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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Activities of the Office of the United Nations High Commissioner for Human Rights, the United Nations system and regional organizations to support States' efforts to promote and protect the right to education

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 45/32, serves as a basis for the discussions during the annual thematic panel discussion on technical cooperation in the field of human rights at the forty-seventh session of the Council, which will focus on technical cooperation to advance the right to education and ensure inclusive and equitable quality education and lifelong learning for all. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights gathered information on different experiences, challenges and lessons learned from all stakeholders.

* The present report was submitted after the deadline so as to include the most recent information.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/32, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on the activities and plans of OHCHR and relevant United Nations country teams and agencies and regional organizations to support States' efforts to promote and protect the right to education, including those aimed at alleviating the impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of the right to education, ensuring the continuity of education for all, and addressing educational inequalities, with particular attention given to girls and to children in the most vulnerable and disadvantaged situations.

2. The report serves as a basis for the discussions during the annual thematic panel discussion on technical cooperation in the field of human rights at the forty-seventh session of the Council, which will focus on technical cooperation to advance the right to education and ensure inclusive and equitable quality education and lifelong learning for all. In preparing the present report, OHCHR gathered information on different experiences, challenges and lessons learned. OHCHR is grateful for the inputs received from all stakeholders, including Member States, United Nations system entities, national human rights institutions and civil society organizations.

II. Normative and policy framework

3. Education is not only a fundamental human right in itself but also a right that enables access to all other human rights. Investing in education, including human rights education, is the most cost-effective way to drive economic development, to improve skills and opportunities for young women and men, to unlock progress on all 17 Sustainable Development Goals, and to prevent conflict and sustain peace. Education remains the primary vehicle by which economically and socially marginalized adults, young people and children can lift themselves out of poverty and secure the means to participate fully as citizens in their own communities.

A. International human rights framework

4. A rich body of international standards and normative frameworks has been developed since the Universal Declaration of Human Rights proclaimed in its article 26 that "everyone has the right to education". The International Covenant on Economic, Social and Cultural Rights provides a comprehensive recognition of the right to education in its article 13. The right to education is also recognized in other international conventions, including the Convention on the Rights of the Child (art. 29), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (v)), the Convention on the Elimination of All Forms of Discrimination against Women (art. 10), the Convention on the Protection of the Rights of All Migrant Workers and the Members of Their Families (arts. 30, 43 (1) (a), (b) and (c) and 45 (1) (a) and (b)) and the Convention on the Rights of Persons with Disabilities (art. 24).

5. The right to education is guaranteed for all on a non-discriminatory basis and encompasses: (a) the right of access to quality education; (b) the practice of human rights in and through education; and (c) education as a right that facilitates the fulfilment of other rights. In realizing the right to education, States should ensure that the education system is available for all through sufficient numbers of educational institutions, is accessible to all, regardless of their social or ethnic groups, disability or economic status, is acceptable and is adaptable. These obligations prevail even during a crisis.

6. The work of treaty bodies, which monitor the implementation of the international human rights treaties relevant to the right to education, provides a wealth of guidance for technical cooperation programmes through their recommendations and general comments. In

its general comment No. 13 (1999),¹ the Committee on Economic, Social and Cultural Rights provides guidance to States in fulfilling their core obligations to respect, protect and fulfil each of the following essential features of the right to education:

(a) Availability: functioning educational institutions, with buildings, sanitation facilities, safe drinking water, trained teachers, and teaching materials should be available in sufficient quantity within the country;

(b) Accessibility: educational institutions should be accessible to all, on a non-discriminatory basis, should be physically accessible and should be economically affordable;

(c) Acceptability: the form and substance of education, including curricula and teaching methods, have to be relevant, of good quality and culturally appropriate for the children and the parents;

(d) Adaptability: education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

7. Since 1998, successive Special Rapporteurs on the right to education, through thematic reports and country visits, have made more than 300 recommendations and addressed issues of the availability, accessibility, acceptability and adaptability of education, from pre-primary to tertiary levels, including in non-formal education systems or mechanisms. Additionally, several other special procedure mandate holders have addressed issues related to the right to education – including those with thematic mandates on freedom of expression and opinion, health, adequate housing, water and sanitation, extreme poverty and human rights, indigenous peoples, migrants, sale of children, child prostitution and child pornography, trafficking in persons, violence against women, and internally displaced persons – as have several country mandate holders.

8. The universal periodic review process of the Human Rights Council has provided opportunities for Member States to report on progress in implementing human rights. Since the first cycle, in 2008, more than 5,500 recommendations have been made under the universal periodic review process. As many of these recommendations have been accepted by the States concerned, they provide ample scope for follow-up through technical cooperation activities if requested by those States.

B. UNESCO conventions

9. The right to education is further elaborated in other international treaties and conventions of the United Nations system, notably in the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, adopted in 1960, as well as in the UNESCO Convention on Technical and Vocational Education, of 1989. Normative instruments adopted by UNESCO also cover areas relating to various dimensions of the right to education, such as the teaching profession, adult education, and the recognition of qualifications in higher education – with the recent adoption of the landmark Global Convention on the Recognition of Qualifications concerning Higher Education.

10. UNESCO monitors the implementation of its normative instruments through periodic consultations with member States in order to elucidate whether States are complying with their legal obligations. These consultations also provide a self-assessment opportunity for member States to benchmark their progress and challenges against international standards, in order to facilitate the realization of the right to education. Over the years, these UNESCO consultations have resulted in a number of guidance documents and monitoring tools, as well as thematic resources, which are valuable tools when designing technical cooperation activities to support Member States.

