



unesco

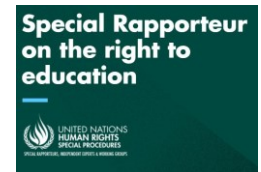
Swiss Commission
for UNESCO



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



**UNIVERSITÉ
DE GENÈVE**



GENEVA HUMAN RIGHTS DIALOGUE ON THE RIGHT TO EDUCATION

18 – 19 June 2024

Venue: International Bureau for Education, Geneva

About the Geneva Human Rights Dialogues

Since 2021, the Swiss Commission for UNESCO together with UN agencies, academia and NGOs organizes [human rights dialogues](#) in the fields of education, science, culture, and communication. The Dialogues provide platforms for frank and open discussions between leading thinkers and practitioners about challenges, trends, and strategies for strengthening international cooperation covering both substantive rights matters as well as the effectiveness of human rights mechanisms.

Participation adheres to the Chatham House rule for confidentiality and results in a public report with key insights and recommendations. The first three dialogues, which focused on freedom of expression, the right to science and cultural rights have helped frame new avenues for policy debate and multilateral action ([learn more here](#)).

4th thematic Dialogue – The Right to Education

Context

The right to education is a fundamental human right, pivotal for achieving personal and societal development. Despite national commitments and global support schemes, 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 privatization and digitalization including the introduction of artificial intelligence, and 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, addressing systemic inequalities complexities and reverting negative developments are crucial to advancing the right to education. This event aims to shed light on the right to education in the context of today's persistent and emerging challenges and on-going practices and trends, exploring innovative solutions to overcome inequalities and enhance effectiveness in implementing this essential right.

By examining the effects of privatization, digital advancements, and crises on educational access and quality, **we aim to understand emerging trends and formulate actionable recommendations.** The outcomes of this dialogue may guide policymakers, educators, and other key stakeholders in reinforcing the educational rights of every learner. These discussions will also inform the work of the [UN Special Rapporteur on the Right to Education](#), as well as 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 considering the forthcoming [Summit of the Future](#).

Format

During the event, there will be short 3-4 minutes input presentations by panelists on their relevant topic (informed by the outlined research questions), which will then be further unpacked and discussed with the wider group of participants.

Before the event, panelists are requested to provide a 150-word summary of their main argument(s), responding to specific questions for their dedicated segment and linked to the overall theme of inequalities and the right to education. These inputs will be shared with participants for their reflection and preparation ahead of the event.

The discussion will be leading to collective insights and possible recommendations for action. These will be synthesized in a summary document **after the event**.

Panels

Panel 1: Privatization and the Right to Education	4
Aim	5
Objective	5
Guiding questions	5
Panel 2: Digitalization and its Impact on the Right to Education	6
Aim	7
Objective	7
Guiding questions	7
Panel 3: Right to Education in Crisis Situations	8
Aim	9
Objective	9
Guiding questions	9
Panel 4: Effectiveness of human rights mechanisms and partnerships	11
Aim	11
Objective	12
Guiding questions	12
Draft Timeline	13

Panel 1: Privatization and the Right to Education

Debates around the role and impacts of privatization have a long history in the context of the right to education. Ranging from structural inequalities and the role of private actors to regulatory arrangements, public finance and quality, the entry points are multiple. Panelists are invited to engage with recent trends and practices in choosing their focus and questions raised.

The privatization in and of education – simply put, the involvement of non-state actors (be they for-profit or not) in education – is not a new phenomenon, bringing with it opportunities and challenges from the perspective of the right to education ([GEM report, 2021](#)). In particular, the commodification of education brings many concerns ([UN Special Rapporteur on the right to education report, 2019](#)). Trends operate both openly and in the shadows.

Private supplementary tutoring – also known as “shadow education” – can have a significant impact on the right to education, creating a potential divide in access to learning opportunities ([Bray, 2024](#); [Bray & Kwo, 2013](#)). Initially prominent in Asia, it has now become a global phenomenon with far-reaching implications for social equity, the organization of learning, teacher code of conduct, and the futures of education. It also represents a significant size of global markets (approx. US\$111 billion in 2023 ([The Business Research Company, 2024](#))). The expansion of such services is increasing, yet many governments pay little attention to the phenomenon.

Furthermore, the question of pluralism in education and the right to choose educational institutions require careful attention. Pluralism in education promotes and values a diverse landscape of state and non-state educational providers. In turn, this approach contributes to democracy by defusing polarization, increasing social mobility, fostering political tolerance and civic engagement ([Berner, 2024](#)), as well as ensuring respect for cultural diversity. This diversity in education provision is underpinned by international human rights norms, which affirm the rights of parents to choose educational institutions other than public education, including those that reflect their values, and the liberty of individuals and bodies to establish and direct educational institutions, provided these meet minimum educational standards established by the State ([Universal Declaration of Human Rights, 1948](#); [Convention against Discrimination in Education, 1960](#) and [International Covenant on Economic, Social and Cultural Rights, 1966](#)).

