

Promoting Rights in Schools: providing quality public education



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Introduction

The 10 rights defined in this 'Promoting Rights in Schools' (PRS) initiative describe what an 'ideal' school that offers quality education would look like. This collaborative approach between ActionAid (www.actionaid.org) and the Right to Education Project (www.right-to-education.org) aims to secure free, compulsory, quality public education for all. Our approach focuses on strengthening public education. We believe the State is the core duty bearer responsible for respecting, protecting and fulfilling education rights. Schools, their governance structures (e.g. school management committees and parent teacher associations) and the education ministry are the key institutions of the State that can be held accountable for achieving these goals. However, resources schools receive are also determined by the finance ministry, donors, international financial institutions (World Bank and International Monetary Fund) and to some extent, private providers. Our approach therefore supports links between programme work at the school level with advocacy and policy efforts in national and international forums. Above all, we aim to build the capacity of students, children, communities and local civil society organisations to not only advocate for quality education, but to be able to articulate these needs through a longer-term process of promoting critical consciousness.

Our PRS approach is inspired by both education and human rights frameworks and by initiatives such as UNICEF's global Child-Friendly Schools and UK-focused Rights Respecting Schools Awards. The 10 rights are clearly derived from international human rights treaties or conventions and all are situated within and build on the '4A' framework, developed by the late Katarina Tomasevski, which states that education should be:

- **Available:** education should be free and government funded with adequate infrastructure and teachers;
- **Accessible:** systems should not discriminate and positive steps should be taken to reach the most marginalised;
- **Acceptable:** the content of education should be relevant, culturally appropriate and of quality;
- **Adaptable:** education should respond to changing needs of society and to different contexts.

Whilst very powerful, these 4As are not instantly understood or easily useable. The 10 rights in the PRS approach speak more directly to citizens and offer a clearer framework for engagement at local, national and international levels. Though work can focus on any one right, we encourage the use of the full set of 10 rights because they are both mutually reinforcing and inter-connected. We hope this approach provides a simple uniting rights-based framework on quality education that is easy to use and memorable.

The PRS initiative offers practical tools such as a simple charter of 10 rights informed by evidence collected using human rights and education indicators. For each of the 10 rights in the charter, we provide a series of indicators for which it is important to collect data. These indicators are organised in a survey format to enable users to capture information in a systematic manner. We believe the process is as important as the outcome. It is only through engaging all stakeholders, from children to parents, from community leaders to NGOs and teachers' unions in the entire effort, from developing the charter to collecting and analysing the data and debating the findings, that we will promote greater awareness of what needs to change and how.

The information collected can then be consolidated into local, district and national 'citizens reports' that can be used as a basis for future action including mobilisation, advocacy and campaigning.

Overview of resources

This resource pack has three key sections.

Section 1 articulates the 10 rights in the form of a simple 'Charter'.

Section 2 outlines the participatory methodology for using the Charter and the supporting indicators.

Section 3 provides indicators for each of the 10 rights.

The **Annex** compiles key human rights references.

Section 1

The Promoting Rights in Schools Charter

Photo from the *Transforming Education for Girls Project*, run by Maarifa ni Ufunguo in Tanzania, supported by ActionAid and funded by Comic Relief and the Tubney Charitable Trust.

Kate Holt/Shoot the Earth // ActionAid

Charter on *Promoting Rights in Schools*

All schools must respect the following fundamental rights:

- 1 Right to free and compulsory education:** there should be no charges, direct or indirect, for primary education. Education must gradually be made free at all levels.
- 2 Right to non-discrimination:** schools must not make any distinction in provision based on sex, race, colour, language, religion, political opinion, nationality, ethnicity, ability, or any other status.
- 3 Right to adequate infrastructure:** there should be an appropriate number of classrooms, accessible to all, with adequate and separate sanitation facilities for girls and boys. Schools should be built with local materials and be resilient to natural risks and disasters.
- 4 Right to quality trained teachers:** schools should have a sufficient number of trained teachers of whom a good proportion are female; teachers should receive good quality pre-service and in-service training with built-in components on gender sensitivity, non-discrimination, and human rights. All teachers should be paid domestically competitive salaries.
- 5 Right to a safe and non-violent environment:** children should be safe on route to and in school. Clear anti-bullying policies and confidential systems for reporting and addressing any form of abuse or violence should be in place.
- 6 Right to relevant education:** the curriculum should not discriminate and should be relevant to the social, cultural, environmental, economic context and language of learners.
- 7 Right to know your rights:** schools should teach human rights education and children's rights in particular. Learning should include age-appropriate and accurate information on sexual and reproductive rights.
- 8 Right to participate:** girls and boys have the right to participate in decision-making processes in school. Appropriate mechanisms should be in place to enable the full, genuine and active participation of children.
- 9 Right to transparent and accountable schools:** schools need to have transparent and effective monitoring systems. Both community and children should be able to participate in accountable governing bodies, management committees and parents' groups.
- 10 Right to quality learning:** girls and boys have a right to a quality learning environment and to effective teaching processes so that they can develop their personality, talents and physical and mental abilities to their fullest potential.

Section 2

The Promoting Rights in Schools Methodology



Purpose

The overall goal of the PRS initiative is to engage citizens in improving the quality of education. The Charter and indicators support the development of local, district and national reports on the state of education rights, based on citizen's perspectives and mobilisation. Our research to action approach promotes evidenced-based advocacy and campaigning, which we hope will lead to sustainable change.

Objectives

- To develop a participatory and empowering process with parents, children, teachers and others that will generate rigorous data on one or more of the 10 core education rights;
- To produce school-level reports that catalyse future action on education rights;
- To consolidate reports at district and national levels as a basis for people-centred advocacy;
- To identify both the positive progress that has been made on education and the challenges that remain;
- To popularise knowledge of the 10 core education rights and their basis in international conventions / treaties and in the national constitution / legislation.

Methodology

This participatory methodology takes the Charter on Promoting Rights in Schools as a starting point for a survey process that aims to involve a range of local and national actors. Under each of the 10 rights in the Charter there is a series of indicators on which it is important to collect data through the various participatory processes and consultations. The question formats provided in this resource kit aim to help facilitators capture key information in a systematic way. A number of participatory visualisation tools are proposed to generate a broad process of empowerment and analysis in each school and survey area. Data collected through these processes can be supplemented with focus group discussions and a review of school records. It will also be important to collect powerful examples, stories or pieces of information that do not immediately fit this format. Information should be included on how the data was collected and on the number of people who participated in the different moments of the process. Include photos or examples of visualisation tools used to collect the information or of the process of developing them.

To follow this process comprehensively is likely to take two days in each school catchment area. In pilot contexts, it may take longer. This bridging between a participatory process and a structured recording of the data forms the basis of future evidenced-based advocacy efforts.

Suggested survey tools

- **School catchment area mapping** – documenting information on each household, including about children in or out of school, information on key categories of discrimination (e.g. caste, gender, ethnic minority, disability, child labour), distances and travel times to school, etc.
- **School timelines** – capturing key developments in the school since 2000 (and possibly further back), e.g., trends in enrolment, teacher numbers and profiles, classrooms, SMCs, etc.
- **School transect walks** – reviewing the infrastructure of the school and making observations on the surrounding area.
- **Focus group discussions** – with SMCs and parent teacher associations (PTAs), teachers, children of different grades, discriminated parents and children who have dropped out or are not enrolled.
- **Review of school records** – at admission time, half-way through the school year and at the end of the term.
- **Open public meeting** (advertised in advance) in the school, involving teachers, parents, children, community leaders, local organisations, etc.

Consolidating the data

All the data collected in individual schools can be easily consolidated in a structured format to provide a district and national perspective on the state of education. We encourage all stakeholders to come together to analyse the information and debate the solutions. The key is that people at local, district and national level each ANALYSE and USE the data collected – rather than collecting it for someone else. The school should be encouraged to display these materials as well as using them for further analysis and developing a new School Improvement Plan.

A collaborative approach

It is important to build ownership of this process from the outset. Try to involve NGOs that are working on education in areas of the country not covered by ActionAid, with a view to ensuring a good sample of different regions.

At a national level, it is useful to reach out to other actors who can also play a role, for example:

- A prominent national university, which may advise on methodology and standardisation of processes, help design formats for consolidation of data, advise on sampling credibility, support training of facilitators / researchers, accompany and supervise a selection of field processes (spot checks to verify data credibility and ensure quality control) and lead the compilation and writing of the national report.
- A network of participatory practitioners, who may advise and support on participatory methods; including design of participatory tools and training of facilitators / researchers.
- The teachers' union, whose participation will be important for credibility and for ensuring that teachers are actively involved.
- The National Education Campaign / Coalition, whose involvement will help to ensure that the report is used for broad advocacy and campaigning and who can connect this process to regional and international work through the GCE.
- Some media people / women's rights organisations who can accompany the process locally and raise awareness of the process and products nationally.

A joint supervising committee involving all these actors should be set up, initially convened and facilitated by ActionAid. Clearly, in each area the local partners and other interested community-based organisations as well as the children, will play pivotal roles in making this process effective and empowering.

Involving the whole community – especially children

We encourage partners to work closely with schools, parents and children in researching these rights rather than working with an individual 'expert consultant' to gather information. Our experience has shown us that engaging teachers, parents, children and human rights activists in monitoring how their school fulfils one or several of

the rights is a powerful means of raising awareness, tracking change and addressing challenges. There are different ways of doing this, such as children's groups using adapted child-friendly material or working with existing mothers' clubs and *Reflect* Circles (www.reflect-action.org). Often it is important to form a group of multiple stakeholders, including children, parents, teachers, education coalitions, teachers' unions and possibly the education ministry, to jointly monitor these rights (see Improving Learning Outcomes Project, www.actionaid.org).

Children have a good sense of what doesn't work in school and what needs to change. It is important to create spaces where they are empowered to improve their school and learning by:

- Engaging children both at community and school level to design and illustrate a child-friendly version of the charter and materials.
- Building capacity and helping adults to recognise that children should be part of the 'teams' collecting data and identifying areas and actions for change.
- Promoting children's participatory surveys, data collection and mapping exercises inside or outside the school.
- Organising children's parliaments or clubs to engage with government authorities at all levels.
- Promoting girls clubs and engaging with them to work with the Charter.