¹ See para. 6. Other key general comments on the right to education are Committee on Economic, Social and Cultural Rights general comment No. 11 (1999) on plans of action for primary education, and Committee on the Rights of the Child general comment No. 1 (2001) on the aims of education.

C. Other international and regional instruments

11. Many International Labour Organization (ILO) conventions, especially those related to the minimum working age (the Minimum Age Convention, 1973 (No. 138) and to child labour (the Human Resources Development Convention, 1975 (No. 142), directly or indirectly refer to the right to education. The elimination of child labour has always been viewed as closely linked to the realization of the right to education, and hence the ILO conventions on child labour also mention it.²

12. The Convention relating to the Status of Refugees includes a provision on the right to education, in its article 22. International humanitarian law instruments include obligations to allow access to educational facilities and materials and/or to provide education to prisoners of war, internees, and children – including orphans and children separated from their parents – and to prohibit attacks on schools. The international law of war also prohibits attacks on schools.

13. The right to education is also widely recognized in regional human rights systems; it is, for example, enshrined in the African Charter on Human and Peoples' Rights (art. 17 (1)) and the African Charter on the Rights and Welfare of the Child (art. 11). In the Americas, the American Declaration on the Rights and Duties of Man recognizes the right to education in its article 12. The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) also includes the right to education, in its article 13. In Europe, the right to education is enshrined in article 2 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Moreover, the European Social Charter includes several references related to the right to education.

D. Policy and partnership frameworks

14. The commitment to achieve access to education for all is reflected in numerous non-binding policy frameworks, most notably in the 2030 Agenda for Sustainable Development. Every goal in the 2030 Agenda requires education to empower people with the knowledge, skills and values to live in dignity, build their lives and contribute to their societies. Ambitions for education are essentially captured in Sustainable Development Goal 4, which aims to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” by 2030. The Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4, adopted at the World Education Forum in 2015, provides guidance to countries for the implementation of the Education 2030 agenda.³ It aims to mobilize all stakeholders around the ambitious education goal and targets, and proposes ways of implementing, coordinating, financing and reviewing the 2030 education agenda – globally, regionally and nationally – to guarantee equal educational opportunity for all.

15. Promoting strong partnerships is a key element of technical cooperation supporting the implementation of the right to education and global commitments, which must be guided by the principles of open, inclusive and participatory policy dialogue, along with mutual accountability, transparency and synergy.⁴ While governments hold the main responsibility for ensuring the right to quality education, the 2030 Agenda for Sustainable Development is a universal and collective commitment. It requires political will, global and regional collaboration and the engagement of all governments, civil society, the private sector, youth, the United Nations and other multilateral agencies to tackle educational challenges and build systems that are inclusive, equitable and relevant to all learners.

16. Launched in 2002, the Global Partnership for Education is a multi-stakeholder partnership and funding platform that aims to strengthen education systems in developing

² Minimum Age Convention, 1973 (No. 138); and Worst Forms of Child Labour Convention, 1999 (No. 182).

³ See <https://unesdoc.unesco.org/ark:/48223/pf0000245656>.

⁴ Ibid., see para. 79.

countries in order to increase the number of children who are in school and learning. It has continued to provide partner countries with the tools and support they need to strengthen planning, policy dialogue and monitoring, and help them achieve their education goals. By providing technical and financial support during the planning cycle, the Global Partnership promotes quality education sector plans, which are fundamental in building stronger and more equitable education systems. The Global Partnership contributes to the advancement of equity, gender equality and inclusion in education through technical and financial support for sector planning and implementation as well as through a variety of global and regional efforts, and it has supported 28 partner countries to engage in gender-responsive education sector planning workshops co-convened with the United Nations Girls' Education Initiative and partners.⁵

17. The rapid growth of private actors in the education sector over the last two decades has prompted the need for the human rights framework to provide precise guidance on the roles and responsibilities of State and private actors for the realization of the right to education in this changing context. The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education, adopted in 2019 by international human rights experts following an extensive three-year participatory consultation process, provides a reference point for governments, educators and education providers when debating the respective roles and duties of States and private actors in education. Based on existing international standards as interpreted by human rights mechanisms, the Abidjan Principles consolidates and unpacks legal obligations of States to regulate private involvement in education and guides them effectively towards the realization of the right to education, including by ensuring that private education conforms to educational standards.⁶ The Guiding Principles on Business and Human Rights,⁷ endorsed by the Human Rights Council in 2011, provide a comprehensive framework intended to guide the efforts by a range of actors, including Governments and companies, to identify, prevent, mitigate and remedy human rights harm related to the activities of companies, including in the context of educational services.

E. Human rights education and training

18. Human rights education and training are important components of the right to education and lifelong learning, as recognized in the Universal Declaration of Human Rights. In the 2030 Agenda for Sustainable Development, human rights education is specifically included in Goal 4 on inclusive and quality education (target 7).

19. OHCHR coordinates the World Programme for Human Rights Education, initiated in 2005,⁸ a common collective framework proclaimed by the General Assembly in 2004 to enhance human rights education programmes, and related partnership and cooperation, at all levels. OHCHR regularly designs and implements human rights education and training programmes and assists Governments, other institutions and civil society in this area. It develops and disseminates effective human rights education and training methodology through relevant materials.⁹ These activities – providing technical assistance, sharing best-practice methodology and facilitating exchange of experiences – aim to support States' efforts to advance human rights education nationally.