However, to maintain a robust public education system, which is essential for ensuring equitable access to education, States must ensure that non-state educational initiatives complement rather than diminish public institutions and that

all education providers abide by minimum education standards. Recognizing a tension between educational freedom and government standards, governments need to strengthen their regulatory capacity in order to enforce these standards while safeguarding education pluralism.

Central to this discussion is education financing. Under international human rights law, the State is responsible for education funding and must utilise its “maximum available resources” ([General Comment no. 13, CESCR, 1999](#)), including through progressive taxation to expand domestic funding. In this regard, there is a need to further unpack the nexus between public investment in education (e.g. through fair and just tax policies) and the challenges of privatization and commercialization in and of education, particularly with regard to equitable access to quality education for all ([Archer and Muntasim, 2020](#)).

There are thus nuanced ways in which privatization impacts educational access and quality, among other things, which highlight the need to strengthen the State’s role as steward of their entire education system.

Aim: The aim of this discussion is twofold:

- 1) to unpack some of the key issues; and
- 2) to explore potential solutions from the perspective of the right to education.

Objective: To critically analyze how privatization affects the right to education, particularly in terms of access to and the quality of education.

Guiding questions:

- 1) How (and to what extent) do emerging issues or new privatization practices affect inequalities in the enjoyment of the right to education?
- 2) How can we ensure greater financial investment in education to address inequalities?
- 3) How can policy interventions balance the benefits of privatization with the need to maintain equitable, inclusive, and quality education for all?

Panel 2: Digitalization and its Impact on the Right to Education

How does digitalization enhance or, conversely, impede the realization of the right to education? The topic is increasingly being debated at both national and global levels in diverse forums. We are particularly interested in new practices and emerging issues in the field of digitalization such as AI and new digital education platforms.

The shift towards digital education, already underway for several decades, gained unprecedented momentum during the COVID-19 pandemic as schools worldwide closed their doors and turned to technology, *inter alia*, to continue teaching and learning. This rapid change underscored the potential of digital technologies to maintain educational continuity during crises. However, there are substantial differences between Internet usage across regions: 40% in Africa, 64% in Asia-Pacific countries and 70% in Arab States, while it is between 80% and 90% in the Americas, Europe and Commonwealth of Independent States ([ITU, 2022](#)). In addition, 50% of learners worldwide do not have access to a household computer and 43% have no access to the internet at home, raising concerns about the digital divide and its impact on educational equality ([UNESCO, 2020](#)).

Historically, the integration of Information and Communication Technologies (ICTs) in education, from computers to interactive whiteboards, has been seen as a catalyst for pedagogical transformation, facilitating the delivery of diverse and engaging educational content. Yet, the mushrooming of Educational Technologies – better known as “Edtech” (i.e. a term that carries close associations with entrepreneurship, start-ups, fundraising, venture capital and privatization) – further exposes the complexities of reliance on digital tools for education. As such, there is a need for more humanistic directions for the development, integration and use of technology in education ([UNESCO, 2023](#)). Digital tools are not to replace in-person education, as teachers and educators must remain the primary interface of education.

Moreover, the “right to connectivity,” which includes the right to access and effectively use the internet and digital technologies, has become increasingly recognized as integral to the right to education. This concept is further strengthened by the [Rewired Global Declaration on Connectivity for Education \(2021\)](#), which emphasizes the need to ensure that connected technologies advance aspirations for inclusive education based on the principles of justice, equity and respect for human rights.

That said, the increasing digitalization and datafication of education raise pressing concerns linked to the quality of education, academic freedom, privacy and data

protection ([UNESCO, 2022](#); [UNESCO, 2023](#), [Special Rapporteur on the right to education, 2022](#), etc.). While AI, data-based analytics and other ICTs hold huge potential for the education sector and the creation of flexible lifelong learning pathways, they are also contributing to an increasing expanse of personal data processing, raising child online protection concerns ([ITU, 2021](#)). There are concerns that digitalization further opens the door to less public financing of education, and further privatization and commodification of the sector. Digital advancements are continually evolving, such as the recent development of generative AI, opening up not only new opportunities but also important risks ([Holmes and Porayska-Pomsta, 2023](#); [Holmes et al., 2021](#); see also [Beijing Consensus on Artificial Intelligence and Education, 2019](#)).

As the world continues to navigate and adapt to the digital transformation of education, it is crucial to address these disparities and ensure that digital technologies serve as a tool for enhancing, rather than undermining, educational equity and quality.

Aim: The aim of this discussion is twofold:

- 1) to unpack some of the key issues; and
- 2) to explore potential solutions from the perspective of the right to education.

