Right to Education: confronting inequalities by addressing privatisation, digitalisation and crisis situations

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Right to Education: confronting inequalities by addressing privatisation, digitalisation and crisis situations

Main Outcomes of the Fourth Thematic Dialogue

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Peter Bille Larsen, chair of organising group

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Background

In 2021, the Swiss Commission for UNESCO, the UNESCO Geneva Liaison Office, and the University of Geneva, in partnership with the UN Office of the High Commissioner for Human Rights (OHCHR) and the REGARD NGO platform, launched an innovative dialogue series addressing different areas in which UNESCO (United Nations Educational, Scientific, and Cultural Organization) is active.

These dialogues aim to scale up learning about human rights-based approaches, mechanisms, and partnerships in the fields of education, science, culture, and communication. Each session involves open-ended discussions on emerging issues and current challenges, lessons from existing human rights mechanisms, and partnerships.

The dialogues also offer creative platforms for in-depth discussions and learning about recent trends, current challenges, and ways to ensure more robust and coherent cooperation with regional and international human rights mechanisms, between UN agencies, and with civil society. To ensure meaningful participation, the dialogues are held under the Chatham House Rule, adapted here to mean that insights and discussions are summarised without attribution to specific speakers. This report captures a cross-section of key issues and recommendations raised during the discussions.

Focusing on the right to education

The fourth thematic dialogue, held in Geneva in June 2024, focused on the right to education. The event gathered leading thinkers, practitioners, and experts (including young experts) in the fields of human rights law and education. It included UN officials, NGOs, the UN Special Rapporteur on the right to education, members of international human rights committees and academics.

The right to education is a fundamental human right that is pivotal for achieving personal and societal development. Despite national commitments and global support measures, millions around the world still face barriers to accessing quality education due to systemic inequalities. These structural challenges are exacerbated by trends in areas such as privatisation and digitalisation, including the introduction of artificial intelligence (hereinafter AI), as well as the prevalence of crises, notably climate change and armed conflicts.

As we strive towards inclusive and equitable quality education for all, as outlined in Sustainable Development Goal 4, the right to education is crucial for addressing systemic inequalities and responding to challenging developments.

The Geneva Human Rights Dialogue on the Right to Education (Hereinafter 'the Dialogue'), held on 18 and 19 June 2024, featured four panels that examined how privatisation, digital advancements, and crises affect educational access and quality. Another objective was to take an in-depth look at the effectiveness of human rights mechanisms and partnership efforts.

This report aims to shed light on the right to education in the context of today's persistent and emerging challenges and ongoing practices and trends, exploring innovative solutions to overcome inequalities and enhance effectiveness in implementing this fundamental right.

The outcome of these discussions may guide policymakers, educators, and other key stakeholders in reinforcing the educational rights of every learner. Key insights and recommendations also aim to inform UNESCO's Evolving Right to Education Initiative - which seeks to explore how the right to education could be further reinforced and expanded to meet evolving needs in support of the Transformation of Education Agenda and in consideration of the Summit of the Future, as well as the thematic work of the UN Special Rapporteur on the Right to Education.

Key messages and recommendations

KEY MESSAGE 1: the right to education is a human right and a fundamental enabler of other human rights, sustainable development goals and a new social contract. Yet structural inequalities persist.

KEY RECOMMENDATION 1: Strengthen the right to education as a cross-sectoral development priority in combating inequalities, and prioritise persons in vulnerable situations.

KEY MESSAGE 2: Public education systems are under-prioritised and underfunded, leading to systemic deficiencies, eroding confidence and a loss of public trust.

KEY RECOMMENDATION 2: Prioritize public education systems of good quality for all, increase national education funding to at least 6% of GDP and reinforce regulatory frameworks and accountability mechanisms.

KEY MESSAGE 3: Education data remains limited, particularly when assessing the impacts of privatisation and non-state educational interventions/activities.

KEY RECOMMENDATION 3: Governments should ensure that all education stakeholders, including private providers, are required to report data rigorously and transparently.

KEY MESSAGE 4: Privatisation in education can lead to increased inequality and fragmentation, underscoring the need for stronger regulatory frameworks.

KEY RECOMMENDATION 4: Identify and promote best practices in education legislation and regulatory practice related to the role of private actors in education to build on and enhance equity and complementarity with public education.

KEY MESSAGE 5: The digital divide remains a significant barrier to the right to education and must be addressed concurrently with efforts to enhance educational quality.

KEY RECOMMENDATION 5: Urgently address the digital divide, with a combined focus on internet connectivity, quality digital tools, and increased in-person qualified teachers.

KEY MESSAGE 6: The rapid expansion of Ed-tech and AI raises critical questions about their impact on learning, access to quality education, and the potential to worsen existing inequalities.

KEY RECOMMENDATION 6: Create human rights-based regulatory frameworks to ensure that Ed-tech and AI support, rather than substitute for established education methods, infrastructure, and personnel.