⁵ Global Partnership for Education, *2020 Results Report*, available at www.globalpartnership.org/sites/default/files/docs/results-report-2020/2020-09-GPE-Results-Report-2020.pdf.

⁶ See www.abidjanprinciples.org.

⁷ A/HRC/17/31, annex.

⁸ See www.ohchr.org/EN/Issues/Education/Training/Pages/Programme.aspx.

⁹ Available at www.ohchr.org/EN/Issues/Education/Training/Pages/MaterialsResources.aspx.

III. Responding to the impact of the COVID-19 pandemic on the right to education

A. Impact of the COVID-19 pandemic on the right to education

20. The COVID-19 pandemic has made a profound impact on the right to education across the world, creating the largest disruption of education systems in history. It has affected nearly 1.6 billion learners in more than 190 countries across all continents. Closures of schools and other learning spaces have impacted 94 per cent of the world's student population, up to 99 per cent in low and lower-middle income countries.¹⁰

21. UNESCO estimated that, in 2020, 24 million students, from pre-primary to tertiary education, were at risk of not returning to educational institutions, including care centres, schools, universities or other training institutions. Among those students, almost half, or 10.9 million, were at the primary and secondary school levels.¹¹ School closures make girls and young women more vulnerable to child marriage, early pregnancy, and gender-based violence – all of which decrease their likelihood of continuing their education. Such a situation could contribute to deepening inequality further, in particular given the digital divide between those who have access to online educational facilities to continue their education and those who do not.

22. The pandemic has exposed and aggravated formidable challenges that the world was already facing in fulfilling the promise of education as a basic human right and in achieving Sustainable Development Goal 4 of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all by 2030. Even before the pandemic, about 258 million children and young people were out of school in 2018.¹² The total includes 59 million children of primary school age, 62 million of lower secondary school age and 138 million of upper secondary school age. Furthermore, 8.2 per cent of primary school age children did not go to primary school and only 6 in 10 young people will be finishing secondary school in 2030. The youth literacy rate (for ages 15 to 24) is 91.73 per cent, meaning that 102 million young people lack basic literacy skills. An estimated 617 million children and adolescents around the world cannot read a simple sentence or manage a basic mathematical calculation even though two thirds of them are in school.¹³ In 2018, some 773 million adults, two thirds of them women, remained illiterate.¹⁴ In 2019, less than one half of primary and lower secondary schools in sub-Saharan Africa had access to electricity, the Internet, computers and basic handwashing facilities – key basic services and facilities necessary for ensuring a safe and effective learning environment for all students.¹⁵

23. In her report examining the impact of the COVID-19 pandemic on the right to education,¹⁶ the Special Rapporteur on the right to education expressed deep concern about the significant widening of inequalities in access to education as a consequence of the closure of educational institutions and the social and economic crisis resulting from the pandemic. She also noted the emergence of new grounds of discrimination, such as the digital divide and lack of access to the Internet for online learning. These grounds of discrimination are reinforcing pre-existing structural inequalities between and within countries as well as within societies based, in particular, on social and economic status, remote location, sex and gender, language, religion, colour, national or ethnic origin, disability or other status.

¹⁰ United Nations, "Policy brief: education during COVID-19 and beyond", August 2020, available at www.un.org/sites/un2.un.org/files/sg_policy_brief_covid-19_and_education_august_2020.pdf.

¹¹ United Nations Educational, Scientific and Cultural Organization (UNESCO), UNESCO COVID-19 education response: "How many students are at risk of not returning to school?", advocacy paper, 30 July 2020, available from <https://unesdoc.unesco.org/ark:/48223/pf0000373992>.

¹² See <http://uis.unesco.org/en/topic/out-school-children-and-youth#:~:text=About%20258%20million%20children%20and,million%20of%20upper%20secondary%20age>.

¹³ See <https://en.unesco.org/news/what-you-need-know-about-right-education>.

¹⁴ E/2020/57, para. 45.

¹⁵ Ibid., para. 46.

¹⁶ A/HRC/44/39.

B. Responding to the pandemic to protect the right to education

24. The Special Rapporteur made a number of recommendations that can be taken into consideration when designing and implementing technical cooperation activities on the right to education in response to the pandemic. She emphasized in particular the importance of conducting a thorough assessment to unpack, in each local context, the dynamics at play that led to increased discrimination in the enjoyment of the right to education during the crisis. Such an assessment should include an analysis of rising inequalities due to the measures adopted to face the pandemic; an investigation into the sustainability of economic and financial models behind education systems, including the consequence of poor funding of public educational institutions; scrutiny of the role of private actors in education; an evaluation of the adequacy of social protection provided for education workers, including in the private sector; and scrutiny of the lack of cooperation between States' administrations, educational institutions, teachers, learners, parents and communities.

25. In August 2020, the Secretary-General of the United Nations launched "Policy brief: education in the time of COVID-19 and beyond", warning that the pandemic has created the most severe disruption in the world's education systems in history and is threatening a loss of learning that may stretch beyond one generation of students. OHCHR contributed to the drafting of the policy brief, which was led by UNESCO with inputs from 15 United Nations system organizations. Reiterating that education is an enabling right that has a direct impact on the realization of all other human rights, the policy brief recommends that governments and the international community need to protect education financing; focus on equity and inclusion; reinforce capacities for risk management, at all levels of the system; reimagine education to focus on addressing learning losses and preventing dropout, particularly by members of marginalized groups; offer skills for employability programmes; support the teaching profession and teachers' readiness; expand the definition of the right to education to include connectivity; strengthen data on and monitoring of learning; and strengthen the articulation and flexibility across levels and types of education and training.