Objective: To assess the opportunities and challenges that digital technologies present for the right to education, particularly in bridging or widening the digital divide.

Guiding questions:

- 1) How (and to what extent) are new practices and emerging issues in the field of digitalization affecting the right to education?
- 2) What measures can be implemented to bridge the digital divide and promote inclusive education?
- 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?

Panel 3: Right to Education in Crisis Situations

Educational access in times of crisis poses profound challenges. Armed conflicts, natural disasters, climate change effects, and pandemics – disrupt schooling and exacerbate educational inequalities across the globe. Each type of crisis affects education systems differently. Armed conflicts can lead to breakdowns in governance and attacks on schools, raising fears for students' safety and preventing parents from sending them to school; they also often lead to change in educational content and politicization of education. Natural disasters can destroy educational infrastructures or access routes, or disrupt financial stability, leaving families unable to pay education-related expenses. The lasting effects of climate change, such as rising sea levels and prolonged droughts, have made and will continue to make some areas uninhabitable, requiring sustainable solutions for community resettlement and continuity of education. Pandemics, exemplified by COVID-19, led to the closure of educational establishments and tested the adaptability of learning methods.

In these diverse contexts, several key issues come to the forefront. There is an urgent need to maintain access to education during emergencies, as well as for those displaced as a result, particularly vulnerable populations such as children, women and girls, minorities, and people with disabilities. Their existing inequality in the exercise of their right to, and access to, education is often reinforced during emergencies. Access to education in emergencies is critical for immediate protection against violence and exploitation, providing life-saving information and continuity of progress. Furthermore, education fosters long-term resilience, promotes peace and reconciliation, empowers individuals, and improves prospects for future generations, emphasizing its indispensable role in safeguarding lives and building brighter futures amidst crises.

The continuity of learning must be addressed through flexible delivery methods – such as digital platforms, radio, and television – that can reach students in remote or isolated areas. Moreover, the mental health impacts of crises call for psychosocial support integrated into educational programs to help students cope with trauma and stress. Ensuring the safety of students and staff is another critical element, necessitating secure learning environments free from violence, exploitation, and abuse. Each of these challenges demands comprehensive planning, robust policy-making, and effective international cooperation to uphold the right to education during unprecedented and ongoing emergencies.

In recent decades, the number of internally displaced persons has exploded, reaching 71.1 million by the end of 2022 ([IDMC, 2023](#)), a large proportion of whom are children forced to leave their country or region of origin. Conflict situations are

often at the root of these displacements, leading to a large influx of migrants seeking refuge elsewhere. In addition, the effects of climate change contribute significantly to this trend, with an estimated 21.6 million people displaced each year by climate-related hazards in the last decade alone ([IDMC, 2022](#)). The consequences of these displacements are profound, particularly for children, since almost half of refugee children (48%) are deprived of access to education, which constitutes a direct infringement of their fundamental rights ([OHCHR, 2023](#)).

The right to education for individuals in emergency situations is protected in the international legal framework through various instruments recognizing education as a fundamental right for all, regardless of circumstances, and urging states to ensure access to education especially in challenging situations like emergencies. However, much remains to be done. Legal frameworks in many countries still fall short of fully enshrining the educational rights of migrants and refugees, and the rights of internally displaced persons often remain invisible in both international and national policies, particularly with regard to climate-related displacement ([UNESCO, 2023](#)). The overwhelming majority of displaced populations – according to UNHCR ([2019](#)) 85% of refugees – are hosted by developing countries, which struggle to meet the educational demands without substantial international support and cooperation. Strengthening legal protections and supporting educational frameworks in these contexts, especially in the face of climate-related displacements, is imperative to uphold the educational rights of all children and adults affected by crises.

Whether addressed from a development or humanitarian perspective, sectoral responses diverge and present distinct challenges and opportunities responding to issues such as displacement, infrastructure degradation, teacher capacity or the breakdown of services. A key concern is also how and the extent to which inequalities related issues are reflected in responses.

Aim: The aim of this discussion is twofold:

- 1) to unpack some of the key issues; and
- 2) to explore potential solutions from the perspective of the right to education.

Objective: To identify strategies for maintaining educational access and quality during crises, ensuring that the right to education is upheld under all circumstances.

Guiding 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?
- 3) What long-term strategies can be implemented to prevent and mitigate the educational disruption caused by crisis situations?

Panel 4: Effectiveness of human rights mechanisms and partnerships

Human rights mechanisms, such as the Universal Periodic Review (UPR), are mandated to monitor the domestic implementation of human rights, including the right to education, as defined in international human rights treaties. Monitoring the right to education not only allows to assess the status of its implementation but is crucial to support the State in its efforts to implement this fundamental human right, making education systems more responsive, efficient and effective to reaching all learners ([UNESCO, 2019](#)). Such mechanisms also allow us to ensure transparency and accountability, which foster informed decision-making in relation to the education system.