KEY MESSAGE 7: Digital education is often driven by supply rather than addressing actual learning needs and rights.

KEY RECOMMENDATION 7: Promote inclusive design and human rights-based participatory approaches to the regulation and design of digital education.

KEY MESSAGE 8: Digitalisation presents critical challenges related to ecological impact, ethical issues, and data privacy and regulation.

KEY RECOMMENDATION 8: Embed environmental considerations and human rights-based ethical safeguards into the design of digital education.

KEY MESSAGE 9: Prolonged crises are leading to lost generations of children and youth without access to inclusive, quality education.

KEY RECOMMENDATION 9: Scale up both emergency and long-term responses with a focus on persons and groups in vulnerable situations, particularly individuals with disabilities, adolescents, and women and girls.

KEY MESSAGE 10: Education responses in crisis situations often emphasise immediate needs, potentially overlooking long-term stability and resilience.

KEY RECOMMENDATION 10: Develop long-term strategies for educational continuity in crises by integrating comprehensive data, increasing emergency funding, and adopting decolonised, locally-driven approaches that emphasise high-quality, inclusive education for all.

KEY MESSAGE 11: Crisis scenarios expose the complex interplay of various factors and drivers, from conflict to climate change.

KEY RECOMMENDATION 11: Develop comprehensive strategies for and before crisis situations that integrate preventive measures, socio-emotional support, adaptable learning methods, intersectional approaches, and robust protection and development for educators.

KEY MESSAGE 12: There is a pressing need for a more cohesive and integrated approach to reporting and monitoring the implementation of the right to education.

KEY RECOMMENDATION 12: Strengthen collaborative frameworks on reporting, monitoring and recommendations to harmonise monitoring across different human rights mechanisms, and consider revitalising collective approaches like the Joint Expert Group UNESCO/ECOSOC.

KEY MESSAGE 13: Civil society plays a crucial role in enabling independent monitoring and enhancing accountability.

RECOMMENDATION 13: Expand support for grassroots NGOs, and establish formal roles for civil society organisations in monitoring national and international education prior efforts.

KEY MESSAGE 14: Human rights mechanisms are pivotal for advancing the right to education, yet many lack capacity and remain underutilised.

KEY RECOMMENDATION 14: Foster deeper engagement with and more effective follow-up on human rights mechanisms.

KEY MESSAGE 15: While comprehensive monitoring poses challenges, focused indices such as HerAtlas illustrate the potential for targeted tracking and monitoring of inequalities.

KEY RECOMMENDATION 15: Build stronger multi-stakeholder partnerships and coalitions for the right to education, acknowledging its interconnectedness with other human rights.

Education as a fundamental human right

KEY MESSAGE 1: the right to education is a human right and a fundamental enabler of other human rights, sustainable development goals and a new social contract.[1] Yet structural inequalities persist.

The recognition of the right to education as a human right and a fundamental enabler of other human rights and global development goals is growing. However, significant disparities in access and quality persist, contradicting the assumption that education is a universally shared priority. For instance, global statistics highlight that 250 million children and young people remain out of school. Also, nearly half of refugee children are lacking access to schooling. The situation is particularly dire for the 26.4 million people displaced by natural disasters in 2023 alone and the 468 million children living in or fleeing from conflict zones. Furthermore, the ILO reports that some 160 million children are engaged in child labour, half of whom face hazardous work, representing one significant factor among many that keep children out of school.

Additionally, the digital divide remains a significant barrier to access to learning, with one in four primary schools lacking electricity and only 40% connected to the internet. Moreover, only 50% of learners had access to a computer at home during the COVID-19 pandemic, further exacerbating educational inequities, and six out of ten children are not achieving minimum proficiency levels in reading and mathematics, demonstrating that the current educational landscape is still not fit for purpose.

The disparities in educational equity are further compounded by ongoing normative changes and rapidly evolving educational trends. For example, 70% of all countries allocate less than 4% of their GDP to education, which is largely insufficient to address pervasive inequalities. To address deep-rooted inequities, it is imperative to reinforce the right to education as a cross-sectoral priority and public good, ensuring that the most vulnerable are put first. This approach necessitates returning to the fundamental purpose of education: viewing it as an essential investment in human potential rather than merely an economic expenditure. By prioritising educational equity and quality, we can create a more inclusive social contract – as highlighted in the Futures of Education Report – for a just society, where every learner has the opportunity to succeed.

KEY RECOMMENDATION 1:
Strengthen the right to education as a cross-sectoral development priority in combating inequalities, and prioritise persons in vulnerable situations.

1 International Commission on the Futures of Education. 2021. Reimagining our futures together: a new social contract for education. UNESCO, Paris. Available at: https://unesdoc.unesco.org/ark:/48223/pf0000379707 (Accessed 2 September 2024).