Moving to action

At each level, once the data has been compiled and reviewed, action plans should be developed for interventions on education rights. Specifically this should include a School Improvement Plan developed by each SMC. Whilst the consolidation format and materials from the participatory processes will feed in to the plan. Local *Reflect* groups may also draw on the materials to engage with the local school.

Monitoring for change

It is important to establish a 'feedback' exercise in the action plan to see if changes are taking place. Subsequent data collected can be viewed against the baseline findings to determine what has and hasn't changed.

Overview of the PRS survey process

- 1** Identify key stakeholders (children, parents, *Reflect* circles, mothers groups, teachers, community leaders) and build a wider alliance with other actors (e.g. human rights activists, teachers' unions, women's rights and youth organisations) and NGOs keen to use the methodology or draw on the results.
- 2** Work with partners to supplement the international and regional legal references with quotes from your national constitution, legislation or key policy documents so that it is clear that these rights are also affirmed by national laws / policies.
- 3** Develop posters and leaflets based on the 10 rights and use them to raise community awareness including engagement of traditional authorities and governing institutions.
- 4** Develop easy-to-use formats for data consolidation at district and national levels, e.g. with advice from the university.
- 5** Pilot the methodology and data consolidation format in two or three locations and draw learning from these local experiences to revise and strengthen the process and formats.
- 6** Finalise the methodology and consolidation format for school, district and national level.
- 7** Train a core cadre of trainers in the methodology.
- 8** Train local facilitators and involve local partners in adapting the process for their context as appropriate.
- 9** Conduct a participatory survey of a select number of schools to assess how they are performing in relation to the 10 rights.
- 10** Collate the information collected into 'Citizens' Education Reports' at different levels. Produce shadow reports or challenge the conclusions of government reports submitted to international treaty monitoring bodies (e.g. CRC, CEDAW, CECSR) and the Universal Periodic Review Process.
- 11** Make the Charter and accompanying indicators known as a minimum standard for schools to organise district level awards.
- 12** Ensure local follow up with school management committees (SMCs) to ensure they develop school improvement plans – and that others in the community are involved in advocacy campaigns on specific rights that are not being respected. This includes working with local media and politicians to raise awareness and highlight violations.
- 13** Send the national Citizens' Education Report to every SMC and encourage them to hold meetings to review this – situating their local experience in the national context.
- 14** Encourage all actors engaged to track performance of schools through a follow-on annual process to monitor progress and change
- 15** Encourage the UN Special Rapporteur on the Right to Education to visit and report on education rights in your country and to promote collaborations between education groups and human rights activists.

** In some locations, you may choose to focus on specific rights rather than collecting data on all 10 rights. However, it will be important to use any process to raise community awareness of the full charter.*

Section 3

Promoting Rights in Schools references and indicators



1 Right to free and compulsory education

There should be no charges, direct or indirect, for primary education. Education must gradually be made free at all levels.

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There should be no charges, direct or indirect, for primary education. Education must gradually be made free at all levels.

1.1 Origin and key references

“Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.” (UDHR, Art. 26.1)

Other international reference points:

Legally binding

- ICESCR, Art. 13.2(a), (b) and (c)
- CRC, Art. 28.1(a) and (b)
- CRPD, Art. 24.2

Non-binding

- CESCR, General Comment 11, para 6 [compulsory] and para 7 [free of charge] and General Comment 13, para 6(b) [economic accessibility], and para 14 [progressively free secondary education].
- CRC, General Comment 7/Rev.1, para 28 [primary education compulsory and free; early childhood education as beginning at birth].

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Accessible + Available

1.2 Points to consider

- This right states that education should be free at the primary level and made progressively free at secondary and higher levels. The indicators can help you determine to what extent primary education is provided free of charges or financial implications for the child or family.
- Review national legislation relating to compulsory education to determine what is the:
 - definition of compulsory education in the national context
 - school start age and end age
 - minimum number of years at school
 - school-leaving age, minimum age of employment and minimum age for marriage (are they harmonised?).
- What types of direct (user fees) and indirect (school lunch) costs exist?
- What compulsory charges are asked of parents such as exam fees, uniforms, school meals, materials and equipment costs?
- What school and community level mechanisms exist for reaching out to any child who is not in school?
- Child labour (“school is the best place to work”). See CESCR, General Comment 13, para 55: “States Parties have an obligation to ensure that communities and families are not dependent on child labour” [See the work of MVF in India for some creative ideas].



Carolina at school, Ghana

1.3 Indicators and form for data consolidation

Possible indicators:

- Direct and indirect costs of education.
- Numbers of children out of school.
- School map of available geographic coverage.

The data may be collected using:

- School records review.
- Community meetings.
- Focus groups.
- School catchment mapping.

1.3.1 Are there direct or indirect costs charged to parents and are they compulsory or voluntary?

■ User fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Admission fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Parent Teacher Association	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ School Management Committee	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Textbooks	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Exam fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ School maintenance fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Library fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Teacher supplement fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?
■ Festival fees	<input type="checkbox"/>	Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?.....
■ Other:		Compulsory <input type="checkbox"/>	Voluntary <input type="checkbox"/>	How much?

What happens if parents cannot pay one of these?

Note: if there are any compulsory costs, or voluntary ones that are coercively collected, action should be taken by the whole school / community, challenging the district authorities / Ministry of Education.

1.3.2 Are there other costs that children have to pay to go to school which may limit attendance?

■ Uniforms	<input type="checkbox"/>	Are they compulsory? <input type="checkbox"/>	Average cost per year?
■ Travel costs	<input type="checkbox"/>		Average cost per year?
■ Basic equipment / books	<input type="checkbox"/>		Average cost per year grade 1 grade 6
■ Other costs			

1.3.3 How many children are estimated / known to be out of school locally?

(Out of school = present less than a day a week. Locally = in catchment area. The school catchment area map will be key here. Age clusters may vary according to law / policy in different countries.)

5-9 year olds	Total	Girls	Boys
10-12 year olds	Total	Girls	Boys
13-16 year olds	Total	Girls	Boys

1.3.4 Which vulnerable / marginalised groups are the main ones not in school (e.g. lower caste / disabled / minorities / low income / landless)?

- 1.
- 2.
- 3.
- 4.

1.3.5 Are active steps taken to track and encourage children who do not enrol, attend irregularly or drop out?

No Yes If so, by whom and what are they?

1.4 Possible actions

- 1 Initiate or support local or national campaigns for free education. FREE = without financial implications for the child or family. Direct and indirect costs should be removed, obviously user fees but also other compulsory charges (exam fees, uniforms, school meals, materials and equipment costs). There should be NO CHARGES in primary education and education should be made progressively free at secondary and higher levels.
- 2 Review existing national legislation relating to compulsory education. Different countries have different definitions on the minimum number of years and on starting / ending age but there are many useful reference points. For PERIOD: Dakar – 8-10 years; START AGE: look at national law / policies; END AGE: look at harmonising school-leaving age, minimum age of employment and minimum age for marriage.
- 3 Promote a dual understanding of what compulsory education means. Parents should ensure that their children attend school and the State should ensure that there are adequate places in schools for children to attend.
- 4 Ensure that all schools actively reach out to any child who is not in school, including through home visits.
- 5 Support campaigns to eliminate all child labour (“school is the best place to work”). See CESCR, General Comment 13, para 55: *“States Parties have an obligation to ensure that communities and families are not dependent on child labour”* (See the work of MVF in India for some creative ideas – www.mvfindia.in).
- 6 Classify and document costs charged to / incurred by parents (compulsory / voluntary / direct and indirect) and analyse how this affects access / equity locally.
- 7 Promote locally procured free school meals. This can also help to reduce costs – if children are in school all day they must be fed!
- 8 Where basic education is provided, promote the need for clear investment plan for free secondary education.

2 Right to non-discrimination

Schools must not make any distinction in provision based on sex, race, colour, language, religion, political opinion, nationality, ethnicity status, disability or any other status.

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Schools must not make any distinction in provision based on sex, race, colour, language, religion, political opinion, nationality, ethnicity status, disability or any other status.

2.1 Origin and key references

“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.” (CRC, Art. 2.1)

Non-discrimination is universally applicable – binding even where there are no resources.

Other international reference points:

Legally binding

- UDHR, Art. 2
- ICESCR, Art. 2.2 and 3
- ICCPR, Art 2(1)
- CRC, Art. 2, 30
- CRPD, Art. 2, 3, and 5
- CEDAW, Art.10 [girls]

Non-binding

- CESCR, General Comment 11, para 6 and 10; General Comment 13, para 6(b), 31-37, 43; General Comment 20
- CRC, General Comment 1, para 10 and 11; General Comment 9, para 8 and 62.

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

2.2 Points to consider

- Identify the groups that are discriminated against locally, for example lower-caste children, minority groups, girls, orphans, HIV-affected children, refugees or asylum seekers and children with disabilities. The indicators below will help you identify the relevant groups in your area and whether schools reinforce or contest the different forms of discrimination practiced.
- Determine whether parents of children who suffer discrimination are adequately supported.
- Identify whether school textbooks and curriculum reinforce or challenge stereotypes.

Link to 4 As: = Elements in all 4 As but especially Accessible



Ross Srey Meng and Both Srey Aun at a non-formal school in the village of Om Rum Check, north west Cambodia

2.3 Indicators and form for data consolidation

Possible indicators:

- Disaggregated analysis of enrolment, attendance and completion rates, etc. for those groups that suffer discrimination locally.
- Reported incidents of discrimination.

The data may be collected using:

- School catchments mapping.
- Participatory research which includes discussions in and across focus groups of teachers, schoolboys and school girls, parents and teachers association.
- School records review.
- The school rules and regulations, code of conduct.

Here we show formats for two possible excluded groups.

Change these as appropriate, focusing on up to four groups that suffer discrimination in your area.

Lower caste children

2.1 Attendance

	Regular 80-100%	Irregular 50-80%	Rare 25-50%	None
Low caste	Female / Male	F/M	F/M	F/M
Percentage in grade 1				
Percentage in grade 3				
Percentage in grade 5				
Percentage in grade 8				

2.2 What percentage of lower caste children who enrol in grade 1 complete grade 8?

2.3 Do low caste children in school suffer discrimination from:

- a) Other children Yes No If yes, how?
- b) Teachers Yes No If yes, how?
- c) School authorities Yes No If yes, who and how?

2.4 Are there any positive discrimination measures taken for lower caste children?

Yes No If so, what?

