restrict existing guarantees of the right to education. For example, budget cuts reducing financial support for teachers or accelerating attrition rates, or the lifting of skill or training requirements, could be seen as a violation of the obligation to progressively realize the right to education. As noted by the Committee on Economic, Social and Cultural Rights, retrogressive measures are only acceptable under exceptional circumstances of economic hardship, provided that they are temporary, non-discriminatory and proportional and do not affect disadvantaged and marginalized persons and groups.<sup>62</sup>

## B. Internationally recognized and protected rights of teachers

47. Public sector teachers have a general legal status as public sector employees (or civil servants in some countries) and a special legal status deriving from their leading role in the realization of the fundamental right to education, as defined in the ILO-UNESCO Recommendation, applicable to private contexts and based on

<sup>58</sup> For a very detailed and systematized account, see UNESCO, *Right to Education Handbook* (Paris, 2019), chap. 4.

<sup>59</sup> [A/HRC/53/27](#), para. 68.

<sup>60</sup> [E/C.12/2007/1](#).

<sup>61</sup> "Financing of education", thematic action track 5, discussion paper presented at the Transforming Education Summit, 2022.

<sup>62</sup> [E/C.12/LKA/CO/5](#).

international legal instruments recognizing the right to education. Importantly, as part of their general legal status, teachers should be free to exercise all civic rights generally enjoyed by citizens.<sup>63</sup>

## 1. Right to work

48. In the Recommendation, the important connection between the status of teachers and the responsibility of States for the “provision of proper education for all” is reiterated.<sup>64</sup> It is noted that teachers benefit from the protection of binding international instruments concerned with basic labour rights, such as the ILO conventions on freedom of association and protection of the right to organize (1948), on the right to organize and collective bargaining (1949), on equal remuneration (1951) and on discrimination in employment and occupation (1958), as well as the UNESCO Convention against Discrimination in Education (1960).

49. Teachers’ right to work includes the right of everyone to the opportunity to gain their living through work that they freely choose or accept.<sup>65</sup> States have an immediate obligation to take steps to achieve the full realization of this right, including technical and vocational guidance and training programmes, as well as ensuring conditions safeguarding fundamental political and economic freedoms of teachers.<sup>66</sup> States parties are also under the obligation to report on measures taken to ensure that all teaching staff enjoy the conditions and status commensurate with their role.<sup>67</sup>

## 2. Trade union rights

50. The Committee on Economic, Social and Cultural Rights noted the interrelationship between the right to education, the continuous improvement of the material conditions of teaching staff, non-discrimination, gender equality and labour rights guaranteed in the International Covenant on Economic, Social and Cultural Rights, including the right of teachers to organize and bargain collectively.<sup>68</sup> Article 8 of the Covenant includes the right of everyone to form and join trade unions, the right of unions to establish national federations and to function freely, and the right to strike.<sup>69</sup>

51. In most countries, public schoolteachers are either civil servants or public sector employees,<sup>70</sup> and the Committee on Economic, Social and Cultural Rights has noted that a blanket ban on strikes for all public servants with civil servant status, including schoolteachers, goes beyond the restrictions allowed under article 8 (2) of the International Covenant on Economic, Social and Cultural Rights.<sup>71</sup>

52. Of concern is the shrinking space worldwide for trade unions, including teachers’ unions,<sup>72</sup> such as restrictions on the right to strike,<sup>73</sup> limiting the scope of bargaining and resulting in insecure contracts and other precarious working

<sup>63</sup> ILO-UNESCO Recommendation, para. 80.

<sup>64</sup> Preamble.

<sup>65</sup> International Covenant on Economic, Social and Cultural Rights, art. 6.

<sup>66</sup> Ibid.

<sup>67</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13, para. 27.

<sup>68</sup> Ibid.

<sup>69</sup> Education International, *Trade Union Rights Toolkit 2023* (n.p., 2022).

<sup>70</sup> Joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel, “Changing employment relationships in the teaching profession”, background paper (Geneva, 2015).

<sup>71</sup> [E/C.12/DEU/CO/6](#).

<sup>72</sup> Various treaty bodies expressed this concern in over 1,200 concluding observations.

<sup>73</sup> Submission by the European Association for Education Law and Policy.

conditions. In the case of education, it has been stressed that teachers' associations or trade unions enable educators to defend the fundamental right to education as well.<sup>74</sup>

### 3. Adequate remuneration

53. Teachers' enjoyment of just and favourable conditions of work includes their being provided with a decent living for themselves and their families, as well as fair wages without distinction of any kind. For example, migrant teachers are often paid less due to issues related to their legal status, recognition of skills and qualifications, and language requirements, although they provide an important enhanced experience of diversity in education.<sup>75</sup> Equally, female teachers should be guaranteed conditions of work that are not inferior to those enjoyed by men, with equal pay for work of equal value. In 2022, the Committee on Economic, Social and Cultural Rights expressed concern about gender pay gaps in education, the overrepresentation of women in teaching and the rate of low-wage employees, which was twice as high among women.<sup>76</sup>

54. In the ILO-UNESCO Recommendation, particular importance is attached to teachers' salaries as one decisive factor affecting their status.<sup>77</sup> It is recommended in the Recommendation that salaries reflect the importance to society of the teaching profession and compare favourably with salaries paid in other occupations requiring similar or equivalent qualifications. It is stressed in the Recommendation that teachers' salaries should enable them to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualifications.