Segment 1: Privatisation and the right to education

Privatisation *is a process that can be defined as "the transfer of activities, assets and responsibilities from government/public institutions and organisations to private individuals and agencies" (UNESCO IIEP, 2002). In the field of education, 'privatisation' is an umbrella term which refers to many different educational programmes and policies (Moumné and Saudemont, 2015; see also UNESCO, 2019).*

This segment aimed to critically analyse how emerging trends in the area of privatisation affect access to and quality of education, guided by three key questions: (1) How do emerging privatisation practices impact inequalities in education? (2) How can we ensure greater financial investment to address these inequalities? (3) How can policy interventions balance the benefits of privatisation with the need for equitable, inclusive, and quality education for all?

Exploring the relationship between privatisation and the right to education, the segment examined various aspects of privatisation, including its impact on educational equality and equity, the role of non-state actors (be they for-profit, formal, or not), regulatory frameworks and gaps in international normative instruments, public financing (including taxation and debt management), and the quality of education.

The discussion also sought to unpack key issues surrounding new forms of privatisation in education and explore potential solutions from a human rights-based approach. Participants acknowledged the diversity of actors involved – from for-profit actors to faith-based organisations, community-based organisations, civil society actors and individuals.

Participants also recognised that the role of non-state actors in the field of education is not a new phenomenon. They recalled that non-state actors, from companies to NGOs, have a long history in the field of education, including producing educational 'goods' (i.e., textbooks, chalkboards, wireless networks, data systems, etc). Furthermore, the involvement of private actors in education is not monolithic; it includes both commercial and non-commercial entities, each bringing distinct definitions and contributions to what can be considered 'public' versus 'private' in education.

Discussions covered crucial topics such as the often overlooked 'shadow education' system, where families pay for private tutoring, and the need to protect and promote educational diversity. In addition, participants reviewed state responsibilities and the challenges of maintaining a robust, high-quality, equitable and inclusive public education system while addressing the involvement of non-state actors without compromising equity.

KEY MESSAGE 2: Public education systems are under-prioritised and underfunded, leading to systemic deficiencies, eroding confidence and a loss of public trust.

Public education systems face significant challenges, including under-prioritisation, underfunding, increased demands, and eroding confidence, leading to deficient systems. Participants highlighted the need for prioritisation of education, which is reflected in the budgets allocated to education, with the majority of countries dedicating less than 4% of GDP to education (Education Finance Watch, 2023). Participants also pointed out that on the global stage, education stakeholders often find themselves absent from crucial financial discussions with entities like the International Monetary Fund (IMF) and World Bank, resulting in a smaller share of resources allocated to education. Participants argued that more efforts should be made to expand the overall financial resources dedicated to education, with a view to ensuring sufficient resources for public education systems as a matter of priority. Furthermore, some concern was raised about the issue of accountability regarding the use of public funds by private providers, as, there is not the same level of accountability, recourse, or access to information in case of misuse of funds.

The persistent underfunding of public education systems in many countries was emphasised as a challenge exacerbated by the diversion of resources and policy incentives towards privatised education services, often at the expense of strengthening public institutions. This shift not only undermines the quality of public education but also diminishes trust and confidence in investing in public institutions, infrastructure and services. Participants agreed that education financing is far too often perceived as a short-term cost rather than a long-term investment for the realisation of not only the right to education, but also a range of other interdependent human rights.

Participants also emphasised state responsibility in funding education, highlighting that education introduces learners to humanity and supports cultural life, among other things. Chronic underfunding leads to fragmented education systems, with elite schools for the privileged and inadequate options for the less fortunate. Participants advocated for maximising available resources, addressing tax policies and national debts, and regulating private education providers (e.g., in line with regulations such as those outlined in the Abidjan Principles. It was agreed that viewing education as a long-term investment is vital to creating equitable and effective public education systems for all. The potential for international cooperation and a United Nations convention on taxation was also discussed as a means to ensure equitable funding for public education for all.

KEY RECOMMENDATION 2:
Prioritize public education systems of good quality for all, increase national education funding to at least 6% of GDP and reinforce regulatory frameworks and accountability mechanisms.

KEY MESSAGE 3: Education data remains limited, particularly when assessing the impacts of privatisation and non-state educational interventions/activities.

The lack of data is a critical barrier to effective policy-making and regulation in the field of privatisation. The Dialogue highlighted the opacity in the operations of private educational entities, which complicates efforts to evaluate their impact comprehensively. Comparative data between public and private providers are often lacking. This complicates a clear assessment of the pros and cons of different types of education arrangements. Some participants argued that an international call for transparency and access to quality data is imperative to inform effective and relevant educational policies.

KEY RECOMMENDATION 3:
Governments should ensure that all education stakeholders, including private providers, are required to report data rigorously and transparently.

