**Mandate of the Special Rapporteur on the right to education**

**Call for CONTRIBUTIONS:**

**THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES**

In her first report to the Human Rights Council, to be presented in June 2023, the Special Rapporteur on the right to education intends to undertake a review of the achievements of the mandate on the right to education over the last 25 years. Indeed, in 2023 the mandate will celebrate its 25th anniversary. The time has come to take stock of the advances the mandate has made in understanding the normative content of the right to education under international human rights law. It is also important to reassert and reassess the added value of an approach based on the human right to education in education matters.

In addition, in her report, the Special Rapporteur intends to identify the current main challenges to the right to education today and the crucial issues that deserve attention for the future.

Submissions should be sent electronically no later than **13 January 2023** to **hrc-sr-education@un.org**, using the email title: “Submission: the right to education”.

Please feel free to answer only the questions relevant to your work. Kindly limit your responses to **3,000 words** and attach annexes where necessary. Due to limited translation capacity, responses should be sent in a Word document, in English, French or Spanish. The document should include a clear reference to the submitting entity or person as well as paragraph numbers and be dated. Please also indicate if you have any objections regarding to your reply being posted on the OHCHR website.

1. **Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years**
	* + 1. In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

In my country the right to education is violated on different levels. Officials will use the phrase “the Right to Education” only to confront political issues, threatening people or punishing them. Students in jail are unlikely to have their schooling. Excel students are not getting their scholarships as per Ministry of Education (MOE) rules. Discrimination is the biggest manchette which makes our work very hard as we must look after the basic principles of the right to education and fight to make them happen. As a result, we -BTA (Bahrain Teachers Association) a banned NGO in Bahrain- joined and worked with several international organizations to defend this fundamental right and learnt a lot about it.

* + - 1. How do you assess the 4 A’s framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?

The 4 A’s will be found in the laws/rules and mostly, the availability. There are some covering practices that reflect the other 3 A’s on paper only. As indicated earlier, for accessibility, young students jailed on political background or due to religious issues are not having their schooling smoothly even with having Nasser Center for training and rehabilitation which was added in the last few years to accommodate some of the young prisoners. Acceptability and adaptability are far away as the curricula being changed to criminalized thousands of citizens and reflect only the authority views without any regard to the level of honesty, truth or the impact of the changes on students, teachers or families. This was clearly shown after changing the content of citizenship – a mandatory subject that is taught in G1-G12 and is planned to teach citizenship. In this subject majority of students are being taught that their families and relatives are terrorists from authorities’ perspective.

We believed that the framework should be reviewed and expanded to include non-bias experts to rewrite the laws and procedures of the 4 A’s to avoid more harm in the society and to obtain an acceptable level of accuracy and truth.

* + - 1. The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?

Education is compulsory only in the early years of schooling and it is indicated clearly in the educational law, but for some reasons and in some situations, it is used to threaten parents and send them to court if they object to an MOE issue and it happened.

On the other hand, even if young students in prison had a little access to Education, university level is completely forbidden. University students are not allowed to continue their studies in jail.

Education is free till G12, but students and their parents must buy uniforms, stationaries, and pay for all activities and research. Free education means only having books for free (not necessarily to be new books and students will be asked to pay penalty at the end of the academic year if the shapes of the book got worse) and not paying school fees.

All children’s in Bahrain can join any public school -according to their area of residence- even if they do not speak Arabic (which the teaching and learning language in the public sector).

The Education law states that each excel student has the right to gain a scholarship, but it is not the case on the ground. In the last few years, MOE has put its hands on all kinds of scholarships provided by diplomatic missions or any institution in the country. Scholarships are distributed in a secret manner so that large number of students are deprived from this right.

* + - 1. Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child? If yes, please provide examples. If not, please explain why not.

The right to education is implemented at some levels and violated at others. Article 26 of the Universal Declaration of Human Rights has 3 points, the 1st one is very clearly indicated in the laws and implemented. According to the 2nd point, there is a huge contradiction between what is taught and the practical practices. On one face, human rights are taught to the students and on the other face, students are in prison for practicing the taught rights. E.g. we have students who practices freedom of expression, freedom of assembly and religion freedom in jail. The 3rd point is not implemented at all, and Parents have no right to choose the kind of education that shall be given to their children. They have to follow what the authorities design and any objection will face a specific punishment.