55. Both the salaries and the working conditions of teachers should be determined through the process of negotiation between teachers' organizations and the employers of teachers.<sup>78</sup>

### 4. Teacher training and professional development

56. It is required in article 4 (d) of the Convention against Discrimination in Education that States provide training for the teaching profession without discrimination,<sup>79</sup> while the ILO-UNESCO Recommendation contains important guidelines on quality initial training, favourable conditions of entry into the profession and continuous professional development.<sup>80</sup>

57. Teacher training and continuous professional development are essential to the full realization of the right to education. Training must be comprehensive and dynamic to enhance teachers' capacity to adjust to contemporary challenges and the changing nature of the teaching profession, and to secure a systematic improvement in the quality and content of education and of teaching techniques. Through professional development, teachers should be trained to deliver inclusive, learner-centred, gender-transformative pedagogy. It should empower teachers to develop, facilitate and support learners' agency, self-efficacy and voice, create safe spaces in which difference and diversity are respected and meet all learners' needs.<sup>81</sup> States should provide increased support to teachers, including through targeted professional

<sup>74</sup> Submission by Education International.

<sup>75</sup> Graduate Institute of International and Development Studies, report on migrant teachers (Geneva, n.d.).

<sup>76</sup> [E/C.12/LUX/CO/4](#).

<sup>77</sup> Paras. 114–124.

<sup>78</sup> ILO-UNESCO Recommendation, para. 82.

<sup>79</sup> United Nations, *Treaty Series*, vol. 429, No. 6193.

<sup>80</sup> Paras. 11–37.

<sup>81</sup> Transforming Education Summit, thematic action track 1.

development for digital and pedagogical skills, in order to build resilient, inclusive, quality education systems.<sup>82</sup>

58. The availability of professional development programmes alone is insufficient. Organizational measures are required to give teachers both opportunities and incentives to participate in courses and use acquired knowledge/skills in their work.<sup>83</sup>

## 5. Healthy working conditions

59. Legal requirements to ensure just and favourable conditions of work include safe and healthy working conditions.<sup>84</sup> In education, this means safe school buildings and facilities, teachers' well-being and school environments conducive to teaching and learning.

60. Evidence shows a strong correlation between student and teacher well-being.<sup>85</sup> In a 2018 survey on the level of stress experienced by schoolteachers, the most frequent reasons for such stress included excessive administrative work, lesson preparation and marking, and extra duties related to covering for absent teachers.<sup>86</sup> Disruptive student behaviour is another major cause of teacher stress, including when teachers are held responsible for students' achievement and maintaining classroom discipline or intimidated or verbally abused by students.<sup>87</sup> As front-line workers, education personnel are exposed to occupational health risks that, apart from causing high levels of stress, encompass violence and harassment, including through information and communication technology. There are concerning reports on increased rates of suicide by teachers due to harassment by students or parents.<sup>88</sup> It is essential to invest in teachers' skills development, including social and emotional well-being, psychosocial support and general mental health.<sup>89</sup>

61. Learning environments must be physically, mentally and socially safe.<sup>90</sup> For teachers, this includes the legal requirement to ensure reasonable working hours,<sup>91</sup> manageable class sizes and the availability of ancillary staff performing non-teaching or administrative duties.<sup>92</sup>

## 6. Academic freedom and professional autonomy

62. The right to education can only be enjoyed if accompanied by the academic freedom of staff and students, as noted by the Committee on Economic, Social and Cultural Rights.<sup>93</sup> The Committee gives particular attention to academic freedom in institutions of higher education as being particularly vulnerable to pressures, but emphasizes that staff and students throughout the education sector are entitled to such freedom. This includes the freedom, individually or collectively, to pursue, develop and transmit knowledge and ideas through research, teaching, study, discussion,

<sup>82</sup> General Assembly resolution 76/209, para. 7.

<sup>83</sup> ILO-UNESCO Recommendation, paras. 34 and 35.

<sup>84</sup> International Covenant on Economic, Social and Cultural Rights, art. 7.

<sup>85</sup> Andreas Schleicher, *Learning from the Past, Looking to the Future: Excellence and Equity for All*, International Summit on the Teaching Profession, OECD Publishing (Paris, 2021).

<sup>86</sup> OECD, *Teaching and Learning International Survey 2018 Results, vol. II: Teachers and School Leaders as Valued Professionals*, OECD Publishing (Paris, 2020).

<sup>87</sup> Submission by Education International.

<sup>88</sup> See <https://www.bbc.com/news/world-asia-66655572>.

<sup>89</sup> General Assembly resolution 76/209, para. 7.

<sup>90</sup> Transforming Education Summit, thematic action track 1.

<sup>91</sup> International Covenant on Economic, Social and Cultural Rights, art. 7.

<sup>92</sup> ILO-UNESCO Recommendation, para. 85.