2.5 Are there teachers from the lower caste community?

Yes No Do they suffer from discrimination?

Yes No If yes, how?

Disabled children

2.6 Attendance

	Regular 80-100%	Irregular 50-80%	Rare 25-50%	None
	Female / Male	F/M	F/M	F/M
Percentage in grade 1				
Percentage in grade 3				
Percentage in grade 5				
Percentage in grade 8				

2.7 What percentage of children with different disabilities who enrol in grade 1 complete grade 8?

visually impaired% hearing impaired% physically% mentally% multiple disability

2.8 Do disabled children in school suffer discrimination from:

- d. Other children Yes No If yes, how?
- e. Teachers Yes No If yes, how?
- f. School authorities Yes No If yes, who and how?

2.9 Are there any positive discrimination measures taken for disabled children?

Yes No If so, what?

2.10 Are there teachers with disabilities?

Do they suffer from discrimination? Yes No
 If yes, how?

2.4 Possible actions

- 1 Collect disaggregated data on discrimination – looking at key axes / categories of discrimination locally and whether schools reinforce or contest these (e.g. with minority groups, girls, orphans, HIV-affected, refugees / asylum seekers, children with disabilities, rural / urban, regional, etc).
- 2 Review school textbooks to determine whether they reinforce stereotypes or challenge them.
- 3 Work with discriminated groups to do a comprehensive diagnostic of the problems with local education provision and identify potential solutions.
- 4 Promote human rights education at community and school levels (girls' clubs, boys' clubs, human rights education clubs...)
- 5 Promote inclusive education for children with disabilities to be able to learn in mainstream schools.
- 6 Work with and strengthen CBOs / people's organisations, social movements, platforms, etc. that articulate the concerns of discriminated groups and design campaigns around these issues (locally and nationally).
- 7 Work with teachers' unions, for example to lobby for teachers' training to include modules on discrimination and how best to respond, including use of human rights and inclusive education methodologies and approaches.
- 8 Ensure that any legal or policy provisions for positive discrimination are enforced.
- 9 Mobilise local media and politicians around evidence of discrimination in schools.
- 10 Initiate legal cases where there is a clear violation / blatant discrimination in provision.

3 Right to adequate infrastructure

3

There should be an appropriate number of classrooms, accessible to all, with adequate and separate sanitation facilities for girls and boys. Schools should be built with local materials and be resilient to natural risks and disasters.

3

Right to adequate infrastructure

There should be an appropriate number of classrooms, accessible to all, with adequate and separate sanitation facilities for girls and boys. Schools should be built with local materials and be resilient to natural risks and disasters.

3.1 Origin and key references

“Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology.” (CESCR, General Comment 13, para 6(a))

Other international reference points:

Legally binding

- ICESCR, Art. 13.2(e)
- CRC, Art. 28.1
- CRPD, Art. 24.2(c), (d), (e) and 24.3

Non-binding

- CESCR, General Comment 13, para 6(b) [on physical accessibility]

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Available + Accessible

3.2 Points to consider

- The number of children per classroom – do different grades have to share classrooms?
- The state of school infrastructure – does it respond to minimum standards and the needs of discriminated groups?
- The extent to which schools are accessible to children with disabilities – not just physical access but all relevant support measures (methods, tools and languages).
- The availability and quality of sanitation facilities (for both girls and boys and children with disabilities) and water supply to ensure basic hygiene. Having separate toilets for girls can have a significant impact on enrolment and retention.
- The extent to which schools use of local resources and materials and local labour (e.g. generating employment in the process) rather than using external contractors.
- How well schools respond to the local environment, particularly in the context of any locally common disasters.
- The regulatory role of local and national government in ensuring school infrastructure adheres to minimum standards.



Six months after the hurricane students attend school under tarpaulin across the road from their damaged GREBBD School in Carrefour, Haiti

Charles Ekert/ActionAid

3.3 Indicators and form for data consolidation

Possible indicators:

- Availability and condition of classrooms.
- Availability of basic facilities and materials.
- Sanitation facilities for girls and boys.
- Access to clean drinking water.
- Access for children with disabilities.
- Distances and time to school.

The data may be collected using:

- School transect walk.
- Participatory research and action including interviews with key stakeholders through focus groups.
- School catchments area mapping.
- School visit.

3.3.1 Availability of classrooms:

- Number of classrooms Number of grades
- Are there different grades in one classroom? Yes No How many?
- Is there a double-shift system in this school? Yes No Explain
- On average, for how many hours do children learn in the classroom?
 in Grade 1..... per week per year
 in Grade 6..... per week per year

3.3.2 What is the condition of most classrooms?

- Is there a decent roof? Good Adequate Poor Explain
- (e.g. is it safe, does leak?)
- Is there adequate ventilation? Good Adequate Poor Explain
- Is the classroom often Too hot? Too cold? Explain
- Is there electricity? Good Adequate Poor Explain
- Is there a boundary wall and playground? Good Adequate Poor Explain
- Do children have access to safe drinking water? Yes No
- Is it safe in the context of locally common disasters? Yes No Explain
- (e.g. earthquakes, floods)

3.3.3 Are there adequate facilities in the classrooms?

- What percentage of children sit on the floor?
- What percentage of classrooms have an adequate blackboard?.....
- What percentage of children receive a textbook (in a timely manner)?
- What percentage of classrooms are welcoming / stimulating (posters / décor).....

3.3.4 Are sanitation facilities available for:

- Teachers Yes No
 What condition are they in? Good Adequate Poor
- Girls Yes No
 What condition are they in? Good Adequate Poor
- Boys Yes No
 What condition are they in? Good Adequate Poor
- Are there joint facilities for girls and boys or separate?

3.3.5 Does the school provide special infrastructure for children with special needs?

Yes No

What kind of infrastructure (e.g. ramp, toilets)?

Are there other facilities (technology, tools, and methods)

to help children with special needs?

3.3.6 What percentage of students have a school-house distance of?

..... < 1km > 1km >5km

3.3.7 What percentage of students take the following time to travel to school?

..... under 30 mins 30 to 60mins over one hour

3.4 Possible actions

- 1 Document the present state of school infrastructure to show which schools meet minimum standards of decent and safe infrastructure.
- 2 Undertake participatory mapping of school catchment areas to ensure that any new school locations and facilities respond to the needs of discriminated groups.
- 3 Improve school infrastructure in a rights based way! HOW we do this is the key. The process of developing or improving school infrastructure must be used as a basis for building awareness around rights, mobilising demand and leveraging government action.
- 4 Use any infrastructure development to build or strengthen the links between local people and the relevant parts of local / district / national government.
- 5 Prioritise the use of local resources and local labour (generating employment in the process) rather than using external contractors.
- 6 Focus on ensuring sanitation facilities (for both girls and boys) and water supply to ensure basic hygiene. Having separate toilets for girls can have a significant impact on enrolment and retention. Having sanitation facilities accessible to children with disabilities is also important.
- 7 Ensure that schools are safe environments in the context of any locally common disasters (so if the area is prone to floods, the school should be raised; if in an earthquake zone, minimum safety measures should be in place); this may include retro-fitting schools for safety, introducing safety drills or lobbying for changes to school-building guidelines.
- 8 Ensure that all schools are fully accessible to disabled students – addressing not just physical access but all relevant support measures (methods, tools and languages).

4 Right to quality trained teachers

Schools should have a sufficient number of trained teachers of whom a good proportion are female; teachers should receive good quality pre-service and in-service training with built-in components on gender sensitivity, non-discrimination, and human rights. All teachers should be paid domestically competitive salaries.

4

Right to quality trained teachers

Schools should have a sufficient number of trained teachers of whom a good proportion are female; teachers should receive good quality pre-service and in-service training with built-in components on gender sensitivity, non-discrimination, and human rights. All teachers should be paid domestically competitive salaries.

4.1 Origin and key references

“The material conditions of teaching staff shall be continuously improved.” (ICESCR, Art. 13.2(e))

“Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including ... trained teachers receiving domestically competitive salaries.” (CESCR, General Comment 13, para 6(a))

“Pre-service and in-service training schemes which promote the principles reflected in Article 29 (1) are thus essential for teachers, educational administrators and others involved in child education.” (CRC, General Comment 1, para 18)

Other international reference points:

Legally binding

- ICESCR, Art. 2.2, 3 and 6-8
- CRPD, Art. 24.4

Non-binding

- CESCR, General Comment 13, para 27

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Available + Acceptable

4.2 Points to consider

- Teachers qualifications and training:
 - 1 What training / qualification levels the teachers have – and the impact this has on learning outcomes.
 - 2 In-service teacher training including for unqualified or under-qualified teachers – possibly negotiating with all actors around transition courses / professional development paths where these are unclear.
 - 3 The capacity of under-trained teachers in the classroom.
 - 4 The impact of teacher training on the quality of learning and outcomes.
- Teachers’ terms and conditions of service.
- The extent to which teachers’ rights to unionise are respected and supported (ICCPR, Art. 22).
- Teachers’ unions’ responsibility to ensure untrained / under-trained teachers have access to training (pre and in-service) through distance courses etc.



Ntuka Primary School, Narok, Kenya

4.3 Indicators and form for data consolidation

Possible indicators:

- Mapping of teachers by categories (academic level / level of training / contract types).
- Pupil-teacher ratio (PTR).
- Average salary compared to national living wage for teachers.
- Percentage of teachers who are members of trade unions / teachers' rights to unionise.

This data may be collected using:

- School records.
- Structured observation.
- Participatory research and focus group discussions.
- Meetings with union leaders at local and national level.

4.3.1 Pupil teacher ratio (PTR)

	Average PTR
Grade 1	
Grade 2	
Grade 3	
Grade 4	
Grade 5	
Grade 6	
Grade 7	
Grade 8	

4.3.2 Category of teachers

Number of teachers	Total	M	F	Percentage of time they typically spend on non-teaching duties / admin (i.e. not in the classroom)?
Total numbers of teachers				
Professional teachers				
Para teachers (temporary / relief, quota, under-trained, unqualified)				
Voluntary, community or private				

4.3.3 How many of these teachers are contracted / paid for by:

National government Local government The community

4.3.4 Are teachers hired through a transparent and professional process? Yes No

4.3.5 How many of these teachers have:

Completed university Only completed A' levels or equivalent Only completed secondary education Other (specify)

4.3.6 How many of these teachers are on:

Permanent contracts 1-5 year contracts Contracts for a year or less

4.3.7 What percentage of teachers have received:

Over 3 years training% 1-3 years training% 6-12 months training%
 Under 6 months% Under 1 month% No training

4.3.8 How many teachers actively access in-service training / professional development?

4.3.9 Is there a need for more qualified / trained teachers in the school? Yes No

How many?