26. In late 2019, just prior to the outbreak of the pandemic, OHCHR launched a Surge Initiative to step up country-focused operational advice for the United Nations development system on economic and social rights and to integrate human rights in efforts to accelerate the achievement of the Sustainable Development Goals. As the pandemic unfolded, OHCHR, through the Surge Initiative, supported the integration of human rights in United Nations socioeconomic impact assessments and response plans, including on the right to education for the most impacted groups. Critically, the Surge Initiative provided macroeconomic expertise to review stimulus packages and emergency measures and provide country-specific analysis and policy advice for COVID-19 emergency measures and long-term socioeconomic recovery on economic and social rights, including the right to education.

27. UNESCO is supporting countries in their efforts to mitigate the immediate impact of school closures, particularly for more vulnerable and disadvantaged communities, to facilitate the continuity of education for all through remote learning and ensure a full and fair return to school. By sharing practices, ideas and resources about country responses to school closures and other challenges stemming from the global health crisis, UNESCO has led several actions since March 2020 with a view to maintaining the continuity of learning, especially for underprivileged children and youth, and to ensuring that all students return to school as they reopen.

28. The United Nations Children's Fund (UNICEF) sought innovative ways to ensure that learning continued and to address exclusion and inequality in the pandemic. Significant efforts were channelled into adopting and adapting technology to provide distance learning; safely and inclusively reopening schools through the coordination with the health, the water, sanitation and hygiene and the child protection sectors; strengthening the resilience of education systems; and protecting education financing. In 2020, as a result of UNICEF support, 48 million out-of-school children, 49 per cent of them girls, accessed education, including 4 million children on the move and 33 million in humanitarian settings. Learning materials were provided to 43 million children, 52 per cent of them in humanitarian settings; 59,223 school management committees or similar bodies received training; and 7.7 million

children, 48 per cent of them girls and 79 per cent in humanitarian settings, benefited from skills development programmes.¹⁷

29. The Global Education Coalition was launched by UNESCO as a platform for collaboration and support to protect the right to education during this unprecedented disruption and beyond. It brings together more than 175 members from the United Nations family, civil society, academia and the private sector. Coalition members rally around three flagships, namely connectivity, teachers and gender. Global Education Coalition members are currently planning actions in, or are already supporting, approximately 100 countries, under each of the three pillars, in all regions of the world. For example, UNESCO, UNICEF and the World Bank formed a consortium to support countries eligible for education sector programme implementation grants from the Global Partnership for Education to adopt evidence-based measures to respond to the pandemic. In South-East Asia, UNESCO and the Southeast Asian Ministers of Education Organization are undertaking activities to create an online, multilingual regional teacher training course that will develop teacher capacity to adequately support children with disabilities.

30. Several United Nations agencies have developed guidance on how to protect education and learning in the pandemic. The World Health Organization (WHO), UNICEF and UNESCO issued guidance on school-related public health measures in the context of COVID-19.¹⁸ UNICEF, WHO and the International Federation of Red Cross and Red Crescent Societies issued operational guidance on protecting children and schools from COVID-19.¹⁹ UNICEF has set up an interactive dashboard (EduView) that provides education data on policy responses to COVID-19, assets for remote learning, sanitation and hygiene facilities in schools, the scope of school closures, as well as the number of affected students. The dashboard also provides an overview of a range of education indicators on key topics such as attendance, system efficiency, early childhood development, learning, equity, and Sustainable Development Goal 4 education targets.²⁰

31. The massive learning disruption caused by the COVID-19 pandemic has underscored the urgency of addressing the digital divide, as millions of learners were suddenly excluded from education because of school closures and poor Internet connectivity and digital infrastructure. UNESCO and its Global Education Coalition, and UNICEF and Generation Unlimited, have launched a new global initiative on digital learning and skills, targeted at marginalized children and youth, to close the digital divide and drive rapid change in education systems. To ensure continuity of the education process during the pandemic, the United Nations country team in Egypt worked on digitization of some key national learning modules for both pre-university and university education, as well as capacitating educational personnel in the area of information and communications technology (ICT) in support of distance learning.²¹ In Zimbabwe, UNICEF, in partnership with Microsoft, supported the Ministry of Primary and Secondary Education in building the Zimbabwe Learning Passport to accelerate digitally assisted learning. The country's Education Technology Platform was officially launched in March 2021, with a goal of reaching 300,000 learners by end of 2021.²²

32. Regional United Nations entities stepped up collaboration in 2020 to protect the right to education during the unprecedented pandemic-induced disruption and ensure progress towards the achievement of Sustainable Development Goal 4. In the Asia-Pacific region, UNESCO, UNICEF, the United Nations Population Fund, the World Food Programme and other partners worked with governments to support safe school reopening and operations in the context of the pandemic and avoid students dropping out of school, including through a

¹⁷ E/ICEF/2021/10, pp. 9–10.

¹⁸ Available from www.who.int/publications/i/item/considerations-for-school-related-public-health-measures-in-the-context-of-covid-19.

¹⁹ Available at www.unicef.org/reports/key-messages-and-actions-coronavirus-disease-covid-19-prevention-and-control-schools.

²⁰ See <https://data.unicef.org/resources/eduview-education-dashboard>.

²¹ United Nations country team in Egypt, 2020: *UN Country Annual Results Report: Egypt*, p. 10.