<sup>93</sup> General comment No. 13, paras. 38–40.

documentation, production, creation or writing. Teachers should be able to fulfil their functions without discrimination or fear of repression by the State or any other actor.

63. For teachers, academic freedom means the right to teach in accordance with their pedagogical convictions<sup>94</sup> and to participate in the development of new courses, textbooks and teaching aids.<sup>95</sup> Teachers are well placed to judge the quality of the teaching aids and methods most suitable for their pupils and should help to select and adapt teaching material, textbooks and the application of teaching methods within the framework of approved programmes and with the assistance of the educational authorities.<sup>96</sup> As stressed by the Secretary-General, “the capacity, agency, and autonomy of teachers must be broadened, empowering them to design, interpret and manage the curriculum and to adapt and prioritize content and pedagogy.”<sup>97</sup>

64. Academic freedom is closely interlinked with several fundamental human rights, such as the right to freedom of expression, to freedom of thought, to take part in cultural life and to benefit from scientific progress. Threats to the academic freedom of teachers may include precarious working conditions jeopardizing their freedom of expression and private investments promoting specific agendas. In some countries, academic freedom is undermined through direct government interference. This is especially evident in the teaching of history and other potentially politically sensitive subjects.<sup>98</sup>

## 7. Right of access to information and knowledge

65. Closely connected to academic freedom is the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media.<sup>99</sup> From the perspective of teachers, unimpeded access to knowledge is crucial to their ability to ensure quality education compatible with the aims and purposes of education, as defined in international law.

66. Today, access to information requires access to digital resources.<sup>100</sup> The International Commission on the Futures of Education has highlighted the need to broaden the understanding of the right to education to include digital competencies and access as means of supporting the right to education.<sup>101</sup> In practical terms, access to digital content requires, at the very least, availability of computers, Internet connection and electricity, as well as the skills necessary to operate, maintain and repair digital equipment. For teachers, especially those in remote and rural areas, such equipment and services need to be provided by the school because, in many situations, poorly paid teachers cannot afford them, given their low salaries.<sup>102</sup>

## 8. Right to participate in social and policy dialogue and in educational reforms

67. There is growing awareness that teachers and trainers need to be included as key stakeholders in designing and implementing reforms, especially those dealing with teacher training and professional development.<sup>103</sup> The Secretary-General has noted

<sup>94</sup> Universal Declaration of Human Rights, art. 18.

<sup>95</sup> ILO-UNESCO Recommendation, para. 62.

<sup>96</sup> Ibid., para. 61.

<sup>97</sup> Vision statement of the Secretary-General.

<sup>98</sup> Submission by the Geneva Academy of International Humanitarian Law and Human Rights; see [A/68/296](#).

<sup>99</sup> International Covenant on Civil and Political Rights, art. 19 (2).

<sup>100</sup> Submissions by Education International and New Humanity.

<sup>101</sup> UNESCO, International Commission on the Futures of Education, *Reimagining Our Futures Together: A New Social Contract for Education* (Paris, 2021), p. 34.

<sup>102</sup> [A/HRC/50/32](#) and [A/HRC/44/39](#).

<sup>103</sup> [A/HRC/44/39](#), paras. 57–62, and [A/HRC/47/32](#), para. 84.

that educational systems must ensure teachers' participation in the formulation of educational policies, including curricular and pedagogical transformation, stressing their fundamental right to organize themselves.<sup>104</sup> As key partners in the transformation of education systems, teachers should be involved through collaboration between governments and education unions or organizations.<sup>105</sup> Authorities should establish and regularly use recognized means of consulting teachers' organizations on matters of educational policy and school organization, as well as on new developments in the education service.<sup>106</sup>

### C. Special regimes and contexts

68. States' obligations relating to the right to education and the status of teachers do not end with emergencies, conflicts, displacement or humanitarian settings. In numerous concluding observations, the Committee on Economic, Social and Cultural Rights has recalled that international humanitarian law does not preclude the application of international human rights law, including the International Covenant on Economic, Social and Cultural Rights, which operates independently.<sup>107</sup> The International Court of Justice, too, has stated that "the protection offered by human rights conventions does not cease in case of armed conflict".<sup>108</sup>

69. It is now widely recognized by the international community that, since human rights obligations derive from the recognition of inherent rights of all human beings and that these rights could be affected both in times of peace and in times of war, international human rights law continues to apply in situations of armed conflict and foreign occupation.<sup>109</sup>

#### 1. Education in emergencies

70. Human rights law applies across all contexts, including emergencies; people do not lose their human rights because of conflict, famine or natural disasters.<sup>110</sup> UNESCO, the International Committee of the Red Cross<sup>111</sup> and the right to education mandate holder<sup>112</sup> consider education to be an immediate and urgent basic need in crisis contexts that must be provided as part of humanitarian responses, along with food and health services. Failure to meet the educational needs of emergency-affected people only creates a crisis within a crisis.

71. Access to education during and after emergencies and protracted crises continues to pose a challenge to the right to education and outcomes of learning for millions.<sup>113</sup> In humanitarian settings, provision of education is focused on short-term solutions and targets a crisis-affected population. For example, classrooms are designed to be temporary, with the priority of rapid supply. Teachers are often "tentative" or "spontaneous", and many are volunteers or selected by their

<sup>104</sup> Vision statement of the Secretary-General.

