



Factsheet on the right to education for children and young people

What is the right to education?

Education is a fundamental human right and essential for the exercise of other human rights. It promotes individual freedom and empowerment. To have the right to education means that one's education (formal and informal) is legally guaranteed, that no discrimination will cause an impediment to the right and that a State can be held accountable if someone's right to education is hampered. **Article 2 of the United Nations Convention on the Rights of the Child states that children and young people have the right to education regardless of their identity, race, gender, or disability; if they are in detention, or if they're a refugee.**

Children and young people have the right to both primary and secondary education and should be able to choose different subjects when in secondary school. This should include the option of technical and vocational training.

Statistics on children's lack of access to education

According to UNICEF, factors such conflict, gender, location, disability, and socioeconomic status exclude 263 million young people from school and deny them a chance to reach their full potential.

- 63 million children of primary school age (typically aged 6-11 years) are not in school.
- 61 million adolescents of lower secondary school (typically aged 12-14) are not in school.
- Adolescents of upper secondary school age, from 15-17 years, make up the largest group of those out of school. About 139 million (53 per cent of the total) are not in school.
- More than one half of all out-of-school children are in sub-Saharan Africa.
- 50 per cent of children who are out of school are girls.
- Nearly 1 in 4 of out-of-school children live in crises-affected countries.

Why is the right to education for children and young people important?

Education plays an important role for a child's development and empowerment. It is a sustainable means of poverty alleviation and the vehicle for driving peace, tolerance and sustainable development. Education is beneficial both to the children and the societies in which they live.

Which international treaties guarantee children's right to education?

The right to education can be found in many international human rights treaties. The right to education is enshrined in the 1948 UDHR (a milestone document in the history of human rights). The Convention on the Rights of the Child, one of the most ratified international treaty (with 191 state parties), specifically protects children and provides for children's right to education. Other international instruments that guarantee the right to education for children include:

- UNESCO Convention Against Discrimination in Education.
- International Covenant on Economic Social and Cultural Rights.
- Convention on the Rights of Persons with Disabilities.

Other non-binding declarations and international policy framework on the right to education include:

- The World Declaration on Education for All.
- The Dakar Framework for Action: Education for All.
- The UN General Assembly Resolution on the Right to Education in Emergency Situations.
- The Sustainable Development Goal 4 (SDG 4) of the 2030 Agenda.

Who guarantees children's right to education?

States have a legal obligation to:

- Guarantee free and compulsory access to primary education to all children without discrimination.
- Make secondary education available and accessible for children with the possibility of choosing between general and vocational education.
- Take measures to progressively provide for free secondary education and offering financial assistance in case of need.

What must governments do to guarantee the right to education for children?

Obligations under the right to education have been categorized under the **4As: Availability, Accessibility, Acceptability and Adaptability**. Governments must guarantee that education is:

- **Available:** Education is free for every child and there are adequate materials, classrooms, trained teachers and so on – to support delivery.
- **Accessible:** The education system is not discriminatory and accessible to all including disabled children and must be affordable for all children.
- **Acceptable:** Education must be of a high quality and include relevant information that is appropriate. Schools are safe and teachers practice professionalism.
- **Adaptable:** Schools and school systems must be suitable for the communities they serve.

What must governments do to support children in education?

- Take measures to encourage school attendance and reduce drop-out rates.
- Make sure children are not bullied in school.
- Ensure that punishment that amounts to violence against children in school is eliminated.

Does the right to education apply during emergencies?

Children's rights instruments as well as other international human rights apply in times of peace as well as in situations of emergency. While the realisation of some civil and political rights may be limited during situations declared national emergency, this is not the case with the right to education.

Who has obligations to guarantee Children's rights to education during armed conflict?

Governments as well non-state actors have obligations under international humanitarian law during situations of armed conflict. These obligations include among others, the non-target of civilians and civilian objects, which invariably includes school children and school infrastructure. During these times, Governments are not relieved of their obligation to guarantee the right to education but additionally third parties like Humanitarian contingencies must include education as part of the relief services for persons affected by armed conflicts.