KEY MESSAGE 4: Privatisation in education can lead to increased inequality and fragmentation, underscoring the need for stronger regulatory frameworks.

While acknowledging that private actors can promote educational diversity and meet specific cultural, social, religious or pedagogical needs, participants raised concerns about the exacerbation of educational inequalities and commodification of education. Particular attention was given to the involvement of for-profit commercial entities, whose profit-driven motives may conflict with core principles outlined in the international legal framework for the right to education. The Dialogue underscored the complex nature of the participation of private actors in education, highlighting both its potential benefits and the challenges it presents to ensuring equitable and accessible quality education for all. There was a broad consensus on the adverse effects of privatisation, notably the exacerbation of inequalities and the fragmentation of school systems unless equitably regulated.

New forms of privatisation were criticised for creating parallel education systems where access and quality of education are contingent on financial capability. Private supplementary tutoring has, for example, seen immense growth in recent decades, driven by the perceived or real deficiencies in education systems. It reflects parental desires to secure the best possible learning outcomes for their children but also highlights systemic inequalities. In some cases, this has led to "perverse effects such as tutoring becoming an unofficial requirement to pass exams".

Private supplementary tutoring

The current financing gap for achieving SDG 4 on education is USD 97 billion, compared to USD 111 billion being spent on private supplementary tutoring across the globe (See Global Education Monitoring Report Team, 2023 and The Business Research Company, 2024). In Asia, for example, parents invest considerably in private tutoring, from 68 % of secondary school students in Bangladesh to 74 % of primary students in China, with considerable variations within each country.[2]

2 Bray, M., & Lykins, C. (2012). Shadow education: Private supplementary tutoring and its implications for policy makers in Asia (No. 9). Asian Development Bank.

The Dialogue also underscored that while the participation of private actors in education can offer some benefits, it requires careful management to prevent exacerbating existing inequalities and undermining public education systems. Unregulated private supplementary tutoring or 'shadow education' creates an unfair burden, with services inaccessible to those most in need. Conversely, non-governmental initiatives may help to fill gaps.

KEY RECOMMENDATION 4: Identify and promote best practices in education legislation and regulatory practice related to the role of private actors in education to build on and enhance equity and complementarity with public education.

Conclusion

The way forward involves a concerted effort to increase transparency and enhance public participation to develop regulatory frameworks. One issue discussed is whether, and to which extent, private providers of education should participate in the elaboration of the regulation that will be applied to them. In bringing together all relevant key stakeholders, such as government representatives, educators and their unions/associations, parents/legal guardians, learners, civil society actors, and the private sector, particular attention should be paid to ensure that private providers, particularly those from the commercial sector, are not given disproportionate space in discussions compared to civil society actors. Only through such a careful and inclusive approach can private actors contribute positively to the educational landscape, ensuring that the fundamental right to education is protected and enhanced for all.

Segment 2: Digitalisation and the right to education

How does digitalisation impact the right to education? The segment addressed three pivotal questions: (1) how (and to what extent) are new practices and emerging issues in the field of digitalisation affecting the right to education?; (2) what measures can be implemented to bridge the digital divide and promote inclusive education?; and (3) what are the ethical considerations and rights-based concerns regarding the use of digital technologies in education, especially concerning education quality, academic freedom, data protection and privacy?

Digitalisation was recognised as a major new trend in the field of education. Participants discussed the rapid advancement of educational technologies, including a common belief in the potential of 'EdTech', as a panacea to address entrenched inequalities. Far too often, its advantages are taken for granted in terms of bridging disparities without systematically considering the evidence for and against such 'techno-solutionism'. The meeting called for a far more critical assessment of its 'potential' – or as some argued 'perceived potential' due to a lack of research and data – and the pitfalls of relying heavily on digital tools for educational delivery. While these technologies offer new ways to engage learners and expand learning opportunities, they also raise critical concerns about educational quality, data privacy, the lack of public platforms and the resulting commercialisation of education.

KEY MESSAGE 5: The digital divide remains a significant barrier to the right to education and must be addressed concurrently with efforts to enhance educational quality.

While much hope was invested in digital solutions to ensure educational continuity during the COVID-19 pandemic, lessons learned included the impacts of prolonged school closures and technology-first solutions leaving a globally significant number of learners in vulnerable situations behind. Participants pointed out diminishing learning outcomes, stark disparities in digital access and the quality of services provided across different regions despite available technologies.[3] Significant portions of populations in the global South, for example, lacked basic internet access and locally relevant digital tools. There was a consensus on the urgent need to address the 'digital divide' as it exacerbates educational inequalities, leaving many (and especially those in the most vulnerable situations) behind in an interconnected world.

Policies must prioritise bridging the 'digital divide' with a combined focus on quality digital tools, increased teacher presence and internet connectivity, especially in underserved regions. Some participants stressed that the 'right to connectivity' is fundamental for quality life in the 21st century, while others emphasised the risks of a two-tier system, where poor digital services serve as stop-gap measures to replace declining investments in quality education.