<sup>105</sup> Submission by Education International.

<sup>106</sup> ILO-UNESCO Recommendation, para. 75.

<sup>107</sup> See, for example, [E/C.12/YEM/CO/3](#).

<sup>108</sup> Advisory opinion of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, para. 106.

<sup>109</sup> United Nations and Office of the United Nations High Commissioner for Human Rights, *International Legal Protection of Human Rights in Armed Conflict* (New York and Geneva, 2011), p. 5. See also Human Rights Committee, general comments Nos. 29 (2001) and 31 (2004); and Human Rights Council resolution 9/9.

<sup>110</sup> *Right to Education Handbook*, p. 152.

<sup>111</sup> See <https://www.unesco.org/en/emergencies/education> and <https://www.icrc.org/en/what-we-do/access-education>.

<sup>112</sup> [A/66/269](#).

<sup>113</sup> Transforming Education Summit, thematic action track 1.

communities and receive only short-term contracts with inadequate and irregular payment. They often teach ad hoc or emergency curricula, with no assessment or certification opportunities, without focusing on child and adolescent psychosocial support and socio-emotional learning.<sup>114</sup> In addition, in such situations, teachers are often in short supply; many are new recruits with minimal experience or training to teach in difficult conditions. Those with experience and qualifications may have to teach subjects outside their knowledge base or be unprepared to respond to the additional complexities of teaching in a crisis context, such as language barriers or the diverse psychological and physical needs of students.

72. Teachers and other education personnel are essential contributors to education in emergencies, including during recovery. However, despite teachers' critical role in strengthening resilience by providing children, youth and communities with life-saving information, learning opportunities and social support that build towards a more positive future, they are often a forgotten factor in the right to quality education in crisis contexts.<sup>115</sup> In addition, teachers, too, are entitled to support and guidance.

73. In *Minimum Standards for Education: Preparedness, Response, Recovery*, a handbook issued by the Inter-agency Network for Education in Emergencies, it is recognized that, even in emergencies, a sufficient number of appropriately qualified teachers and other education personnel need to be recruited through a participatory and transparent process on the basis of selection criteria reflecting diversity and equity. Teachers must continue to have clearly defined conditions of work and should be appropriately compensated. Support and supervision mechanisms for teachers and other education personnel need to function effectively.<sup>116</sup>

74. The Transforming Education Summit recommended that governments close the gaps in the supply of teachers and educators in emergencies and protracted crisis contexts,<sup>117</sup> noting that investing in the retention, capacity development and recognition of qualifications for teachers and administrators is a cost-effective means of increasing learning in crises, while the mental health of and psychosocial support for teachers remain critical in humanitarian emergencies.<sup>118</sup> Without the prioritizing of teachers' rights, quality education is unattainable in complex and protracted emergency settings.

## 2. Displacement context and refugee teachers

75. As more children and youth are affected by humanitarian, environmental and other crises, there are unprecedented demands on governments and humanitarian partners to provide a range of education services, including in pre-primary, primary, secondary, non-formal and post-secondary education in refugee and internal displacement situations. This puts a tremendous strain on available schools to absorb large numbers of children and requires the rapid establishment and scaling up of services, including significant teacher recruitment efforts. The global shortage of teachers disproportionately affects the most geographically and socially disadvantaged parts of the world.<sup>119</sup>

<sup>114</sup> Submission by Geneva Academy of International Humanitarian Law and Human Rights.

<sup>115</sup> Ibid.

<sup>116</sup> Pp. 92–102.

<sup>117</sup> Transforming Education Summit, thematic action track 1, discussion paper, p. 8.

<sup>118</sup> Ibid., annex, paper 5, "Education in emergencies and protracted crises".

<sup>119</sup> Mary Mendenhall, Sonia Gomez and Emily Varni, "Teaching amidst conflict and displacement: persistent challenges and promising practices for refugee, internally displaced and national teachers", background paper prepared for the 2019 Global Education Monitoring Report "Migration, displacement and education: building bridges, not walls", UNESCO, 2018.

76. Teachers in forced displacement contexts or working with refugees or internally displaced persons have an important role in facilitating students' transition to a new schooling environment, acquiring the language of instruction, supporting learners' social-emotional needs, learning more about their students' educational trajectories prior to arrival, and respecting and valuing different cultural practices.