4.3.10 What percentage of total teachers are members of a teachers' union? F% M%

Are non-professional teachers (based on your definition above) part of the union? Yes No

4.3.11 What percentage of teachers earn the agreed upon minimum salary set by the Government?

F% M% What other ranges of salary exist?
 Why?

4.4 Possible actions

- 1 Document who is teaching in schools and what education / qualification levels they have – and the impact this has on learning outcomes.
- 2 Strengthen partnerships with teachers' unions both locally and nationally (for example, drawing on the Parktonian recommendations, especially those relating to non-professional teachers).
- 3 Support in-service teacher training including for unqualified or under-qualified teachers – possibly negotiating with all actors around transition courses / professional development paths where these are unclear.
- 4 Campaign to ensure that all children are taught by a properly trained teacher who can impart quality education.
- 5 Work with the teachers' unions and Ministries on nationally agreed minimum standards for the teaching profession (referring to international recommendations of ILO / UNESCO 1966) and ensure that teachers are recruited through transparent, professional processes.
- 6 Ensure the rights of untrained teachers to unionise (ICCPR, Art. 22).
- 7 Work with teachers' unions to ensure untrained or under-trained teachers have access to training (pre and in-service) through distance courses, etc.
- 8 Review existing teacher training programmes and ensure they are of sufficient scale to meet demand, are of good quality, and that training covers key issues such as gender, HIV prevention, human rights, inclusive education, participatory methods, etc. Support efforts to address any gaps.
- 9 Ensure that governments are following the recommendations of the Bamako+5 conference that pledged an end to the recruitment of non-professional teachers by 2015.
- 10 Document and popularise not just pupil-teacher ratios (PTR) but also pupil to trained teacher ratios (PTTR).



5 Right to a safe and non-violent environment

Children should be safe on route to and in school. Clear anti-bullying policies and confidential systems for reporting and addressing any form of abuse or violence should be in place.

5

5 Right to a safe and non-violent environment

Children should be safe on route to and in school. Clear anti-bullying policies and confidential systems for reporting and addressing any form of abuse or violence should be in place.

5.1 Origin and key references

“States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity.” (CRC, Art. 28.2) “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” (CRC, Art 19.1)

“The school environment itself must thus reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin called for in article 29 (1) (b) and (d). A school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of Article 29 (1).” (CRC, General Comment 1, para 19)

Other international reference points:

Legally binding

- UDHR, Art. 26.2
- ICESCR, Art. 13.1 and 13.2
- CRC, Art. 29 and 19
- CRPD, Art. 24.1

Non-binding

- CESC, General Comment 13, para 6(b) and 41
- CRC, General Comment 1, para 8

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.

- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Accessible + Acceptable

5.2 Points to consider

- School environment mapping for identification of potential risks.
- Accessible and adequate school infrastructure / separate sanitation facilities for girls and boys.
- School level protection and prevention structures against violence.
- Confidential processes for children (especially girls) to report abuse or violence. The test of these is whether children have confidence in them. Where abuse is proven, there should be clear policies to ensure punishment – with no impunity.
- Links between confidential reporting systems and community structures, local police or courts, as needed.
- School-level space for girls and boys (separately and at times together) where they can discuss sensitive issues and come up with their own recommendations.



San Carlos Alzatate – Salitre community in Guatemala

5.3 Indicators and form for data consolidation

Possible indicators:

- Number of incidents of gender-based violence / abuse.
- Existence and use of suitable measures / enforcement mechanisms.
- Safe access to school (including route to school).
- Existence and implementation (at different levels) of policies addressing violence in schools and child protection.

The data may be collected using:

- Open meetings.
- Focus groups with children, school management committees and teachers.
- Girls' clubs.
- Mothers' clubs.

5.3.1 How common are incidents of violence / abuse?

Complete with words: common, occasional, rare, never.

	Physical violence	Sexual abuse	Harassment	Bullying	Corporal punishment	Public humiliation	Other
Victims							
Girls							
Boys							
Teachers							
Female teachers							
Perpetrators							
Teachers							
Peers							
Parents							
Girls							
Boys							
Other staff							
Others							

5.3.2 Where do the worst incidents of violence take place?

(e.g. in the classroom, in the playground, outside school, on the way to school)

5.3.3 What percentage of teachers are trained to respect children's dignity, and to support children in reporting abuse and violence?

5.3.4 What kind of monitoring and reporting mechanism exists at the school level for children who suffer from violence or abuse?

Is it an independent, safe, and anonymous mechanism?

Yes No Explain

Can children appeal against disciplinary sanctions or expulsions before an independent body?

Yes No Explain

5.3.5 In how many cases over the past year has significant action on reported abuse / violence taken place?

Provide an example of a violation and the action taken

5.3.6 Response to violence and abuse

Are there campaigns to combat bullying / violence / abuses against children?

Yes No Explain

5.3.7 Does the teachers' union actively promote a policy on violence and abuse by teachers?

Yes No

If so, has any action been taken against a teacher as a result of this policy?

5.4 Possible actions

- 1 Document incidents of violence or abuse in school and around school.
- 2 Help schools develop and implement clear policies on anti-bullying and non-violence, with action plans for establishing a positive and safe school culture.
- 3 Help schools put in place confidential processes for children (especially girls) to report abuse or violence. The test of these is whether children have confidence in them. Where abuse is proven, there should be clear policies to ensure punishment – with no impunity.
- 4 Establish links between confidential reporting systems and community structures, local police or courts, as needed.
- 5 Support school clubs for girls and boys (separately and at times together) where they can discuss sensitive issues and come up with their own recommendations.
- 6 Map schools and the environment around the school to identify potential risks (e.g. bars, nightclubs, markets, unsafe areas, etc).
- 7 Support in-service training for teachers and training for PTAs, SMCs and other community members on issues around violence and abuse.
- 8 Work closely with teachers' unions encouraging them to enforce their codes of professional conduct and take a stand against any teacher who abuses their position.
- 9 Undertake media surveys on the coverage of violence and abuse in schools.
- 10 Promote positive discipline, training teachers in alternatives to corporal punishment as means of maintaining discipline.

6 Right to relevant education

The curriculum should not discriminate and should be relevant to the social, cultural, environmental, economic context and language of learners.

6

6

Right to relevant education

The curriculum should not discriminate and should be relevant to the social, cultural, environmental, economic context and language of learners.

6.1 Origin and key references

“The education offered must be adequate in quality, relevant to the child and must promote the realization of the child’s other rights.” (CESCR, General Comment 11, para 6)

Other international reference points:

Legally binding

- ICESCR, Art. 13.1 and 13.3
- CRC, Art. 29
- CRPD, Art. 24
- CEDAW, Art. 10

Non-binding

- CESCR, General Comment 13, para 6(c)(d)
- CRC, General Comment 1, para 9

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Acceptable + Adaptable

6.2 Points to consider

- Skills / capacity relevance of teaching methods (for future jobs and more in general for life).
- Education in mother tongue in the early grades of primary school and trained teachers from local language groups.
- Involvement of local people in production of learning materials.



Domina does her homework on the pavement that is home in central Kolkata, West Bengal, India

6.3 Indicators and form for data consolidation

Possible indicators:

- Percentage of children at entry who speak the language of instruction in the local primary school.
- Percentage of teachers who are recruited from the local area or who speak the local language.
- Number of hours in which teachers can / do adapt the national curriculum to local context.
- Types of skills and values education aims to improve.

The data may be collected using:

- Focus groups with teachers or children.
- Review of records.
- Open meeting.

6.3.1 What percentage of children at entry in grade 1 speak the language of instruction?

As mother tongue% Only partially as second language% Can't speak%

6.3.2 What percentage of teachers know the local language / mother tongue/s of the students?

.....%

6.3.3 Are locally-produced materials, locally-relevant materials and locally-adapted lesson plans available?

Available

Not adequate

Not available

6.3.4 Does the whole education process in this school promote:

- | | | | |
|--|------------------------------|--------------------------------|-----------------------------|
| a) Respect for other nations | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| b) Tolerance / respect for other racial, ethnic, caste or religious groups | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| c) Awareness of the local environment | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| d) Skills that are relevant for local livelihoods | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| e) Awareness of key health issues | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| f) Awareness of sexual and reproductive rights | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| g) Awareness of HIV and AIDS | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| h) Critical thinking | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| i) Problem solving | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |
| j) Creative expression of opinions by children | Yes <input type="checkbox"/> | A bit <input type="checkbox"/> | No <input type="checkbox"/> |

6.3.5 Can parents, children and community leaders contribute to defining school curricula?

Yes A bit No

Can children make a choice between different options?

Yes No

6.4 Possible actions

- 1 Work with the teachers and school to ensure the relevance of teaching methods – learning for future jobs and for life in general.
- 2 Promote mother tongue education in the early grades of primary school and ensure there are trained teachers from local language groups.
- 3 Develop new teaching-learning materials to make education more relevant (e.g. involving local people in developing these) or adapt existing materials in local languages.
- 4 Support in-service teacher training based around local issues and support teachers to develop and share local materials / resources, building up a local library of relevant materials.
- 5 Design campaigns around key local issues that need to be addressed in local schools.
- 6 Ensure schools respond to locally common disasters and learn from ActionAid's wider experience of disaster risk reduction through schools, including promotion of disaster risk reduction in appropriate places in the curriculum and sharing of potential life-saving information / skills / drills.
- 7 Support schools to track indicators of climate change locally, to promote discussion on adaptation and to relate climate change to agriculture and food production.
- 8 Support local parents and community groups to run classes on local livelihoods, culture, history or the environment.

7 Right to know your rights

Schools should teach human rights education and children's rights in particular. Learning should include age-appropriate and accurate information on sexual and reproductive rights.

7

7 Right to know your rights

Schools should teach human rights education and children's rights in particular. Learning should include age-appropriate and accurate information on sexual and reproductive rights.

7.1 Origin and key references

"States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike." (CRC, Art. 42)

Other international reference points:

Legally binding

- UDHR Art. 26.2
- ICESCR, Art. 13.1
- CRC, Art. 17 and 29
- CRPD, Art. 8

Non-binding

- CRC, General Comment 1, para 2-4 and 15

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country's constitutional obligations to education.