3 UNESCO. 2023. An ed-tech tragedy? Educational technologies and school closures in the time of COVID-19. Available at: https://unesdoc.unesco.org/ark:/48223/pf0000386701 (Accessed 2 September 2024).

Ensuring that responses to the digital divide are accompanied by quality teaching is not a luxury.

KEY RECOMMENDATION 5: Urgently address the digital divide, with a combined focus on internet connectivity, quality digital tools, and increased in-person qualified teachers.

KEY MESSAGE 6: The rapid expansion of Ed-tech and AI raises critical questions about their impact on learning, access to quality education, and the potential to worsen existing inequalities.

The dialogue highlighted the need for a critical review of Ed-tech from the perspective of access, quality, and equity. The rise of Ed-tech and AI in educational settings may generate a form of structural privatisation by relying on private service providers and platforms, potentially undermining public education systems unless safeguards are put in place.

Participants also acknowledged the need for critical engagement with AI in the field of education, particularly with respect to the impact of the use of generative AI in both everyday life and learning environments. While a common narrative portrays AI as facilitating learning, this notion is being systematically questioned. There is a particular risk of AI displacing actual learning processes, particularly for the underprivileged without access to alternatives. Participants also mentioned the risks of AI undermining academic freedom and teachers' autonomy.

To mitigate some of these risks, participants called for robust regulatory frameworks that ensure digital tools enhance rather than replace traditional educational methods. Investment in new technologies should not come at the cost of reducing investments in core education infrastructure and human resources. As highlighted in UNESCO's recent publication An Ed-Tech Tragedy?, the sudden and extensive reliance on educational technologies during the COVID-19 pandemic led to numerous unintended consequences, worsening inequalities and diminishing educational experiences even when technology was accessible and functioning as intended.

The rise of educational technology (i.e. Ed-tech) represents structural privatisation and commercialisation in education, shifting control from public institutions to private companies. This shift involves outsourcing educational content and services, raising concerns about equity and access as education becomes more dependent on financial capabilities. The commercialisation of education through Ed-tech risks deepening inequalities, emphasising the need for strong regulatory frameworks to ensure innovation is balanced with inclusivity and fairness.

KEY RECOMMENDATION 6: Create human rights-based regulatory frameworks to ensure that Ed-tech and AI support, rather than substitute for established education methods, infrastructure, and personnel.

KEY MESSAGE 7: Digital education is often driven by supply rather than addressing actual learning needs and rights.

This segment underscored the complexity of integrating digital technologies into education systems. Participants expressed strong concerns about the supply-driven proliferation of Ed-tech solutions without adequately taking into account actual learning needs and perspectives from rights-holders.

Participants agreed that the shift towards digital education necessitates genuine participation processes involving all relevant stakeholders, including but not limited to policymakers, educators and their associations, learners and their associations, parents, private providers, civil society actors and the academic community. Such multi-stakeholder approaches will be critical to ensuring that educational technologies are inclusive and tailored to the diverse needs of all learners, particularly those in the Global South, where high-tech solutions are rarely accompanied by a resilient learning environment.

While acknowledging the potential benefits of digitalisation for expanding access and enhancing learning, it is clear that careful regulation and management are required to accompany digitalisation from a public goods perspective. Developing global standards for digital education that respect contextual differences, local realities and promote participation and inclusivity is essential for creating equitable and inclusive educational opportunities for all.

By fostering an inclusive, regulated, and rights-based approach to digital education, we can ensure that the transformative potential of digital technologies contributes positively to the global education landscape, upholding the fundamental right to education for all.

KEY RECOMMENDATION 7: Promote inclusive design and human rights-based participatory approaches to the regulation and design of digital education.

KEY MESSAGE 8: Digitalisation presents critical challenges related to ecological impact, ethical issues, and data privacy and regulation.

Digitalisation of education raises multiple concerns from environmental concerns to ethics, which are rarely dealt with in an explicit manner. Participants also raised major ethical concerns particularly regarding the use of AI, privatised platforms and data mining in educational contexts, which pose risks to privacy, academic freedom and data ownership. There is a pressing need for robust regulation to curb the exploitation of data and data mining in education. Transparent and robust safeguards must be established to protect student privacy and ensure ethical use of data. Without comprehensive oversight, data misuse can lead to significant breaches and unethical practices. Implementing stringent regulatory frameworks is essential to maintaining trust and integrity in the educational system.

In addition, participants recognised that digitalisation in education could have a significant ecological footprint, both in terms of significant energy demands of digital infrastructure and challenges with 'e-waste'. It is crucial to consider the ecological cost of AI, including its significant energy requirements, the production of toxic waste, and the demand for raw materials.