77. Refugee teachers face unstable employment conditions. Frequently invisible in the host country's national education plans and policies, they are recruited, remunerated and managed outside national systems. Often without the formal right to work, they are paid less, and their qualifications are not recognized by the host country. They have fewer opportunities for continuous professional development, and their working conditions remain fragile without options to benefit from national support systems. Many refugee teachers work in complex classroom environments characterized by large class sizes and learners of diverse backgrounds, abilities and sometimes ages. Coupled with the lack of recognition and support, this has negative implications for their own job satisfaction, engagement and well-being.<sup>120</sup>

78. Consequently, in the Global Framework for Refugee Education of the Office of the United Nations High Commissioner for Refugees, increased attention to and support for refugee teachers are called for. In particular, it is recommended that investment be made in education programmes and national policies that prioritize teacher recruitment and retention, training, deployment, management and support, with a focus on female teachers. In emergencies, crises and fragile contexts, teachers need special classroom management skills. They must also be trained to offer psychosocial support, reduce bias and promote social cohesion in the classroom.<sup>121</sup> From the outset, the refugee community should be involved in identifying teachers and organizing educational opportunities.<sup>122</sup>

79. An important paradigm shift is needed from regarding refugee teachers as a burden on the host country's education system to seeing an added value in the diversity that they bring in terms of ethnic or social origin and cultural identity, as well as their experience with migration, armed conflict or environmental disaster. This should be considered as a tool enabling adequate response to education challenges. Refugee teachers remain crucial in supporting post-conflict healing and transition and in helping to re-establish a feeling of stability and normality for children.

80. Refugee teachers need to be recognized as important contributors to the realization of the right to education of the most marginalized children. In the spirit of reaching the furthest behind first, they need to be included in all decision-making processes concerning their needs and status.<sup>123</sup>

### 3. Private context

81. Although the provision of education is the primary responsibility of States, the role of non-State actors is acknowledged in international law. States have legal obligations to ensure that the actions of non-State actors do not infringe on the right to education and that they have corresponding responsibilities to respect, protect and

<sup>120</sup> A/73/262, paras. 70 and 71.

<sup>121</sup> See also Office of the United Nations High Commissioner for Refugees (UNHCR), *Refugee Education 2030: A Strategy for Refugee Inclusion* (2019); UNICEF, *Education, Children on the Move and Inclusion in Education* (2022); and UNHCR, *Global Compact on Refugees Indicator Framework* (2022).

<sup>122</sup> Submission by Geneva Academy of International Humanitarian Law and Human Rights on migrant teachers. See also UNHCR, *Refugee Children: Guidelines on Protection and Care* (Geneva, 1994).

<sup>123</sup> UNHCR, High-level Officials Meeting recommendation, 2021; and Transforming Education Summit, thematic action track 3.

fulfil the right to education.<sup>124</sup> The right to education mandate holder previously expressed concern about the increasing uncontrolled privatization of education.<sup>125</sup> Important initiatives to clarify the human rights obligations of States to provide public education and to regulate private involvement in education, such as the Abidjan Principles, must be borne in mind.<sup>126</sup>

82. The status of teachers can be affected by private actors in a variety of ways. For example, low-fee private schools run by business enterprises often employ underqualified and underpaid teachers. Teachers may be employed on a temporary basis, with no career perspectives and no professional development.<sup>127</sup> Such practices contravene the ILO-UNESCO Recommendation, which applies to both public and private teachers.<sup>128</sup> Aligned with this recommendation, the Abidjan Principles require States to define and enforce minimum standards applicable to teachers of private educational institutions, such as minimum professional qualifications, training, working conditions, terms and conditions of employment and salary, freedom of association and collective bargaining.<sup>129</sup>

#### **IV. Contemporary issues and challenges of the teaching profession affecting the right to education**

83. In 2022, UNESCO identified major challenges of the teaching profession that hindered the full realization of the right to education: persistent teacher shortages, continuing gender imbalance and high attrition rates due to unattractive working conditions, stagnant salaries, overcrowded classrooms, long working hours and a lack of professional and socio-emotional support.<sup>130</sup> In addition, the COVID-19 crisis led to increasingly heterogeneous classrooms, higher expectations for keeping track of learners at risk of dropping out and changes in working methods, with digital technologies used ever more extensively without being accompanied by the necessary training for teachers. Importantly, teachers are often excluded from participating in policy design, asked only to comment on predetermined policy proposals that do not necessarily address their problems or priorities.

##### **A. Teacher shortages**

84. In 2016, UNESCO projected that 68.8 million additional teachers (24.5 million in primary education and 44.3 million in secondary education) were needed to achieve universal primary and secondary education to fulfil the promise in Sustainable

<sup>124</sup> United Nations Guiding Principles on Business and Human Rights apply to private education providers.

<sup>125</sup> See [A/70/342](#), [A/69/402](#), [A/HRC/41/37](#) and [A/HRC/29/30](#).

<sup>126</sup> See <https://www.abidjanprinciples.org/en/principles/overview>. See also the work done by UNESCO on non-State actors in education, in particular the 2021–2022 Global Education Monitoring Report, available at [www.unesco.org/gem-report/en/non-state-actors](http://www.unesco.org/gem-report/en/non-state-actors). Also of relevance is the work of non-governmental organizations, such as the Right to Education Initiative and the Network for international policies and cooperation in education and training.

<sup>127</sup> [A/69/402](#), para. 70.

<sup>128</sup> Para. 2.

<sup>129</sup> Para. 55 (e). See also Rolla Mounné and Charlotte Saudemont, “Overview of the role of private providers in education in light of the existing international legal framework: investments in private education – undermining or contributing to the full development of the human right to education?”, p. 26, Working Papers on Education Policy No. 1 (UNESCO, 2015).