Link to 4 As: = Acceptable + Adaptable

7.2 Points to consider

- Review present teaching practices to ensure that children are able to learn about tolerance and democracy in a friendly, tolerant and democratic environment.
- How relevant is the existing curriculum?
- Are life skills and human rights education included in the school curriculum?
- Are human rights incorporated in the school curriculum and taught in a child-friendly way?
- To what extent are children aware of and able to claim their rights?



Writing onto a blackboard, Haiti

Charles Ekert/ActionAid

7.3 Indicators and form for data consolidation

Possible indicators:

- Children are aware of their rights.
- Human rights standards are taught in a child-friendly way.

The data may be collected using:

- Focus groups with children, parents and teachers to each to undertake the survey then share findings as a group to head teachers, SMC and PTA.
- Meetings with education department officials dealing with the curriculum.

7.3.1 Are human rights / children’s rights taught in the school?

Yes No Sometimes

If so, from what grade?.....

7.3.2 By the end of primary school, what percentage of children can name three basic rights?

100% 70% 50% <50%

7.3.3 By the end of primary school what percentage of children can understand the term ‘discrimination’ and can give three examples?

100% 70% 50% <50%

7.3.4 Are children taught that they are all equal?

Yes No

7.3.5 Does the curriculum include discussion about:

- | | | |
|--------------------------------|------------------------------|-----------------------------|
| ■ Gender equity | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ■ Respect / living with others | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ■ Conflict resolution | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ■ Democracy | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ■ The environment | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

7.4 Possible actions

- 1 Child participation: organise a workshop to design a child-friendly version of the charter or other age-appropriate practical resources for children about child rights and human rights, including in local languages.
- 2 Train teachers and parents on child rights and wider human rights so that these are recognised as a fundamental part of the responsibility of the school.
- 3 Support local debates / public dialogue about the values taught in school, including the importance of values of tolerance, non-violence and mutual respect.
- 4 Review present teaching practices to ensure that children are able to learn about tolerance and democracy in a tolerant and democratic environment.
- 5 Review the existing curriculum to ensure that there is adequate coverage of child rights and human rights and that these are being taught in practice.
- 6 Ensure that children receive age-appropriate and accurate information that may be life saving – specifically information about their sexual and reproductive rights and effective HIV.
- 7 Organise human rights education sessions for community members, using existing participatory approaches.



8 Right to participate

Girls and boys have the right to participate in decision-making processes in school. Appropriate mechanisms should be in place to enable the full, genuine and active participation of children.

8

Right to participate

Girls and boys have the right to participate in decision-making processes in school. Appropriate mechanisms should be in place to enable the full, genuine and active participation of children.

8.1 Origin and key references

“Education shall enable all persons to participate effectively in a free society.” (ICESCR, Art.13.1)

Other international reference points:

Legally binding

- CRC, Art. 12.1
- CRPD, art 24.1(c)

Non-binding

- CRC, General Comment 1, para 8 and 22
- CRC, General Comment 12

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Link to 4 As: = Acceptable + Accessible

8.2 Points to consider

- Participatory approaches to learning in schools, training teachers or peer educators in these tools and processes so that children become accustomed to sharing their voice and being active agents of change.
- Lunchtime and after-school activities (school councils, girls’ and boys’ clubs, etc.) where children are encouraged to think critically and engage actively.
- Adequate space for children to participate in all aspects of school life. This includes the right to participate actively in the classroom (rather than being purely passive recipients), and to be involved in the decision-making structures of the school, for example through school councils or clubs or through having children’s seats on the PTA and SMC.
- Peer education and peer counselling.
- Extent to which children are listened to in decisions that affect the school or their learning.



Tom Petrasik/ActionAid

Pupils at Sampalka Shale Bridge School, Bangalore

8.3 Indicators and form for data consolidation

Possible indicators:

- Disaggregated participation of children in classroom and in school clubs, councils, forums, etc.
- Teacher training around child participation.

The data may be collected using:

- Focus group with children of different grades.
- Teachers' focus group.

8.3.1 Are there opportunities for children to express themselves and participate regularly and meaningfully in:

Class	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>
Their own clubs / council	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>
Are there separate clubs for girls?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>
School governance / decisions	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>
Decisions on the curriculum	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>

8.3.2 Are these opportunities for participation taken up equally by all children?

Yes No Dominated by some children
 Do children from discriminated groups participate?

8.3.3 Do parents, SMCs and PTAs get involved in:

Ensuring or monitoring children's participation?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>
Tracking / monitoring learning outcomes?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Sometimes <input type="checkbox"/>

8.3.4 How frequently do parents and teachers meet?

Once, at the beginning of the academic year
 Twice, at the beginning and end of the academic year
 More
 Explain

8.3.5 Are teachers trained to encourage children to participate in the learning process?

Yes No Sometimes

8.3.6 Please give one example where children's participation / voice has led to positive changes

.....

8.4 Possible actions

- 1 Support participatory approaches to learning in schools, drawing on *Reflect* and other approaches, training teachers or peer educators in these tools and processes so that children become accustomed to sharing their voice and being active agents of change.
- 2 Organise workshops on child participation for teachers, SMCs and PTAs.
- 3 Support school councils, girls' and boys' clubs, lunchtime and after-school activities where children are encouraged to think critically and engage actively.
- 4 Advocate for more space for children to participate in all aspects of school life. This includes the right to participate actively in the classroom (rather than being purely passive recipients), and to be involved in the decision-making structures of the school, for example through school councils or clubs or through having children's seats on the PTA and SMC.
- 5 Integrate children in your plans and budget process.
- 6 Support child-led reviews of the curriculum and of disciplinary procedures.
- 7 Promote peer education and peer counselling (mentoring, coaching).

9 Right to transparent and accountable schools

Schools need to have transparent and effective monitoring systems. Both community and children should be able to participate in accountable governing bodies, management committees and parents' groups.

9 Right to transparent and accountable schools

Schools need to have transparent and effective monitoring systems. Both community and children should be able to participate in accountable governing bodies, management committees and parents' groups.

9.1 Origin and key references

“States parties are obliged to establish “minimum educational standards” to which all educational institutions established in accordance with article 13 (3) and (4) are required to conform. They must also maintain a transparent and effective system to monitor such standards.” (CESCR, General Comment 13, para 54)

Other international reference points:

Legally binding

- [ICESCR, art 13.3 and 13.4](#)
- [CRC, Art. 29.2](#)

Non-binding

- [CESCR, General Comment 13, para 49](#)
- [CRC, General Comment 1, para 22 and 25](#)

Regional reference points:

- [Find out what exists in your region.](#)
- [In Africa, for example, there is the African Charter on the Rights and Welfare of the Child \(ACRWC\).](#)

National reference points:

- [Read your national constitution.](#)
- [Review your national and state education policies.](#)
- [See \[www.right-to-education.org\]\(http://www.right-to-education.org\) for a list of each country's constitutional obligations to education.](#)

Link to 4 As: = Acceptable

9.2 Points to consider

- Availability of resources on the legal or statutory powers.
- Whether the school budget is publicly available and independently monitored.
- Capacity of the school governance structures on
 - 1 The full spectrum of 10 rights that their school should respect
 - 2 Analysis and monitoring of education budgets
 - 3 Wider performance tracking of schools.
- Representation of discriminated groups in school governance structures, including ensuring strong and equal participation of women and children.
- National policies on school governance body, with clear roles.
- Federation of school governance structures to strengthen their voices so that they have a presence at all levels from local to district, provincial to national.
- Links between SMCs, PTAs and elected representatives (local, district or even national level).
- Degree to which PTAs and SMCs are representative of local parents (esp. discriminated groups).
- Impact of parental literacy (especially women's literacy) on participation in school governance and support to children's learning.



Nikuze in Karusi primary school, Burundi

Sarah Elliott/ActionAid

9.3 Indicators and form for data consolidation

Possible indicators:

- Degree to which PTAs and SMCs are representative of local parents (especially discriminated groups).
- Extent to which the SMC is able to work effectively (e.g. against statutory requirements).
- Whether the school budget is publically available and independently monitored.
- Impact of parental literacy, especially women’s literacy, on participation in school governance and support to children’s learning.

The data may be collected using:

- Focus group with SMCs and PTAs.
- Open meetings.

Parent-teacher association (PTA)

9.3.1 Is the PTA:

Active and fully functioning
 In existence but never active

In existence and occasionally active
 Non existent

9.3.2 Is the PTA:

Fully inclusive of all main groups in the community
 Small and dominated by one group

Fairly broad and diverse
 Dominated by just one or two people

9.3.3 What percentage of PTA members come from the main discriminated groups locally?.....%

9.3.4 What percentage of PTA members are women?%

School management committee (SMC)

9.3.5 Is the SMC / school governance body:

Active and fully functioning
 In existence but never active

In existence and occasionally active
 Non existent

9.3.6 Is the SMC / school governing body:

Fully inclusive of all main groups in the community
 Small and dominated by one group

Fairly broad and diverse
 Dominated by just one or two people

9.3.7 Is the SMC chairperson a parent or guardian (in line with policy)? Yes No

9.3.8 What percentage of SMC members come from the main discriminated groups locally?%

9.3.9 What percentage of SMC members are women?%

9.3.10 Is the participation of parents in the PTA or SMC meaningful in changing the policies or practices of the school to make it responsive to right-holders?

Yes A bit No

9.3.11 Is the school budget:

Understood by most people and transparently available to all publicly (e.g. posted on a wall)
 Available to those who want to see it A mystery to most people
 Known only to one or two people and controlled by them

School management committee (SMC) cont.

9.3.12 Does the allocated budget arrive at the school?

Yes No

Explain

Does it arrive in a timely manner?

Yes No

Explain.....

9.3.13 Is there a general inspection system?

Yes No

Which body is responsible for monitoring education?

9.3.14 Is there an annual social audit or other type of local review of the school?

Yes No

Explain

9.3.15 What percentage of local parents are not able to read and write?

Not at all F% M% With difficulty F% M%

What support is available to ensure that these parents can participate in holding the school accountable?

9.3.16 Do you know how your school is performing compared to other schools in this district?

Yes No If yes, is it: Above average Average Below average

How do you know?