The environmental impact of AI technologies cannot be overlooked, as they contribute to increased energy consumption and resource depletion. Addressing these concerns through sustainable practices and innovative solutions is essential to mitigate the ecological footprint of AI advancements.

As education for tech solutions is scaled-up, there is an urgent need to accompany the design and roll-out of new technologies with adequate safeguards. Dialogue participants emphasised the importance of integrating environmental sustainability and the highest ethical standards into the design, development and implementation of educational technologies, including clear-cut regulations on data protection.

KEY RECOMMENDATION 8: Embed environmental considerations and human rights-based ethical safeguards into the design of digital education.

Conclusion

Participants at the event emphasised the significant uncertainties surrounding AI in education, highlighting the lack of sufficient evidence to support its positive impact. There is an urgent need for a deeper understanding of what constitutes meaningful evidence to effectively evaluate AI's potential and risks. Without this, making well-informed decisions about the integration of AI and other digital technologies in education remains a challenge.The discussion also stressed the importance of a genuinely participatory approach in evaluating digital products. Engaging all relevant stakeholders – educators, learners, policymakers, and civil society – in a meaningful way is crucial. Such an inclusive process can help to ensure that diverse perspectives are considered, fostering transparency and trust while leading to digital tools that better meet the real needs of the community, especially in underserved regions.

Finally, the discussion underscored the need for strong regulatory frameworks to address concerns about equity, data privacy, and the commercialisation of education. A balanced approach to digitalisation, grounded in human rights and sustainability, is essential to ensure that technology enhances, rather than undermines, the fundamental right to education for all learners.

Segment 3: Right to education in crisis situations

This segment explored the profound impact that crises – ranging from armed conflicts and natural disasters to pandemics – have on the right to education in terms of educational systems, quality services and access. It sought to examine some of the key challenges and propose strategies to ensure that learning continues, especially in times of crisis. The discussion revolved around three questions: (1) how (and to what extent) are new crisis patterns and emerging issues affecting the right to education?; (2) what policies are effective in safeguarding educational access for displaced populations?; and (3) what long-term strategies can be implemented to prevent and mitigate the educational disruption caused by crisis situations?

The participants explored how increasing global conflicts and climate change are driving the displacement of populations, disproportionately impacting vulnerable groups such as persons with disabilities, adolescents, and women and girls. Recent data indicates that globally displaced persons have surged to over 120 million, with education systems struggling to accommodate the influx in a meaningful and inclusive manner. This underscores the urgency of addressing educational access in such challenging contexts. The discussion also stressed the importance of measures like the Safe School Declaration and local emergency response strategies in ensuring the continuation of education.

KEY MESSAGE 9: Prolonged crises are leading to lost generations of children and youth without access to inclusive quality education.

Crisis situations form part of a new normal, particularly in protracted situations, affecting the right to education in unprecedented ways across the globe.

Education systems, for example, are increasingly bearing the brunt of displacement caused by escalating global conflicts and environmental changes, among other things.

The breakdown of traditional educational pathways forces displaced persons to confront the harsh realities of interrupted learning and limited access to educational facilities. In contexts such as Gaza or Sudan, where educational infrastructure is severely compromised, the challenge is not only about access but also about ensuring quality and continuity of education amidst turmoil. The prolongation of crisis situations is leading to lost generations of youth growing up without access to education.

Such scenarios demand robust, immediate, and contextualised educational responses that not only address immediate needs but also lay the groundwork for long-term educational resilience and resolution. Victims of crises need not become victims of a violation of their right to education too.

KEY RECOMMENDATION 9: Scale up both emergency and long-term responses with a focus on persons and groups in vulnerable situations, particularly individuals with disabilities, adolescents, and women and girls.

KEY MESSAGE 10: Education responses in crisis situations often emphasise immediate needs, potentially overlooking long-term stability and resilience.

While short-term education stop-gap measures are often in place, the link to long-term opportunities is often missing. Participants concluded that for education to serve as a stabilising force in crisis situations, strategies must extend beyond immediate responses to include long-term education planning. They highlighted the need for integrating robust data systems capable of delivering actionable insights for evidence-based programming and policymaking. There was a consensus on the importance of investing in emergency educational responses and supporting local organisations familiar with community needs to ground solutions in local environments. This included the importance of decolonising prevailing development models and advocating for educational policies that lessen dependence on unsustainable practices while promoting local empowerment. This approach, they noted, would allow education to support broader objectives of peace, resilience, and sustainable development.

Advocacy efforts were recognised as vital for ensuring long-term educational continuity, emphasising the need to adopt locally-driven educational frameworks that prioritise inclusive and equitable access to education for all, especially in areas affected by crises. Moving forward, there is a need to implement these strategies to ensure education remains a cornerstone of development and stability in challenging times, grounded in human rights law. This discussion also underscored the necessity for robust data integration and increased funding to enhance emergency educational responses.