Human rights mechanisms also rely on civil society organizations and other partners to inform their monitoring. These actors play an important role as they provide an alternative view and insights into national and international education challenges. Collating valuable information and serving as voices to the needs of individuals, especially those who are most vulnerable, these organisations contribute to upholding the right to education.

However, the effectiveness of human rights mechanisms, engaging civil society and other partners in monitoring the right to education is not without challenges. Lack of financial and human resources can affect their capacity to effectively monitor the situation, just as access to data and dialogue spaces may be an issue. In some contexts, pressures or restrictions can impede the ability of non-governmental organizations to operate independently. States should also see the value of the monitoring mechanisms, not only engaging in the monitoring process but also acknowledging their recommendations and implementing them. More needs to be done for States to harness the work conducted by these mechanisms to strengthen their education systems and fulfil their obligations under international human rights law.

The hope is to harvest lessons and articulate recommendations building on efforts such as the Right to Education Initiative. Addressing the challenges and leveraging these mechanisms can improve monitoring of the right to education and lead to concrete national measures being taken to advance the realization of this right.

Aim: The aim of this discussion is twofold:

- 1) to discuss existing mechanisms and identify challenges; and
- 2) to explore areas that can be further strengthened.

Objective: To strengthen the monitoring of the right to education by human rights mechanisms and by leveraging partnerships.

Guiding 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 UPR, contributed towards enhancing dialogue and mobilizing support for the right to education notably from the perspective of inequalities?
- 3) Beyond the human rights mechanisms, what are lessons from key partnership platforms and initiatives in enhancing the right to education?

Draft Timeline

Time	Session	
Day 1: June 18th		
8.20	<i>Arrival & Coffee</i>	
9.00 – 9.05	Welcome address <ul style="list-style-type: none"> Nicolas Mathieu, Swiss Commission for UNESCO Ana Luiza Thompson-Flores, UNESCO Liaison Office in Geneva 	
9.05 – 9.20	Opening remarks <ul style="list-style-type: none"> Stefania Giannini, ADG ED UNESCO Thomas Zeltner, CSU 	Moderation Peter Larsen
9.20 – 9.40	Keynote speeches <ul style="list-style-type: none"> Farida Shaheed, Special Rapporteur on the Right to Education Svein Oesttveit, UNESCO, IBE 	
9.40 – 11.10	1st segment: Privatization <ol style="list-style-type: none"> David Archer, ActionAid Thibaut Lauwerier, UniGE Ignasi Grau, OIDEL Ashley Berner, John Hopkins Institute Peter Colenso, Global School Forum Mark Bray, University of Hong-Kong 	Moderation Gita Steiner Khamsi, IHEID Rapporteur Mylene Bidaut, OHCHR
11.10 – 11.30	<i>Coffee Break</i>	
11.30 – 12.50	2nd segment: Digitalization <ol style="list-style-type: none"> tbc Wayne Holmes, University College of London Paul Olivier Dehaye, hesit.ai Janja Komljenovic, Lancaster University Sobhi Tawil, UNESCO 	Moderation Diandra Ni Bhuachalla, Youth Rep Rapporteur IBE tbc
12.50 – 14.10	<i>Lunch Break</i>	
14.10 – 15.40	3rd segment: Crisis situations <ol style="list-style-type: none"> Luke Pye, INEE Carolina Vergara, UNESCO, Geneva Hub on EIE Moira Faul, NORRAG Jonghwi Park, UNU Aiman Badri, UNESCO Sudan Ilaria Paolazzi, GCPEA 	Moderation tbc Rapporteur Laetitia Houlman, SCU

15.40 – 15.50	<i>Coffee Break</i>	
15h50 – 17.20	4th segment: Mechanisms 1) Rolla Moumne, UNESCO 2) Ann Skelton, Committee on the Right of the Child 3) Gina Pancorbo, Education International (tbc) 4) Delphine Dorsi, Right to Education Initiative 5) Jakob Schneider, OHCHR's HRTB	Moderation tbc Rapporteur Helen Griffiths
17.20 – 17.30	Conclusions and impressions Day 1	Peter Larsen
Day 2: June 19th		
8.20	<i>Arrival & Coffee</i>	
9.00 – 11.30	Wrap-up / Key messages and recommendations	
11.30 – 12.15	Conclusion (40 min) 1) Borhene Chakroun, UNESCO 2) Swiss Commission for UNESCO 3) Farida Shaheed, Special Rapporteur on the Right to Education 4) Ajmal Ramyar, Youth Rep 5) Diandra Ni Bhuachalla, Youth Rep Closing remarks and next steps (5 min) Peter Larsen, SCU	Moderation Peter Larsen, SCU
12.15 – 13.00	<i>Lunch</i>	