²² See www.unicef.org/zimbabwe/stories/providing-learning-solution-millions-and-out-school-children-zimbabwe.

series of regional webinars to support exchanges of national experiences and lessons learned.²³

33. In Africa, United Nations entities led by UNESCO and UNICEF contributed to the Africa e-Education Strategy through the launch of the “ImaginEcole” regional distance learning platform for French-speaking West and Central African countries. Launched in December 2020, and covering 10 countries of the subregion, it provides training modules for educational staff and teachers to create distance learning tools and courses. The e-education strategy also implemented an initiative for emergency education for more than 100 million out-of-school African children.²⁴

34. In the Arab States region, United Nations regional entities collaborated under the Regional Issue-based Coalition on Adolescents and Youth to support interventions in the areas of education and skills development in response to the pandemic. Additionally, the United Nations Population Fund partnered with the Economic and Social Commission for Western Asia and the United Nations Office on Drugs and Crime on an initiative aimed at providing a platform for dialogue and exchange of views among Arab youth on the issues they are facing due to the COVID-19 pandemic, and how the pandemic presents unprecedented challenges to education in the region. Furthermore, building on the Framework for Reopening Schools,²⁵ several United Nations regional entities organized a series of regional webinars for and with ministries of education to promote continuity of learning, whether face-to-face or remote.²⁶

35. In Latin America and the Caribbean, the Economic Commission for Latin America and the Caribbean and UNESCO developed a joint policy paper entitled “Education in the time of COVID-19”, which sheds light on various consequences that measures adopted in response to the crisis will have on educational communities. UNICEF and the United Nations Development Programme developed a joint policy paper entitled “COVID-19 and primary and secondary education: the impact of the crisis and public policy implications for Latin America and the Caribbean”, which outlines a general diagnosis of the situation in pre-primary, primary and secondary education in the region. In order to ensure online learning modalities and support for the safe reopening of schools, UNICEF, UNESCO and the World Food Programme worked on two sets of guidelines for ministries of education and for school administrators and principals, respectively. UNESCO, in collaboration with UNICEF and as part of the Regional Education Working Group for Latin America and the Caribbean, rolled out a series of exchanges of knowledge and information for ministries of education and national education actors, focusing on the four pillars of Sustainable Development Goal 4: equity, inclusion, quality, and lifelong learning. The UNESCO Latin American Laboratory for Assessment of the Quality of Education, with support from UNICEF, worked to produce and disseminate knowledge and information on curricula and student learning achievements with ministries of education through an online platform that gave special attention to education responses in the context of COVID-19 and its impact on access by children, adolescents and young people on the move to quality, inclusive and equitable education.²⁷

²³ United Nations, “2020 regional results report of the UN system for Asia and the Pacific”, 23 March 2021, available from www.undg.org/resources/2020-regional-results-report-un-system-asia-and-pacific, p. 11.

²⁴ United Nations, “The Africa regional United Nations development system report 2020”, available at https://unsdg.un.org/sites/default/files/2021-06/THE%20ARUNDS-Annual%20Report_final.pdf, p. 14.

²⁵ Global guidelines developed by UNICEF, UNESCO, the World Bank, the World Food Programme and the Office of the United Nations High Commissioner for Refugees to inform the decision-making process regarding school reopening, support national preparations and guide the implementation process, as part of overall public health and education planning processes. Available at www.unicef.org/documents/framework-reopening-schools.

²⁶ United Nations, *System-wide Annual Results Report for the Arab Region 2020*, available from <https://unsdg.un.org/resources/system-wide-annual-results-report-arab-region-2020-delivered-through-un-development>, pp. 29 and 45.

²⁷ United Nations, “2020 system-wide results report of the United Nations development system in Latin America and the Caribbean”, 10 March 2021, available from <https://unsdg.un.org/resources/2020-system-wide-results-report-united-nations-development-system-latin-america-and>, pp. 17–18.

36. Several national human rights institutions have been active in monitoring the right to education for children and young people in the time of COVID-19, who have been affected by the closure of educational facilities.²⁸ For example, the High Commission for Human Rights, of Iraq, recommended that the responsible authorities should take clear measures to address the deprivation of education of all by providing available alternatives with access to all governorates, recognizing at the same time the option of using online-based modalities and recognizing the digital divide across different parts of the country. The Human Rights Ombudsman of Slovenia called for equality of children under the conditions of schooling from home and initiated a special project on access to education of Roma children during schooling from home. The South African Human Rights Commission carried out research on issues related to the right to education, and advised the Government on school reopening policies in light of the COVID-19 pandemic, taking into account the school nutrition programme and regular school-based COVID-19 testing.

IV. Technical cooperation and capacity-building to support States' efforts to promote and protect the right to education

37. Technical cooperation is a critical component of the OHCHR programme for supporting States in their efforts to promote and protect human rights and to implement the 2030 Agenda for Sustainable Development. Technical cooperation is central to implementing the mandate of the United Nations High Commissioner for Human Rights under General Assembly resolution 48/141 to, inter alia, provide advisory services and technical and financial assistance at the request of the States concerned, with a view to supporting actions and programmes in the field of human rights, and more broadly to enhance international cooperation for the promotion and protection of all human rights. Through technical cooperation and advisory services, OHCHR provides practical assistance for the strengthening of national protection systems and for the capacity of rights holders to claim their rights and of duty bearers to fulfil their obligations.²⁹ The technical cooperation programme is framed within the OHCHR priorities, expected results and strategies. It is informed by several components, upon which the present report has been structured.