Articles 13 & 14 of the International Covenant on Economic, Social and Cultural Rights are implemented with several violations as mentioned previously. I should say that there are several plans -old & new- to develop students’ personalities but unfortunately this is being done in a humiliating way. As students are learning fundamental rights and how to practice them, they are taught that their families are terrorists and whatever punishment they undertook is a right thing (Bahrain prisons are full of prisoners of consciousness, political prisoners, and prisoners for practicing their religious freedom). They are taught without any sense of dignity. This means that education is not directed to the full development of the human personality and the sense of its dignity. Therefore, they are weakening the respect for human rights and fundamental freedoms and will not enable them to effectively participate in society.

* + - 1. Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.

As per law the right to education is considered a justiciable right in my country, but unfortunately the judiciary system is not trusted by the majority. Even though some cases had been taken to court (university students released from jail after being imprisoned for political reasons). Those cases were in 2012-2015. The students were trying to return to the same specialists before being arrested, after struggling no one was returned to his old specialist. The verdicts were to change the specialist or to change the university. No new cases are known.

* + - 1. To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?

Discrimination is the basis for any educational procedure in my country. I will give some examples only. There is discrimination everywhere, starting from employing teachers into MOE, they will look at your religion sect in the first place, then to what level they think you are loyal to authorities. The preference will be if you are Sunni then, if there are vacancies the other sect will be chosen. Before starting each academic year, we will find those complaints in the social media, and lots will be telling their discrimination stories.

Discrimination is very clear while promoting teachers as they follow the same procedure. Students will face discrimination in scholarship’s as there are large number of complaints of not having their supposed to be scholarship as the law stated (there are number of studies in this issue).

There are number of recommendations form several human rights organizations recognized by Human Rights Council to my country to overcome this issue but unfortunately, they refuse to acknowledge the existence of discrimination and their policies are going on.

* + - 1. In countries where the Special Rapporteur has undertaken visits[[1]](#footnote-2), have recommendations been implemented? If so, please list recommendations acted upon.

My country is not listed.

* + - 1. In countries to which the Special Rapporteur has sent communications (allegation letters, urgent appeals and other letters)[[2]](#footnote-3), have measures been adopted to address the issues raised and ensure their non-recurrence? Please provide specifics.

No idea.

1. **Main challenges and crucial issues for the future**
2. In your view, what are the main challenges in your country in implementing the right to education?

The main challenges are the authorities themselves as the found laws to show how the right to education is fulfilled and at the same time, they do not implement those laws or rules.

* + 1. The big issue is the political view that controls the implementation of that right which results in being fully convinced that no one or no organization has the right to criticize any of the implementation issues which is considered as a crime and the person will be sent to interrogation. This minimized the criticism to a reluctance level.
		2. Another issue is measuring the loyalty level of people according to hidden criteria and making decisions upon the result reached.
		3. Treating MOE as a sensitive area that must not be touched or criticized, and whoever does this will be legally held accountable for insulting an official department.
		4. Demolishing Bahrain teachers association 12 years ago (the only non-governmental organization – Union- that defend education, teaching profession and teachers and refusing to reinstating it despite all international calling including ILO recommendations and many other organizations and replacing it with an indirectly controlled unions by MOE authorities.
		5. Lack of real knowledge of the meaning of the right to education and placing the implementation control in the hands of who barely have an idea about the rights in the international community.
1. What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?
2. Emphasizing the right to education for all students specially detained students, regardless of the reason of their detention, and not discriminating against political detainees and preventing them from not having their right.
3. Restore BTA the only non-governmental organization to work legally and do not impose any restrictions or harassments so that they can play their role in protecting the right to education.
4. Giving freedom to individuals and institutions to criticize, amend, object and interfere without criminalization.

You are invited to provide information only on the questions relevant to your work.

1. Algeria, Bhutan, Bosnia and Herzegovina, Botswana, Chile, China, Colombia, Ecuador, Fiji, Germany, Guatemala, Indonesia, Ivory Coast, Kazakhstan, Malaysia, Mexico, Mongolia, Morocco, Paraguay, Senegal, Seychelles, Tunisia, Türkiye, Uganda, United Kingdom and Northern Ireland, United States, Qatar.

[OHCHR | Country visits](https://www.ohchr.org/en/special-procedures/sr-education/country-visits) [↑](#footnote-ref-2)
2. [Communication search (ohchr.org)](https://spcommreports.ohchr.org/Tmsearch/TMDocuments) [↑](#footnote-ref-3)