KEY RECOMMENDATION 10: Develop long-term strategies for educational continuity in crises by integrating comprehensive data, increasing emergency funding, and adopting decolonised, locally-driven approaches that emphasise high-quality, inclusive education for all.

KEY MESSAGE 11: Crisis scenarios expose the complex interplay of various factors and drivers, from conflict to climate change.

Contemporary crisis scenarios often involve the intersection of climate and conflict dynamics, complicating the consequences for education from an equity perspective.

Participants concurred that addressing educational challenges in crisis situations demands an integrated intersectional approach that thoroughly meets the varying needs of displaced populations. Noting that the most vulnerable in societies are always hit harder by crises, it is crucial to adopt preventive measures addressing their specific needs. Considering the intersectional nature of education exclusion, participants called for more inclusive approaches addressing all forms of discrimination.

The need for strengthening integrated approaches included approaches that combine socio-emotional support mechanisms with flexible learning modalities, such as digital platforms, radio, and TV broadcasts, to reach students in remote and conflict-affected areas.

Moreover, participants stressed the importance of safeguarding teachers – often the frontline responders in educational crises – through enhanced protection measures and professional development, especially with regard to psychosocial support. Such support is crucial for sustaining teachers' health and well-being, ensuring education continuity in crisis situations, and maintaining the quality of education.

Policies must, therefore, be adaptive and inclusive, ensuring that all learners, especially the most vulnerable, are not only reached but also supported through tailored intersectional educational strategies that consider their specific circumstances and needs.

KEY RECOMMENDATION 11: Develop comprehensive strategies for and before crisis situations that integrate preventive measures, socio-emotional support, adaptable learning methods, intersectional approaches, and robust protection and development for educators.

Conclusion

This segment highlighted the imperative to bolster mechanisms safeguarding the right to education during crises. By addressing critical challenges, optimising resource allocation, and innovating policy formulations, the dialogue affirmed a collective commitment to enhancing educational equity and resilience anchored in a human rights-based approach. The segment closed with a consensus highlighting the necessity for strategic partnerships and sustained international cooperation to tackle the educational challenges posed by ongoing and emerging global crises.

Segment 4: Effectiveness of human rights

The segment was strategically focused on assessing the effectiveness of human rights mechanisms and partnership approaches in bolstering the right to education by raising three main questions:(1) How effective are existing human rights mechanisms in terms of monitoring emerging needs, trends and identifying implementation gaps in relation to the right to education?; (2) How have mechanisms, such as the Universal Periodic Review (UPR), contributed to enhancing dialogue and mobilising support for the right to education, notably from the perspective of inequalities?; and (3) Beyond the human rights mechanisms, what lessons can be learned from key partnership platforms and initiatives in enhancing the right to education?

The participants recognised that human rights mechanisms are essential for monitoring the domestic implementation of human rights, including the right to education.

In the case of education, such mechanisms can support states in making education systems more responsive and effective, ensuring transparency and accountability.

Best practices involve civil society organisations and other partners providing alternative perspectives and addressing the needs of vulnerable persons. However, challenges such as limited resources, restricted data access, lack of capacity and operational pressures hinder their effectiveness. States need to value and engage with these monitoring mechanisms, implementing their recommendations to strengthen education systems and fulfil international human rights obligations.

KEY MESSAGE 12: There is a pressing need for a more cohesive and integrated approach to reporting and monitoring the implementation of the right to education.

During this segment, participants discussed the importance of synergising reporting and monitoring approaches to enhance effectiveness. There was a consensus on the need to consider collaborative efforts, such as revitalising the Joint Expert Group UNESCO (CR) / ECOSOC (CESCR) and broadening its scope, to create shared reporting frameworks and a more cohesive and comprehensive monitoring framework. This would reduce the reporting burden on states and promote more effective data collection and sharing. Participants highlighted the necessity of involving multiple stakeholders, including civil society organisations, to ensure transparency and accountability, with a view to improving the quality of recommendations and follow-up actions.

Furthermore, participants emphasised the need for a more harmonised and unified approach to the recommendations provided by various human rights mechanisms and treaty bodies. This harmonisation would streamline efforts, reduce duplication, and enhance the overall effectiveness of the monitoring and implementation of the right to education. By aligning recommendations and reporting procedures across different bodies, states can better understand and implement the required actions to uphold the right to education.

KEY RECOMMENDATION 12: Strengthen collaborative frameworks on reporting, monitoring and recommendations to harmonise monitoring across different human rights mechanisms, and consider revitalising collective approaches like the Joint Expert Group UNESCO/ ECOSOC.

KEY MESSAGE 13: Civil society plays a crucial role in enabling independent monitoring and enhancing accountability.

Participants also underscored the challenges faced due to limited resources and the high costs associated with participating in international forums, advocating for greater accessibility and support for grassroots NGOs and human rights defenders, including capacity building.