38. Since 2012, the Board of Trustees, which oversees the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, has advised OHCHR on policy and strategic orientation with regard to technical cooperation, and has elaborated several components for ensuring the effectiveness of technical cooperation efforts of OHCHR and other United Nations entities, which include the following:³⁰

- (a) Anchoring technical cooperation to the universality and indivisibility of all human rights, including both protection and promotion aspects;
- (b) Building and strengthening national frameworks and institutions in the field of human rights through technical cooperation and advisory services;
- (c) Reflecting national development objectives to ensure the highest level of ownership and sustainability;
- (d) Ensuring the broadest possible participation of all elements of national societies;
- (e) Linking technical cooperation to the follow-up on the implementation of the recommendations by human rights mechanisms, including the universal periodic review;
- (f) Integrating human rights across the work of all United Nations programmes on the ground as effective means of better supporting national efforts for the promotion and protection of human rights.

²⁸ Global Alliance of National Human Rights Institutions, OHCHR and the United Nations Development Programme, *COVID-19 and National Human Rights Institutions*, March 2021, available at www.ohchr.org/Documents/Countries/NHRI/GANHRI/COVID-19-and-NHRI.pdf.

²⁹ See www.ohchr.org/en/countries/pages/technicalcooperationindex.aspx.

³⁰ A/HRC/37/79, paras. 31–34; A/HRC/40/78, para. 50; and A/HRC/43/68, sect. III.A.

39. Among the many technical cooperation programmes and activities undertaken that are relevant to the right to education, the following section highlights some selected examples of those activities implemented by OHCHR and the United Nations system, by States through bilateral and multilateral cooperation, and by other stakeholders, including civil society and national human rights institutions. These examples are categorized by the above-mentioned components of technical cooperation as elaborated by the Board of Trustees. Being a cross-cutting approach, the component on human rights integration is addressed throughout the other components, as well as in the previous section on pandemic responses.

A. Anchoring technical cooperation to the universality and indivisibility of all human rights

40. The right to education is an important example of the interdependence and interrelation of human rights. Education is not only a fundamental right on its own, but also a key enabler for the realization of other rights, such as the right to health and the right to food. Education is an important precondition for the meaningful exercise of most of the freedoms protected by human rights, by supporting the possibility of making informed choices in all areas of civil, political, economic, social and cultural life. Education about nutritious and healthy food, and health education, including education about sexual and reproductive issues, is a particularly important preventative and supportive factor to the rights to adequate food and to the highest attainable standard of physical and mental health.³¹ These interlinkages among several human rights require technical cooperation programmes to adopt a multidisciplinary approach to creating an enabling environment for education – such as school meal programmes that help to realize the right to adequate food, and access to safe drinking water and sanitation in schools. Many States have taken such multidisciplinary approaches to education, with particular focus on the rights of specific groups. In Mexico, for example, the Educational Inclusion Programme is conducted in collaboration with an interdisciplinary team, in coordination with the educational authorities and institutions. It undertakes actions to promote equal opportunities for children with disabilities or with certain functional impairments, through awareness-raising and specific steps to identify accessibility barriers, learning needs, characteristics, interests, capacities and follow-up for their integration or retention in regular systems or special education services.

41. The right to education is protected under all circumstances, even in times of emergency such as conflict, war or natural disaster, and no derogations are allowed under international human rights law. The Human Rights Office of the United Nations Assistance Mission for Iraq documented the impact of conflict on education, especially on that of girls, and published a report entitled “The right to education in Iraq: the legacy of ISIL territorial control on access to education”.³² Based on interviews and focus group discussions conducted between November 2018 and January 2019, involving 237 people in six camps for internally displaced persons, the report highlights several challenges, including the years of formal education that children lost, the insufficient numbers of schools and inadequate teaching schedules, and issues linked to movement restrictions and access to civil documentation that create barriers to school enrolment. A follow-up report, focused on obstacles that continued to hamper girls’ access to education, was prepared in 2020 and issued in January 2021, entitled “The right to education in Iraq: obstacles to girls’ education after ISIL”.³³ It identified obstacles embedded in traditional gender roles and norms, family levels of education, poverty, perceived protection concerns, and trauma. Both reports recommend concrete measures to address challenges related to gender norms, and call for an enabling environment for girls’ education.³⁴

³¹ E/C.12/2000/4, para. 44.

³² Available at www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=3495_6fa3dd38c8e738703147e98a0d264a46&Itemid=650&lang=en.

³³ Available at www.uniraq.org/index.php?option=com_k2&view=item&task=download&id=4159_804f8e0ffceb74f07beab454b8efce93&Itemid=650&lang=en.

³⁴ See also www.ohchr.org/EN/NewsEvents/Pages/EducationForGirlsPostISIL.aspx.

B. Building and strengthening national frameworks and institutions

42. Effective technical cooperation should contribute to building and strengthening national frameworks and institutions for the promotion and protection of human rights. A robust education system addressing effectiveness, availability, accessibility, acceptability and adaptability is critical, in particular given the impacts of the current global health crisis and the measures being put in place to address the pandemic.

43. In 2020, OHCHR, through its human rights component of the United Nations Integrated Peacebuilding Office in Guinea-Bissau, contributed to the integration of human rights education for primary schools as part of a national government process to revise primary school education curricula, through the provision of six training-for-trainers, followed by three regional, human rights education training events, reaching a total of 148 teachers including 58 women. The project was carried out in close collaboration with the Government's National Institute for the Development of Education, which committed to ensuring that this first step would be followed by further human rights education training in primary and then secondary schools and curricula. This project provided timely support, as the country was introducing the new education curricula in 22 pilot primary schools in 2020 and was therefore identified as a strategic human rights entry point to lay the groundwork for positive behaviour change towards stronger respect for human rights. Through this project, the National Institute for the Development of Education has developed a cadre of core trainers on human rights education who will be applying and replicating the knowledge, skills and methodology that they acquired for future human rights education programmes.