9.4 Possible actions

- 1 Review national policies to ensure that all schools have an effective school governance body, with clear roles and responsibilities and which is required to actually listen to local people.
- 2 Ensure that government inspection programmes, which guarantee and enforce minimum standards in schools, are functioning.
- 3 Support SMCs in the full cycle of planning, monitoring and auditing of outcomes and expenditures.
- 4 Train PTAs, SMCs and school head teachers on the charter.
- 5 Develop community level user-friendly budget tracking tools.
- 6 Organise a training workshop on education budget tracking for:
 - a SMCs, PTAs and head teachers.
 - b District education officers.
 - c Children’s clubs.
- 7 Publish resources on the legal or statutory powers of different groups and map the extent to which they can enact these powers.
- 8 Support wider performance tracking of schools, helping local people define indicators and building their capacity to take on this role.
- 9 Review the present status of and increase the representation of discriminated groups in school governance structures, including ensuring strong and equal participation of women.
- 10 Federate SMCs so that they have a presence at all levels from local to district, provincial to national.
- 11 Build links between SMCs / PTAs and elected representatives (local, district or even national level).

10 Right to quality learning

Girls and boys have a right to a quality learning environment and to effective teaching processes so that they can develop their personality, talents and physical and mental abilities to their fullest potential.

10

Right to quality learning

Girls and boys have a right to a quality learning environment and to effective teaching processes so that they can develop their personality, talents and physical and mental abilities to their fullest potential.

10.1 Origin and key references

“Every child has the right to receive an education of good quality which in turn requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.” (CRC, General Comment 1, para 22)

Other international reference points:

Legally binding

- UDHR Art. 26.2
- ICESCR, Art. 13.2
- CRC, Art. 28.1 and 29
- CRPD, Art. 24.1 and 24.2

Non-binding

- CESCR, General Comment 11, para 6 and General Comment 13 para 6(c) and 50
- CRC, General Comment 1, para 8, 9, and 12

Regional reference points:

- Find out what exists in your region.
- In Africa, for example, there is the African Charter on the Rights and Welfare of the Child (ACRWC).

National reference points:

- Read your national constitution.
- Review your national and state education policies.
- See www.right-to-education.org for a list of each country’s constitutional obligations to education.

Pupil-teacher ratio:

There is a strong consensus that a ratio of 40:1 or less is necessary to achieve quality learning. See for example, the 2009 EFA Global Monitoring Report (p. 117) and the EFA Fast Track Initiative framework document (<http://www.educationfasttrack.org/resources/resources-for-fti-candidate-countries>).

Link to 4 As: = Available + Acceptable + Adaptable

10.2 Points to consider

- The quality of learning in local schools and how this is measured.
- Participatory approaches to developing indicators on the quality of learning at local level.
- Analysis of evidence on learning outcomes.
- Teacher skills, especially in relation to child-centred, child-friendly teaching methods.
- Promotion of creativity and new forms of learning in addition to the core curriculum.
- Contact hours of children with teachers.
- Satisfaction of parents and children with learning outcomes.



Children watching a disaster preparedness movie at Wujinhe primary school, China

ActionAid

10.3 Indicators and form for data consolidation

Possible indicators:

- Percentage of students who pass exams / standardised tests of basic skills (disaggregated by axes of local discrimination).
- Contact hours of children with teachers.
- Satisfaction of parents and children with learning outcomes.

The data may be collected using:

- School records.
- Focus groups with teachers, parents and children.

10.3.1 Of the children who enrol in grade 1, what percentage pass their primary leaving exam?

Total% Girls% Boys%
 Groups that are discriminated against, e.g. 1) *Lower caste* % 2)% 3)%

10.3.2 Percentage of children who take the exam who pass the primary leaving exams

Girls% Boys%
 Groups that are discriminated against, e.g. 1) *Lower caste* % 2)% 3)%

10.3.3 What percentage of children pass the end of grade exams?

	Total	Girls	Boys	Groups that are discriminated against		
				1)	2)	3)
Grade 1						
2						
3						
4						
5						
6						
7						
8						

10.3.4 What is the transition rate from primary to secondary school?

Girls% Boys%
 Groups that are discriminated against, e.g. 1) *Lower caste* % 2)% 3)%

10.3.5 What percentage of parents are aware of children’s learning outcomes?%

What percentage of parents have a safe / quiet space for their children to do homework?.....%
 What percentage of parents actively set aside equal time for girls and boys to do homework?%
 What percentage of parents monitor / support children’s learning at home?.....%

10.3.6 What percentage of parents are satisfied with what is taught in school?

Academic subjects% Non-academic subjects%
 Are there other subjects they would like children to learn?

10.3.7 Are children satisfied with what is taught in school?

Academic subjects% Non-academic subjects%
 Are there other subjects they would like to learn?