<sup>130</sup> UNESCO, “Transforming education from within: current trends in the status and development of teachers – World Teachers’ Day 2022”, p. 3 (Paris, 2022).

Development Goal 4 by 2030.<sup>131</sup> In 2022, all world regions still needed more teachers, especially regions with rapidly growing school-age populations.<sup>132</sup> Teacher targets remain out of reach for the two regions with the greatest need: sub-Saharan Africa, needing 16.5 million additional teachers (5.4 million at the primary level and 11.1 million at the secondary level), and Southern Asia, needing an additional 7 million teachers by 2030 (1.7 million in primary education and 5.3 million in secondary education).<sup>133</sup>

85. The Secretary-General has stressed the need to urgently tackle the global teacher shortage, including by making the teaching profession more attractive for younger generations.<sup>134</sup> On average, less than 15 per cent of teachers in Organisation for Economic Co-operation and Development (OECD) countries at the primary to upper secondary levels are below 30 years of age.<sup>135</sup> At the core of teacher shortages, high attrition rates and decreasing interest of young people in the teaching profession form part of an interconnected set of factors rendering the teaching profession less attractive.<sup>136</sup> These factors include low or non-payment of salaries, precarious working conditions, such as abuse of temporary contracts at the expense of education quality,<sup>137</sup> difficulties in ensuring adequate qualifications, skills and professional development of teachers, lack of career plans, lack of opportunities to develop teacher leadership, autonomy and innovation and, as a result, the low social esteem of teachers.

86. Teacher shortages, in turn, lead to higher student-teacher ratios, overcrowded classes, overworked teachers and retrogressive requirements in terms of teachers' skills. The result is a decreased interest in learning, lower educational attainment and a decrease in education quality. Hence, the failure to ensure sufficient numbers of teaching staff with the necessary skills, qualifications and training, decent working conditions and social protection for education personnel amounts to a violation of the right to education.

## **B. Gender imbalance and feminized nature of the teaching profession**

87. Given gender pay scale differentials, the prevalence of women in the education sector has had a negative impact on teachers' conditions of work, as research has shown that the increasing presence of women in any field leads to a decline in the average pay in that field.<sup>138</sup>

88. Women disproportionately enter lower-paid, female-dominated occupations for reasons such as cultural norms and social perceptions based on gender stereotypes, economic considerations, availability of part-time working opportunities in order to afford childcare for teachers' own children and other factors beyond women's

<sup>131</sup> UNESCO, "The world needs almost 69 million new teachers to reach the 2030 Education goals", UNESCO Institute for Statistics fact sheet, October 2016, No. 39.

<sup>132</sup> UNESCO, "Transforming education from within", p. 5.

<sup>133</sup> *Ibid.*, p. 6.

<sup>134</sup> Vision statement of the Secretary-General.

<sup>135</sup> "Who are the teachers?" in *OECD, Education at a Glance 2019: OECD Indicators*, OECD Publishing (Paris, 2019).

<sup>136</sup> Submission by the European Association for Education Law and Policy.

<sup>137</sup> "The challenge of teacher shortage and quality: have we succeeded in getting enough quality teachers into classrooms?", p. 4 (UNESCO, 2015).

<sup>138</sup> Jessica Schieder and Elise Gould, "'Women's work' and the gender pay gap: how discrimination, societal norms, and other forces affect women's occupational choices – and their pay", Economic Policy Institute, 20 July 2016.

control.<sup>139</sup> This has implications for female teachers' work-life balance, well-being and workload.<sup>140</sup>

89. There is little evidence that a teacher's gender affects student performance; however, a better gender balance could have positive effects on all students. Comprehensive measures are required to increase diversity and inclusion at all levels of education and in decision-making bodies. For this, it may be necessary to continue to improve both the teaching profession's public image and its pay scales to encourage both men and women to opt for careers in teaching.

### C. Increased digitalization and related inequalities

90. The effect of the increasing digitalization of education on the rights and status of teachers has been highlighted in previous reports of the right to education mandate holder.<sup>141</sup> Digital technology appears in 6 out of the 10 targets of Sustainable Development Goal 4, in recognition of the fact that technology affects education through five distinct channels: as input, a means of delivery, a skill, a tool for planning, and by providing a social and cultural context.

91. Notably, the growing reliance on technology in education threatens the right to education, jeopardizing the role of teachers as creative professionals and full partners in delivering education. It may lead to teachers' worsened working conditions, a weakened status, their de-professionalization and the curtailment of their right to privacy and academic freedom.<sup>142</sup> Rapid digitalization of education during the COVID-19 crisis revealed and exacerbated pre-existing inequalities, in particular the digital divide in terms of connectivity, infrastructure, and teachers' and students' ability to engage with technology.