44. In Ethiopia, UNICEF supported the Ministry of Education in developing life-skills materials and providing 24,623 adolescent girls with life-skills training. UNICEF is in the process of advising the Ministry on integrating life skills into the general education curriculum. In Bangladesh, UNICEF supported 4,000 early learning centres offering mother tongue-based instruction, including for Rohingya children in refugee camps. In Egypt, the United Nations country team supported the Government with strategic advisory policy services related to early childhood development and the new national education system to ensure that all children, adolescents and youth benefited from equitable access to quality education.³⁵ In Ecuador, the Office of the Ombudsman, through the National Directorate of Education on Human Rights and the Rights of Nature, has made efforts since 2015 to integrate human rights education in the public education policies of the Ministry of Education.

C. Reflecting national development objectives to ensure the highest level of national ownership and sustainability

45. Effective technical cooperation must reflect national development objectives to ensure the highest levels of ownership and sustainability and to respond to genuine national interest, commitments and efforts in the promotion and protection of human rights. Every Sustainable Development Goal requires the realization of all the elements of the right to education in order to empower people with the knowledge, skills and values to fully enjoy all human rights and, more importantly, to dismantle the barriers of inequality and exclusion.

46. UNESCO constantly seeks to enhance capacities on the right to education by developing guidance tools to support States' self-assessment as regards the implementation of the right to education. To support Governments to take forward their commitment to education, in 2021 UNESCO issued *Guidelines to Strengthen the Right to Education in National Frameworks*,³⁶ which is aimed at strengthening national frameworks by assisting countries and stakeholders in conducting an assessment of the compatibility of their national education legal and policy framework with international standard-setting instruments on the right to education, and in light of commitments under Sustainable Development Goal 4. The *Right to Education Handbook*, published in 2019,³⁷ provides a key tool for those seeking to

³⁵ United Nations country team in Egypt, 2020: *UN Country Annual Results Report: Egypt*, p. 22.

³⁶ Available from <https://unesdoc.unesco.org/ark:/48223/pf0000375352>.

³⁷ Available from <https://unesdoc.unesco.org/ark:/48223/pf0000366556>.

understand and advance that right, and is also an important reference for people working towards achieving Sustainable Development Goal 4, as it offers guidance on how to leverage legal commitment to the right to education.

47. One of the most important roles played by UNESCO as part of its technical cooperation is to ensure that legal obligations are duly reflected in national legal frameworks and are translated into concrete policies and programmes. To this end, UNESCO supports the review of the right to education in national frameworks and ensures the effective enforcement of this right by identifying gaps and challenges in legal and policy frameworks and issues recommendations for further compliance, and for aligning their national frameworks with international obligations and commitments. For example, in 2018, UNESCO responded to a request by Mozambique for technical assistance with reviewing the right to education at the national level and for support with an education policy review to strengthen its education system and contribute to developing its capacities for reaching the targets contained in Sustainable Development Goal 4 on education. In Nepal, following the recommendations made in the right to education report on Nepal in 2017, the country has made significant progress towards ensuring the right to education, notably by adopting the Free and Compulsory Education Act of 2018.

48. Through partnership and cooperation with States at the country level, the United Kingdom of Great Britain and Northern Ireland has supported a wide range of education initiatives that have promoted and protected the right to education, especially for girls. For example, in Pakistan, the Punjab Education Sector Programme has supported nearly 1 million children to gain a decent education, delivered through a mix of technical cooperation and capacity-building via sector budget support, public-private partnership, non-governmental organizations (NGOs), financial aid and commercial contracts.

D. Ensuring the broadest participation

49. Participation is a key human rights principle that should guide all stages of the technical cooperation process: design, implementation, monitoring and evaluation. For economic and social development processes to be sustainable and effective, they have to be participatory, transparent and non-discriminatory. Protection of the right to participate in decisions that affect the lives and livelihoods of the people that the United Nations serves should be a key premise of technical cooperation programmes.

50. Participation is a key principle that underpins the United Nations Sustainable Development Cooperation Framework and is a critical element of a human rights-based approach, gender equality and women's empowerment, and the commitment to leave no one behind. Accordingly, technical cooperation activities by United Nations entities and partners in the area of the right to education place particular focus on the inclusion and effective participation of the most vulnerable and marginalized groups in education.

51. In the Republic of Moldova, OHCHR conducted an assessment of the human rights situation of Roma people in the Transnistria region, which served as a basis for initiating a dialogue between Roma civil society organizations and de facto authorities on access to education along with the rights to work and social protection. The assessment was used to develop a road map and action plan for establishing the first institution of Roma community mediators. In Timor-Leste, OHCHR produced a research report about the situation of LGBTI persons as regards their access to education (at the secondary and university levels), the level of inclusiveness and safety of schools and universities for LGBTI persons, and recommendations to improve the situation. OHCHR also developed a brochure with recommendations for students, teachers and families about promoting safe and inclusive schools. In Guatemala, OHCHR supported youth-led organizations that promote positive human rights change. It disseminated guidelines on the right to participation and civic space promotion across 18 organizations and organized a regional meeting with youth leaders from 11 organizations in the eastern part of Guatemala. This led to the formation of the Connected Youth ("Juventud Conectada") initiative and the creation by young leaders of the Youth Human Rights Defenders Network, which brings together 26 organizations and offers a space for dialogue and technical assistance on the human rights of youth, with a focus on

participation and the rights to education and work. In Cambodia, OHCHR and six youth rights organizations organized the Youth Human Rights Champion Competition. Six youth groups, with participants aged from 15 to 23 years, were selected to produce two-minute videos on a range of human rights issues related to the right to education of sex workers' children.