10.3.8 How many hours are children actively learning in school?

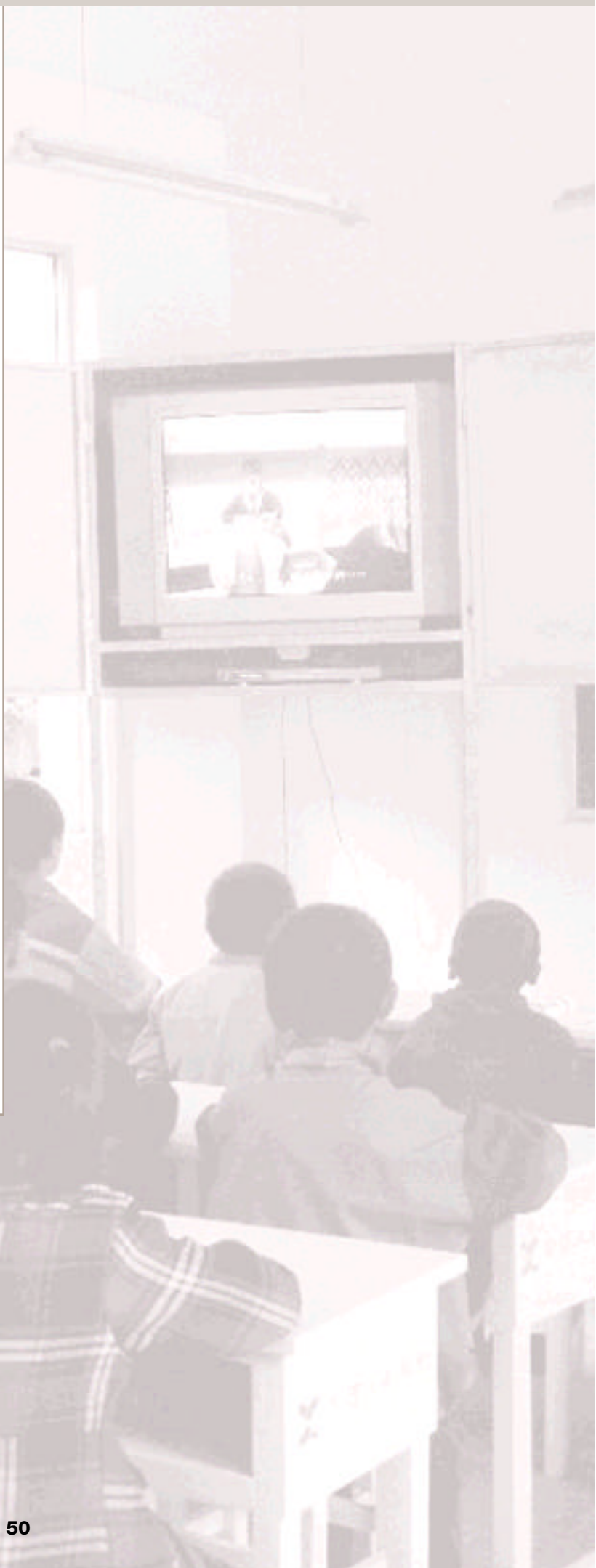
Each week Over a school year

10.3.9 How much time do children have for breaks / play each day?

Do both girls and boys play? Yes No
 Explain

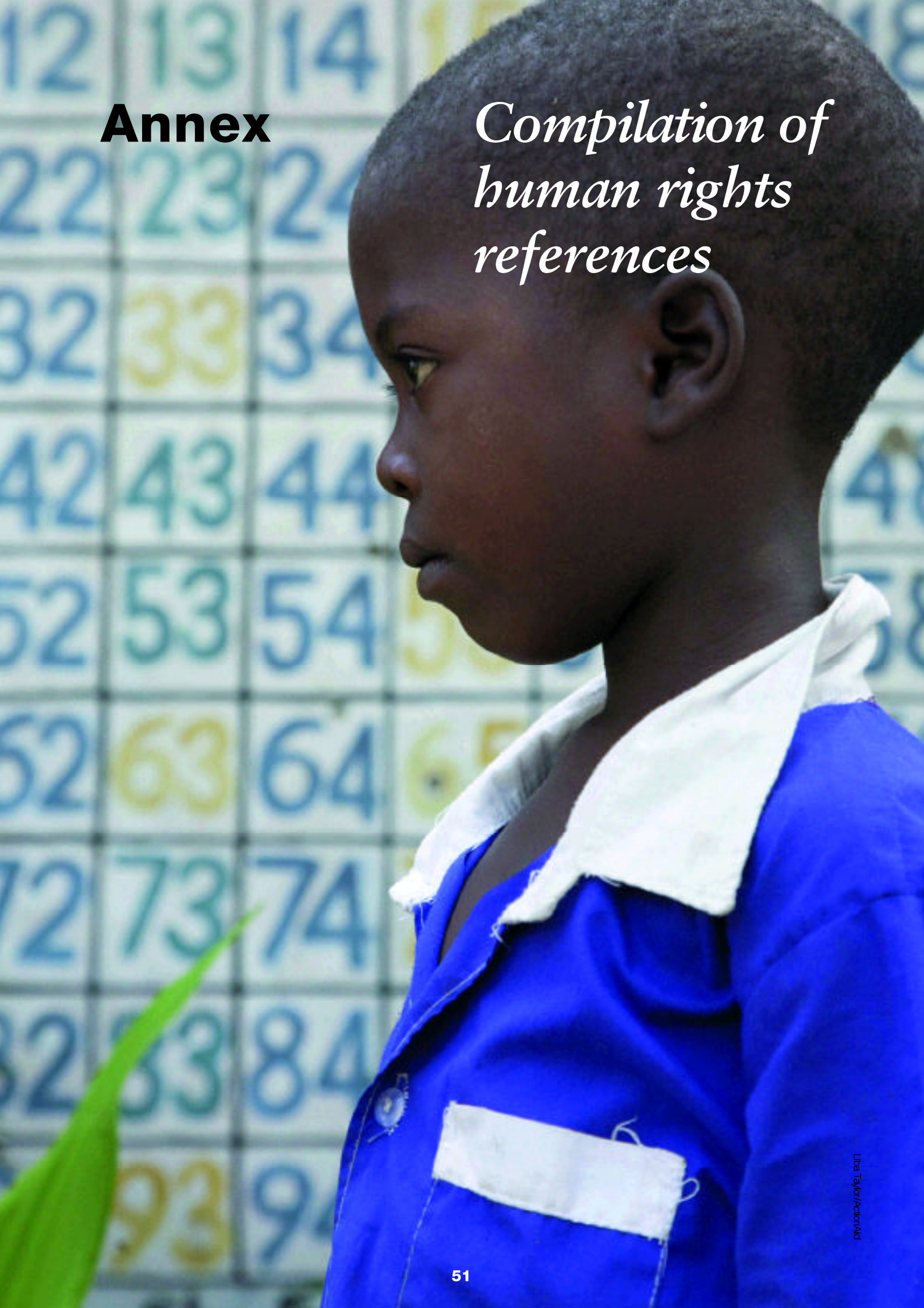
10.4 Possible actions

- 1 Review national and state education policies to check for recommendations or commitments on pupil-teacher ratios. Compare these with ratios in your local schools.
- 2 Support efforts to review the quality of learning in local schools and publish results. These reviews should draw on test / exam results but not be limited only to these.
- 3 Help parents and other community members to develop indicators on the quality of learning including broader issues, such as the values the school inculcates in students, practical knowledge, social skills, critical thinking and problem solving.
- 4 Promote analysis of evidence on learning outcomes in relation to key indicators such as class size, the level of accountability of the school and the quality of the teachers.
- 5 Develop interventions to improve learning in a sustainable way, which builds or reinforces the capacity of the wider government system.
- 6 Support training programmes to strengthen teacher skills, especially in relation to child-centred, child-friendly and empowering learning processes.
- 7 Support co-curricular exercises that promote creativity and new forms of learning in addition to the core curriculum.
- 8 Organise a school forum on learning outcomes with parents and teachers.
- 9 Raise awareness among parents on the necessity of allocating time for the children to do their homework and for the parents to show interest in their children's' learning outcomes.



Annex

*Compilation of
human rights
references*



Compilation of human rights references

United Nations Conventions and Treaties

Article 2, Universal Declaration of Human Rights (UDHR)

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Article 26, Universal Declaration of Human Rights (UDHR)

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 2, International Covenant on Civil and Political Rights (ICCPR)

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 2, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 7, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;

- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organisations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 13, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall

be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 10, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 2, Convention on the Rights of the Child (CRC)

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 6, Convention on the Rights of the Child (CRC)

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12, Convention on the Rights of the Child (CRC)

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child

being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 17, Convention on the Rights of the Child (CRC)

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 19, Convention on the Rights of the Child (CRC)

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 28, Convention on the Rights of the Child (CRC)

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29, Convention on the Rights of the Child (CRC)

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30, Convention on the Rights of the Child (CRC)

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 42, Convention on the Rights of the Child (CRC)

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 2, Convention on the Rights of Persons with Disabilities (CRPD)

"... Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation..."

Article 3, Convention on the Rights of Persons with Disabilities (CRPD)

The principles of the present Convention shall be: ... (b) Non-discrimination;

Article 5, Convention on the Rights of Persons with Disabilities (CRPD)

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 8, Convention on the Rights of Persons with Disabilities (CRPD)

1. States Parties undertake to adopt immediate, effective and appropriate measures:
 - (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to

foster respect for the rights and dignity of persons with disabilities;

- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
 - (c) To promote awareness of the capabilities and contributions of persons with disabilities.
2. Measures to this end include:
 - (a) Initiating and maintaining effective public awareness campaigns designed:
 - (i) To nurture receptiveness to the rights of persons with disabilities;
 - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
 - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
 - (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
 - (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
 - (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 24, Convention on the Rights of Persons with Disabilities (CRPD)

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:
 - (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
 - (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - (c) Reasonable accommodation of the individual's requirements is provided;
 - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
 - (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability

awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

United Nations General Comments

CESCR, General comment N. 11

6. **Compulsory.** The element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education. Similarly, the prohibition of gender discrimination in access to education, required also by articles 2 and 3 of the Covenant, is further underlined by this requirement. It should be emphasized, however, that the education offered must be adequate in quality, relevant to the child and must promote the realization of the child's other rights.
7. **Free of charge.** The nature of this requirement is unequivocal. The right is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians. Fees imposed by the Government, the local authorities or the school, and other direct costs, constitute disincentives to the enjoyment of the right and may jeopardize its realization. They are also often highly regressive in effect. Their elimination is a matter which must be addressed by the required plan of action. Indirect costs, such as compulsory levies on parents (sometimes portrayed as being voluntary, when in fact they are not), or the obligation to wear a relatively expensive school uniform, can also fall into the same category. Other indirect costs may be permissible, subject to the Committee's examination on a case-by-case basis. This provision of compulsory primary education in no way conflicts with the right recognized in article 13.3 of the Covenant for parents and guardians "to choose for their children schools other than those established by the public authorities".
10. **Progressive implementation.** The plan of action must be aimed at securing the progressive implementation of the right to compulsory primary education, free of charge, under article 14. Unlike the provision in article 2.1, however, article 14 specifies that the target date must be "within a reasonable number of years" and moreover, that the time-frame must "be fixed in the plan". In other words, the plan must specifically set out a series of targeted implementation dates for each stage of the progressive implementation of the plan. This underscores both the importance and the relative inflexibility of the obligation in question. Moreover, it needs to be stressed in this regard that the State party's other obligations, such as non-discrimination, are required to be implemented fully and immediately.

CESCR, General Comment N. 13

6. While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features:
 - (a) **Availability** – functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;
 - (b) **Accessibility** – educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:
 - Non-discrimination** – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);

Physical accessibility – education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme);

Economic accessibility – education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available "free to all", States parties are required to progressively introduce free secondary and higher education;

- (c) **Acceptability** – the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see Art. 13 (3) and (4));
 - (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.
14. "[P]rogressive introduction of free education" means that while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education. For the Committee's general observations on the meaning of the word "free", see paragraph 7 of General Comment 11 on article 14.
 27. While the Covenant requires that "the material conditions of teaching staff shall be continuously improved", in practice the general working conditions of teachers have deteriorated, and reached unacceptably low levels, in many States parties in recent years. Not only is this inconsistent with article 13 (2) (e), but it is also a major obstacle to the full realization of students' right to education. The Committee also notes the relationship between articles 13 (2) (e), 2 (2), 3 and 6-8 of the Covenant, including the right of teachers to organise and bargain collectively; draws the attention of States parties to the joint UNESCO-ILO Recommendation Concerning the Status of Teachers (1966) and the UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997); and urges States parties to report on measures they are taking to ensure that all teaching staff enjoy the conditions and status commensurate with their role.
 31. The prohibition against discrimination enshrined in article 2 (2) of the Covenant is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination. The Committee interprets articles 2 (2) and 3 in the light of the UNESCO Convention against Discrimination in Education, the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the ILO Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169), and wishes to draw particular attention to the following issues.
 32. The adoption of temporary special measures intended to bring about de facto equality for men and women and for disadvantaged groups is not a violation of the right to non-discrimination with regard to education, so long as such measures do not lead to the maintenance of unequal or separate standards for different groups, and provided they are not continued after the objectives for which they were taken have been achieved.
 33. In some circumstances, separate educational systems or institutions for groups defined by the categories in article 2 (2) shall be deemed not to constitute a breach of the Covenant. In this regard, the Committee affirms article 2 of the UNESCO Convention against Discrimination in Education (1960).
 34. The Committee takes note of article 2 of the Convention on the Rights of the Child and article 3 (e) of the UNESCO Convention against Discrimination in Education and confirms that the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status.
 35. Sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant.
 36. The Committee affirms paragraph 35 of its General Comment

5, which addresses the issue of persons with disabilities in the context of the right to education, and paragraphs 36-42 of its General Comment 6, which address the issue of older persons in relation to articles 13-15 of the Covenant.

37. States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Educational data should be disaggregated by the prohibited grounds of discrimination.
41. In the Committee's view, corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual. Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation. Nor should any form of discipline breach other rights under the Covenant, such as the right to food. A State party is required to take measures to ensure that discipline which is inconsistent with the Covenant does not occur in any public or private educational institution within its jurisdiction. The Committee welcomes initiatives taken by some States parties which actively encourage schools to introduce "positive", non-violent approaches to school discipline.
43. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect.

States parties have immediate obligations in relation to the right to education, such as the "guarantee" that the right "will be exercised without discrimination of any kind" (Art. 2 (2)) and the obligation "to take steps" (Art. 2 (1)) towards the full realization of article 13.

Such steps must be "deliberate, concrete and targeted" towards the full realization of the right to education.
49. States parties are required to ensure that curricula, for all levels of the educational system, are directed to the objectives identified in article 13 (1). They are also obliged to establish and maintain a transparent and effective system which monitors whether or not education is, in fact, directed to the educational objectives set out in article 13 (1).
50. In relation to article 13 (2), States have obligations to respect, protect and fulfil each of the "essential features" (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; protect the accessibility of education by ensuring that third parties, including parents and employers, do not stop girls from going to school; fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all; fulfil (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world; and fulfil (provide) the availability of education by actively developing a system of schools, including building classrooms, delivering programmes, providing teaching materials, training teachers and paying them domestically competitive salaries.
54. States parties are obliged to establish "minimum educational standards" to which all educational institutions established in accordance with article 13 (3) and (4) are required to conform. They must also maintain a transparent and effective system to monitor such standards. A State party has no obligation to fund institutions established in accordance with article 13 (3) and (4); however, if a State elects to make a financial contribution to private educational institutions, it must do so without discrimination on any of the prohibited grounds.