92. Technology is significantly affecting the educational environment and the roles of teachers. Students now take more responsibility for their own learning, using technology to gain access to educational content and to interact with classmates and teachers.<sup>143</sup> In many contexts, teachers have stopped being the only source of new knowledge and may lose authority in the light of easily accessible digital information. However, technology is never a substitute for in-person student-teacher interactions in educational institutions that encourage discussion and debate as essential components of education.<sup>144</sup>

93. The Transforming Education Summit made digital transformation a key priority.<sup>145</sup> Digital technology can advance the teaching profession, but also brings risks and challenges for teachers. Digitalization is reshaping teaching jobs on a massive scale in ways that are difficult to predict. Considerable efforts are expended to replicate models of in-person schooling in digital spaces, whereas virtual environments demand new types of learning content and new pedagogies. This requires platforms and tools designed to support rather than replace teachers, taking into consideration the absolute need for offline interaction between learners and

<sup>139</sup> Ibid.

<sup>140</sup> Submission by Education International.

<sup>141</sup> [A/HRC/53/27](#), paras. 94–97, [A/HRC/50/32](#), [A/HRC/44/39](#) and [A/HRC/32/37](#).

<sup>142</sup> [A/HRC/50/32](#), para. 83.

<sup>143</sup> *Education at a Glance 2022: OECD Indicators*, indicator D8, OECD Publishing (Paris, 2022).

<sup>144</sup> Committee on the Rights of Persons with Disabilities, general comment No. 4 (2016) on the right to inclusive education, para. 27.

<sup>145</sup> "Digital learning and transformation", thematic action track 4, discussion paper presented at the Transforming Education Summit, 2022.

teachers, as demonstrated in the recent UNESCO report.<sup>146</sup> It also requires the integration of technology and technology-enabled pedagogies into pre- and in-service teacher training. Efforts to operationalize these principles will require multisectoral and whole-of-society approaches and should be guided by the Secretary-General's Road Map for Digital Cooperation.<sup>147</sup>

94. Digital learning tools must meet the needs of both teachers and learners, support teachers' work in and out of classrooms and, overall, ease demanding job obligations rather than increase existing workloads or present additional burdens.<sup>148</sup> The effective use of such tools requires teachers to be equipped with the necessary knowledge, skills, resources and support.<sup>149</sup> Systematic capacity development of teachers must be a core element of all digital learning interventions and investments in education, accompanied by the essential infrastructure and Internet connectivity.<sup>150</sup>

95. Apart from involving access and capacity issues, digitalization raises questions related to respecting the human rights of teachers in virtual environments.<sup>151</sup> Most critically, this includes the continued normalization of online surveillance, which leads to a radical erosion of the concept of human dignity and an undermining of the right to privacy and freedom of expression as laid out in the Universal Declaration of Human Rights. Protection of personal data remains one of the most important considerations in the development of policies concerning the use of digital tools in education.

#### **D. Key role of teachers in the post-pandemic recovery of education systems**

96. UNESCO estimates that 63 million primary and secondary school teachers were affected by the unprecedented disruption caused by the COVID-19 pandemic,<sup>152</sup> which, in addition to leading to dramatic learning losses, resulted in widespread cuts to education budgets. During and after the crisis, the employment situation and remuneration of teachers and other educational personnel deteriorated in many countries, especially in private schools.<sup>153</sup> Teachers, most of whom were women, faced the challenge of running online classes from their homes while caring for their own out-of-school children and/or ensuring that their own children attended online classes. Many teachers lacked the necessary digital skills and technical support. In one survey, only 29 per cent of teachers said that governments had provided adequate and sufficient support during the transition from on-site to distance learning.<sup>154</sup> For many teachers, the pandemic compounded existing challenges.

97. In the post-pandemic restoration of education systems, teachers are at the heart of the sustainable and human rights-based recovery process. During the crisis, schools and the education community provided essential spaces for coping, and they still play a major role in the recovery. It is crucial to recognize the impact of teachers in recovering the learning losses inflicted by the pandemic, in particular on marginalized

<sup>146</sup> Mark West, *An Ed-tech Tragedy? Educational Technologies and School Closures in the Time of COVID-19* (Paris, UNESCO, 2023).

<sup>147</sup> A/74/821.

<sup>148</sup> Submission by Education International.

<sup>149</sup> 2015 Qingdao Declaration and *ICT Competency Framework for Teachers* (Paris, UNESCO, 2018).

<sup>150</sup> Transforming Education Summit, thematic action track 4.

<sup>151</sup> Submission by New Humanity.

<sup>152</sup> See <https://en.unesco.org/news/startling-digital-divides-distance-learning-emerge>.

<sup>153</sup> A/HRC/44/39.

<sup>154</sup> Education International, "COVID-19 and education: how education unions are responding – survey report" (April 2020), pp. 6 and 7.

groups, and in building back better while reimagining education systems and raising the status of education.

## E. Changing nature of the teaching profession

98. The nature of the teaching profession is rapidly changing.<sup>155</sup> This is one of the most urgent challenges, which needs to be addressed in a sustainable way by recognizing teachers as key drivers of desirable transformation. The Secretary-General has indicated the need to rethink the purpose and content of education in the twenty-first century<sup>156</sup> in the “four learns” framework: learn to learn, learn to live together, learn to do (with a focus on technological advances) and learn to be (with a focus on values and capacities to lead a meaningful life). The International Commission on the Futures of Education recommends developing a new social contract for education, grounded in two principles: ensuring the right to quality education throughout life and strengthening education as a public endeavour and a common good.