52. The European Union Agency for Fundamental Rights focuses on vulnerable groups, including Roma, in its work on technical assistance. For example, it supported Hungary in the development of process indicators for monitoring Roma inclusion, including access to education in Hungary. In Bulgaria, it advised on ways to collect data on hard-to-reach populations. Access to education by children from groups at higher risk of poverty, social exclusion and violation of fundamental rights is one of the key areas of interest in this context.

E. Supporting the implementation of recommendations issued by international human rights mechanisms

53. To be effective, technical cooperation programmes in the field of human rights should be based on the international human rights framework which has elaborated a rich body of normative standards and guidance as well as country-specific recommendations, so as to support States in implementing their obligations through capacity-building and technical advice, and also by empowering rights holders and raising their awareness to claim their rights. Countries often use the concluding observations from treaty bodies as well as recommendations from the universal periodic review to develop their own policy and laws.

54. In the Democratic Republic of the Congo, as a follow-up to the recommendations of the Committee on the Rights of the Child, in 2017,³⁸ and to the universal periodic review in 2019,³⁹ with regard to free primary education and ensuring access to free and quality education for all, the Joint Human Rights Office in the Democratic Republic of the Congo implemented a project to support an NGO platform working on economic, social and cultural rights to undertake a timely assessment on the commitment by the newly elected Government to provide free universal primary education. The final report of the assessment made several recommendations concerning, for example, the need for the Government to mobilize funds to ensure the sustainability of this commitment, to start collecting reliable statistics to inform the continuing implementation based on real needs, to put in place a midterm review of implementation as well as an inclusive plan for implementation, and to work in an inclusive manner with government and non-government partners moving forward.

55. OHCHR, through the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, at the request of the League of Arab States, held an online workshop in June 2020 to train its delegates and officials on economic, social and cultural rights and the working methods of treaty bodies and special procedures, with a focus on the right to education as well as other rights to health and adequate housing and on the impact of the COVID-19 pandemic on the enjoyment of these rights.

56. Together with the Public Advisory Committee, the Human Rights Adviser to the United Nations Resident Coordinator in Malawi facilitated a series of workshops and dialogues with Muslim and Christian leaders in the south of Malawi, to present international human rights standards on the right to freedom of religion or belief, the rights of minorities, the rights of the girl child to equality and education, and the right of women and girls to be free from discrimination. These events facilitated constructive dialogue and led to progress in the religious leaders' adoption of the international human rights principles.

57. OHCHR supported the work of the Commission on Human Rights in South Sudan in undertaking an assessment of the impact of illicit financial flows related to extractive and non-extractive industries on maximum available resources and the immediate and progressive realization of economic, social and cultural rights, with a specific focus on the

³⁸ CRC/C/COD/CO/3-5.

³⁹ A/HRC/42/5.

right to education, which was highlighted in the report of the Commission presented to the Human Rights Council.⁴⁰

V. Conclusion

58. Placing human rights at the centre of the work of the United Nations system and strengthening coordinated and coherent support are key elements of the reform of the United Nations development system to effectively support national efforts for the implementation of the 2030 Agenda for Sustainable Development and for the promotion and protection of human rights. The call to action for human rights, launched by the Secretary-General in February 2020, puts human rights at the centre of sustainable development and sets an ambitious agenda for all parts of the United Nations system to strengthen support for Member States so that respect for human rights becomes a reality for every person in every country.

59. The present report has highlighted actions taken by the United Nations system and its partners to support the efforts of States in promoting and protecting the right to education, including in the context of the pandemic. The pandemic has provided an impetus for reimagining education and strengthening the resilience and preparedness of education systems, firmly grounded in the right to education and the international human rights framework more broadly. In responding to and recovering from the pandemic, States need to adopt a rights-based, inclusive approach to their legal and policy frameworks to ensure that the right of everyone to education is fulfilled and that no one is left behind.

60. Experiences highlighted in the report have demonstrated the value of key components of good practice in the context of technical cooperation that have been identified by the Board of Trustees. Education plays a critical role in building back better from the pandemic and in strengthening national systems for the promotion and protection of all human rights. The recent experience of OHCHR under its Surge Initiative in supporting United Nations and national partners attests to the need for strengthened emphasis on economic and social rights, and making the link with States' economic policy and international cooperation for the realization of these rights. In early 2020, it was estimated that the financing gap to reach Sustainable Development Goal 4 on quality education in low- and lower-middle-income countries was \$148 billion per year. As the COVID-19 recession could create even greater disruption, Governments will need to take measures to safeguard the right to education by expanding fiscal space and using their maximum available resources, including through international assistance and cooperation.

61. In recovering better, strong leadership is needed from national Governments and the international community to strengthen the right to education and achieve Sustainable Development Goal 4 on quality education for all. Partnership and effective participation by all stakeholders are essential in order to mobilize knowledge and develop innovative solutions, including in addressing the digital divide which the pandemic has starkly demonstrated. OHCHR and the United Nations system will continue to support efforts by States, through technical cooperation and advisory services at their request, towards the realization of the right to education and the implementation of the 2030 Agenda for Sustainable Development.

⁴⁰ A/HRC/43/56.