CRC, General Comment N. 1

2. Article 29 (1) not only adds to the right to education recognized in article 28 a qualitative dimension which reflects the rights and inherent dignity of the child; it also insists upon the need for education to be child-centred, child-friendly and empowering, and it highlights the need for educational processes to be based upon the very principles it enunciates. The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values. The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. "Education" in this context goes far beyond formal

schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

3. The child's right to education is not only a matter of access (Art. 28) but also of content. An education with its contents firmly rooted in the values of article 29 (1) is for every child an indispensable tool for her or his efforts to achieve in the course of her or his life a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalization, new technologies and related phenomena. Such challenges include the tensions between, inter alia, the global and the local; the individual and the collective; tradition and modernity; long- and short-term considerations; competition and equality of opportunity; the expansion of knowledge and the capacity to assimilate it; and the spiritual and the material. And yet, in the national and international programmes and policies on education that really count the elements embodied in article 29 (1) seem all too often to be either largely missing or present only as a cosmetic afterthought.
4. Article 29 (1) states that the States parties agree that education should be directed to a wide range of values. This agreement overcomes the boundaries of religion, nation and culture built across many parts of the world. At first sight, some of the diverse values expressed in article 29 (1) might be thought to be in conflict with one another in certain situations. Thus, efforts to promote understanding, tolerance and friendship among all peoples, to which paragraph (1) (d) refers, might not always be automatically compatible with policies designed, in accordance with paragraph (1) (c), to develop respect for the child's own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own. But in fact, part of the importance of this provision lies precisely in its recognition of the need for a balanced approach to education and one which succeeds in reconciling diverse values through dialogue and respect for difference. Moreover, children are capable of playing a unique role in bridging many of the differences that have historically separated groups of people from one another.
8. Second, the article attaches importance to the process by which the right to education is to be promoted. Thus, efforts to promote the enjoyment of other rights must not be undermined, and should be reinforced, by the values imparted in the educational process. This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place, whether it be the home, school, or elsewhere. Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school. The Committee has repeatedly made clear in its concluding observations that the use of corporal punishment does not respect the inherent dignity of the child nor the strict limits on school discipline. Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child. The participation of children in school life, the creation of school communities and student councils, peer education and peer counselling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights.
9. Third, while article 28 focuses upon the obligations of State parties in relation to the establishment of educational systems and in ensuring access thereto, article 29 (1) underlines the individual and subjective right to a specific quality of education. Consistent with the Convention's emphasis on the importance of acting in the best interests of the child, this article emphasizes the message of child-centred education: that the key goal of education is the development of the individual child's personality, talents and abilities, in recognition of the fact that every child has unique characteristics, interests, abilities, and learning needs. Thus, the curriculum must be of direct relevance to the child's social, cultural, environmental and economic context and to his or her present and future needs and take full account of the child's evolving capacities; teaching

methods should be tailored to the different needs of different children. Education must also be aimed at ensuring that essential life skills are learnt by every child and that no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills include not only literacy and numeracy but also life skills such as the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle, good social relationships and responsibility, critical thinking, creative talents, and other abilities which give children the tools needed to pursue their options in life.

10. Discrimination on the basis of any of the grounds listed in article 2 of the Convention, whether it is overt or hidden, offends the human dignity of the child and is capable of undermining or even destroying the capacity of the child to benefit from educational opportunities. While denying a child's access to educational opportunities is primarily a matter which relates to article 28 of the Convention, there are many ways in which failure to comply with the principles contained in article 29 (1) can have a similar effect. To take an extreme example, gender discrimination can be reinforced by practices such as a curriculum which is inconsistent with the principles of gender equality, by arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls' participation. Discrimination against children with disabilities is also pervasive in many formal educational systems and in a great many informal educational settings, including in the home. Children with HIV/AIDS are also heavily discriminated against in both settings. All such discriminatory practices are in direct contradiction with the requirements in article 29 (1) (a) that education be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential.
11. The Committee also wishes to highlight the links between article 29 (1) and the struggle against racism, racial discrimination, xenophobia and related intolerance. Racism and related phenomena thrive where there is ignorance, unfounded fears of racial, ethnic, religious, cultural and linguistic or other forms of difference, the exploitation of prejudices, or the teaching or dissemination of distorted values. A reliable and enduring antidote to all of these failings is the provision of education which promotes an understanding and appreciation of the values reflected in article 29 (1), including respect for differences, and challenges all aspects of discrimination and prejudice. Education should thus be accorded one of the highest priorities in all campaigns against the evils of racism and related phenomena. Emphasis must also be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities. Racist behaviour is not something engaged in only by "others". It is therefore important to focus on the child's own community when teaching human and children's rights and the principle of non-discrimination. Such teaching can effectively contribute to the prevention and elimination of racism, ethnic discrimination, xenophobia and related intolerance.
12. Fourth, article 29 (1) insists upon a holistic approach to education which ensures that the educational opportunities made available reflect an appropriate balance between promoting the physical, mental, spiritual and emotional aspects of education, the intellectual, social and practical dimensions, and the childhood and lifelong aspects. The overall objective of education is to maximize the child's ability and opportunity to participate fully and responsibly in a free society. It should be emphasized that the type of teaching that is focused primarily on accumulation of knowledge, prompting competition and leading to an excessive burden of work on children, may seriously hamper the harmonious development of the child to the fullest potential of his or her abilities and talents. Education should be child-friendly, inspiring and motivating the individual child. Schools should foster a humane atmosphere and allow children to develop according to their evolving capacities.
15. Article 29 (1) can also be seen as a foundation stone for the various programmes of human rights education called for by the World Conference on Human Rights, held in Vienna in 1993, and promoted by international agencies. Nevertheless, the rights of the child have not always been given the prominence they require in the context of such activities. Human rights education should provide information on the content of human rights treaties. But children should also learn about human rights by seeing human rights standards implemented in

practice, whether at home, in school, or within the community. Human rights education should be a comprehensive, life-long process and start with the reflection of human rights values in the daily life and experiences of children.

18. The effective promotion of article 29 (1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies. Approaches which do no more than seek to superimpose the aims and values of the article on the existing system without encouraging any deeper changes are clearly inadequate. The relevant values cannot be effectively integrated into, and thus be rendered consistent with, a broader curriculum unless those who are expected to transmit, promote, teach and, as far as possible, exemplify the values have themselves been convinced of their importance. Pre-service and in-service training schemes which promote the principles reflected in article 29 (1) are thus essential for teachers, educational administrators and others involved in child education. It is also important that the teaching methods used in schools reflect the spirit and educational philosophy of the Convention on the Rights of the Child and the aims of education laid down in article 29 (1).
19. In addition, the school environment itself must thus reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin called for in article 29 (1) (b) and (d). A school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29 (1). The term "human rights education" is too often used in a way which greatly oversimplifies its connotations. What is needed, in addition to formal human rights education, is the promotion of values and policies conducive to human rights not only within schools and universities but also within the broader community.
22. The Committee calls upon States parties to devote more attention to education as a dynamic process and to devising means by which to measure changes over time in relation to article 29 (1). Every child has the right to receive an education of good quality which in turn requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs. The Committee notes the importance of surveys that may provide an opportunity to assess the progress made, based upon consideration of the views of all actors involved in the process, including children currently in or out of school, teachers and youth leaders, parents, and educational administrators and supervisors. In this respect, the Committee emphasizes the role of national-level monitoring which seeks to ensure that children, parents and teachers can have an input in decisions relevant to education.
25. States parties should also consider establishing a review procedure which responds to complaints that existing policies or practices are not consistent with article 29 (1). Such review procedures need not necessarily entail the creation of new legal, administrative, or educational bodies. They might also be entrusted to national human rights institutions or to existing administrative bodies. The Committee requests each State party when reporting on this article to identify the genuine possibilities that exist at the national or local level to obtain a review of existing approaches which are claimed to be incompatible with the Convention. Information should be provided as to how such reviews can be initiated and how many such review procedures have been undertaken within the reporting period.

CRC, General Comment N. 7

28. Early childhood education. The Convention recognizes the right of the child to education, and primary education should be made compulsory and available free to all (Art. 28). The Committee recognizes with appreciation that some States parties are planning to make one year of preschool education available and free of cost for all children. The Committee interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development (Art. 6.2). Linking education to development is elaborated in article 29.1: "States parties agree that the education of the child shall be directed to: (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential". General comment No. 1 on the aims of education explains that the goal is to "empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-

confidence” and that this must be achieved in ways that are child-centred, child-friendly and reflect the rights and inherent dignity of the child (para. 2). States parties are reminded that children’s right to education include all children, and that girls should be enabled to participate in education, without discrimination of any kind (Art. 2).

CRC, General Comment N. 9

8. Article 2 requires States parties to ensure that all children within their jurisdiction enjoy all the rights enshrined in the Convention without discrimination of any kind. This obligation requires States parties to take appropriate measures to prevent all forms of discrimination, including on the ground of disability. This explicit mention of disability as a prohibited ground for discrimination in article 2 is unique and can be explained by the fact that children with disabilities belong to one of the most vulnerable groups of children. In many cases forms of multiple discrimination – based on a combination of factors, i.e. indigenous girls with disabilities, children with disabilities living in rural areas and so on – increase the vulnerability of certain groups. It has been therefore felt necessary to mention disability explicitly in the non-discrimination article. Discrimination takes place – often de facto – in various aspects of the life and development of children with disabilities. As an example, social discrimination and stigmatization leads to their marginalization and exclusion, and may even threaten their survival and development if it goes as far as physical or mental violence against children with disabilities. Discrimination in service provision excludes them from education and denies them access to quality health and social services. The lack of appropriate education and vocational training discriminates against them by denying them job opportunities in the future. Social stigma, fears, overprotection, negative attitudes, misbeliefs and prevailing prejudices against children with disabilities remain strong in many communities and lead to the marginalization and alienation of children with disabilities. The Committee shall elaborate on these aspects in the paragraphs below.
62. Children with disabilities have the same right to education as all other children and shall enjoy this right without any discrimination and on the basis of equal opportunity as stipulated in the Convention. For this purpose, effective access of children with disabilities to education has to be ensured to promote “the development of the child’s personality, talents and mental and physical abilities to their fullest potential (see articles 28 and 29 of the Convention and the Committee’s general comment No. 1 (2001) on the aims of education). The Convention recognizes the need for modification to school practices and for training of regular teachers to prepare them to teach children with diverse abilities and ensure that they achieve positive educational outcomes.

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We hope that this work will provide citizens with an invaluable source of evidence on the state of their education system, enabling them to hold duty bearers accountable for developing practical solutions to improve learning for all children.

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