99. Today, amid the growing prevalence of digital tools and resources, the role of teachers has expanded from “knowledge providers to knowledge producers and sense-makers of complex realities”.<sup>157</sup> Teachers need to develop students’ critical thinking and ability to navigate the exponential growth of data, including navigating digitally spread misinformation and disinformation.

100. The purpose of education is also shifting to prepare students for the existential threats of climate change, mass loss of biodiversity, natural disasters, pandemics, extreme poverty and inequalities, rapid technological change and violent conflicts. Teachers are thus required to educate students on sustainable development,<sup>158</sup> equality based on gender and other identities, global citizenship, peace and non-discrimination through foundational, lifelong and social-emotional learning, with particular attention to especially affected vulnerable populations.<sup>159</sup>

## V. Conclusions and recommendations

**101. Teachers are fundamental to ensuring every aspect of quality education. However, current issues and challenges of the teaching profession, such as teacher shortages, gender imbalance and the feminized nature of the profession, digitalization, post-pandemic recovery and the changing nature of teaching, affect the realization of the right to education. It is the States’ primary responsibility to address such challenges and to achieve inclusive quality education, regardless of the context (development, humanitarian, emergency or private), inter alia, by ensuring an appropriate number of teachers, their adequate training and decent working conditions.**

**102. Teachers are protected under international human rights law, in particular by provisions relating to the right to education. Relevant States’ obligations need to be clarified and expressed more forcefully through domestic legislation. The time has come for States to clearly align their international obligations with their**

<sup>155</sup> See, for example, Sonia Guerriero, ed., *Pedagogical Knowledge and the Changing Nature of the Teaching Profession*, Centre for Educational Research and Innovation, OECD Publishing (Paris, 2017).

<sup>156</sup> Vision statement of the Secretary-General.

<sup>157</sup> Transforming Education Summit, thematic action track 3, discussion paper.

<sup>158</sup> [A/76/228](#).

<sup>159</sup> Transforming Education Summit, thematic action track 2, p. 12.

political commitments announced in Sustainable Development Goal 4 in matters concerning the status of teachers.

103. Building resilient education systems requires establishing good relationships and mutual trust between governments, teachers, teachers' associations and trade unions, parents and communities at all levels. Teachers are critical to worldwide efforts to transform education as a public and common good. States must ensure the direct, open and meaningful participation of teachers in educational decision-making and reforms through robust social dialogue.

104. Teacher training is a key tool to progressively realize all aspects of the right to education, especially to make it more adaptable, inclusive and responsive to current challenges. Teacher training needs to be comprehensive and dynamic and to include the following aspects:

(a) Human rights-compliant, inclusive, learner-centred, gender-transformative pedagogy, free from stereotypes and directed towards the aims and objectives of education guaranteed in international human rights law;

(b) The mainstreaming of gender equality, as well as enabling teachers to reflect on their own identity, beliefs, values, prejudices, expectations, attitudes and representations of gender roles;

(c) Integration of technology and technology-enabled pedagogies;

(d) A strong intercultural component in which the mechanisms of cultural exclusion are recognized, paying attention to historical exclusions and distortions and the linguistic and cultural needs of children, in particular minorities, migrants or refugees;

(e) Skills for working efficiently in bilingual and multilingual language settings, at least at the level of primary education and especially in territories where Indigenous languages or dialects prevail;

(f) Disability awareness on the part of all teachers and the use of appropriate means and formats of communication, educational techniques and materials to support students with different disabilities.

105. Recognizing the imperative for a rights-based approach to the status of teachers, the Special Rapporteur recommends that States:

(a) Recognize that the education workforce must be professionalized, trained, motivated and supported to drive the transformation of education;

(b) Deploy maximum efforts to constantly improve the status of teachers and their working conditions, including remuneration, safety, skills development, social and emotional well-being, psychosocial support and general mental health, to make the teaching profession more attractive;

(c) Ensure that teachers' rights are implemented in accordance with existing human rights instruments and in alignment with the 4 As framework of availability, accessibility, acceptability and adaptability, whether through public, private or informal providers. Accountability in education, as the fifth "A" and an important element of quality education, should be ensured without creating an unsustainable bureaucratic burden for teachers and with their meaningful participation;

(d) Recognize the added value of refugee and migrant teachers in terms of their diversity and life experience and their important contribution to the realization of the right to education of the most marginalized children;

(e) Provide sufficient funding to close teacher shortages, especially in emergency, crisis and humanitarian contexts, in recognition of the exceptional value of investing in quality education;

(f) Take steps to regulate private involvement in education and to ensure that private actors respect teachers' rights in accordance with international standards and principles, such as the Abidjan Principles and the Guiding Principles on Business and Human Rights;

(g) Ensure that digitalization of education is human rights-compliant, is directed to the aims and purposes of education, does not favour private providers at the expense of learners and teachers, and does not replace on-site schooling;

(h) Increase diversity at all levels of education and in decision-making bodies. Inclusion, an essential element of quality equitable education, presupposes that the teaching workforce mirrors the diversity of the classroom, including in terms of gender balance among teachers at all levels. Inclusive education applies to all marginalized groups and is responsive to cultural diversity.

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