Moreover, while multi-stakeholder platforms play a central role in the field of education, the dialogue explored options for enhancing rights-based approaches. A major concern, from a rights-based perspective, involves civil society monitoring of the right to education to enhance accountability efforts. Participants considered the necessity of integrating civil society organisation (CSO) involvement more deeply with national and international efforts. Where national legal measures are in place, such participation can enable the identification of specific gaps. By engaging a broader array of voices, including Indigenous peoples, minority groups, civil society, and grassroots organisations, new partnerships are critical to enhancing national monitoring processes, ensuring a more comprehensive assessment of the right to education, and identifying new avenues for implementation.

RECOMMENDATION 13: Expand support for grassroots NGOs, and establish formal roles for civil society organisations in monitoring national and international education efforts.

KEY MESSAGE 14: Human rights mechanisms are pivotal for advancing the right to education, yet many lack capacity and remain underutilised.

Evaluating the current state of human rights mechanisms, the panel deliberated on their capacity to adapt to emerging trends and scrutinise implementation gaps in the right to education framework. Whereas this is firmly established in the human rights system, the dialogue also noted a number of new normative developments emerging.

Human rights mechanisms like the Special Procedures, the Universal Periodic Review (UPR) and the Convention on the Rights of the Child (CRC) mechanisms were all highlighted as critical catalysts for enhancing dialogue, domestic legislation and mobilising international support for the right to education. Further effectiveness of existing mechanisms, such as the Human Rights Treaty Bodies' Individual Communications Procedures would ensure more robust accountability and responsiveness to violations of the right to education. Treaty-based complaint mechanisms and new protocols for reinforced indicator systems have enhanced the use of human rights mechanisms. Yet others, like the UNESCO Procedure for individual communications or ILO instruments

and mechanisms concerning child labour, Indigenous and tribal peoples and teachers may be underutilised. The UPR information database includes thousands of UPR recommendations to governments related to the right to education. While such mechanisms are frequently mobilised, implementation remains a common challenge.

KEY RECOMMENDATION 14: Foster deeper engagement with and more effective follow-up on human rights mechanisms.

KEY MESSAGE 15: While comprehensive monitoring poses challenges, focused indices such as HerAtlas illustrate the potential for targeted tracking and monitoring of inequalities.

Challenges such as inadequate resources, accessibility issues, and the need for more transparent data on inequalities were underscored as significant barriers limiting the efficacy of monitoring through existing human rights mechanisms. The discussion centred on the imperative to innovate and strengthen monitoring mechanisms, given rapidly evolving trends. This included the need for a multi-sectoral approach that monitors the intersection of educational rights with other human rights. Such an approach would involve enhancing the transparency of data and enabling a sharper focus on the intersectionality and inclusivity of monitoring processes. The participants discussed the limitations of existing global indices and proposed more focused, nuanced tools that could better capture the complexities and different dimensions and levels of the right to education. The relevance of focused indices - similar to HerAtlas (i.e. a UNESCO online platform that monitors girls' and women's right to education) - was highlighted. While comprehensive indexing of the right to education has been challenging, targeted approaches could potentially yield better monitoring and enable more targeted approaches to inequalities.

KEY RECOMMENDATION 15: Build stronger multi-stakeholder partnerships and coalitions for the right to education, acknowledging its interconnectedness with other human rights.

Conclusions and a way forward

The Dialogue explored the challenges and opportunities in addressing educational inequalities within the right to education framework. It highlighted the need for a unified, coordinated effort to strengthen human rights-based strategies in tackling these issues. Despite widespread recognition of the right to education, the Dialogue emphasised the importance of collective action in responding to emerging and future trends that are or will be reshaping the education sector.

A key takeaway was the importance of a learner-centred, rights-based approach, with collaboration between educational and human rights organisations being crucial. Such partnerships are essential for enhancing the implementation and monitoring of the right to education and ensuring lifelong learning opportunities for all.

In this context, the evolving rights agenda is critical. As education systems face new challenges, a dynamic and inclusive approach is necessary. UNESCO's Evolving Right to Education Initiative underscores the need to adapt the right to education to contemporary needs, including digital learning, educational equity, and the effects of globalisation–among other things. By fostering partnerships, we can develop a more resilient and adaptable educational framework that ensures fairness and accessibility, backed by robust mechanisms for monitoring and accountability.

Ultimately, a learner-centred approach is vital in this evolving landscape. It ensures that education systems are responsive to diverse needs, promoting inclusivity, personal growth, and lifelong learning. This focus not only fosters equity but also empowers individuals to contribute positively to society.

In summary, upholding the right to education in its evolving dimensions requires synergistic efforts from both the educational and human rights sectors. This collaboration is essential for addressing current and future educational challenges, ensuring that the right to education remains relevant and robust for all, regardless of circumstances.

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