**Report of the UN Special Rapporteur on the right to education**

**to the Human Rights Council**

**The right to education, advances and challenges**

Contribution by Catesco, Fundació Bofill and PINCat (Plataforma d’infància de Catalunya - *Catalonia’s Platform for Childhood*)

**Submitting entities**:

[***Catesco***](https://catesco.org/) (Catalonia for Education, Science and Culture Organization) is a Catalan association created in 1985 to promote the principles and values of UNESCO within the Catalan society, particularly in the fields of education, sustainable development, and human rights, as a means to bolster the conditions for peace. Since the adoption of the Agenda 2030, CATESCO has been particularly active in the transformation of education to achieve the Sustainable Development Goals by promoting projects and actions in alliance with other entities and with a local-global vision. CATESCO maintains relations with the United Nations Department of Global Communication and special consultative status with the United Nations Economic and Social Council (ECOSOC) in 2002.

[***Fundació Bofill***](https://fundaciobofill.cat/)is a non-profit organization created in 1969 with the goal of promoting transformation and social change in Catalonia with education as the lever. It is a research and proposal laboratory focused on the field of education that works to promote research, debates and initiatives to generate educational opportunities and combat social inequalities.

[***Plataforma d’infància de Catalunya***](https://www.tercersector.cat/pincat)(PINCat, *Catalonia’s Platform for Childhood*) is a platform created in 2011 that brings together all the member entities of the Taula d’Entitats del Tercer Sector Social de Catalunya (Catalonia’s Third Sector Platform) committed to childhood, and who work together to promote and defend the rights of the children recognized under the United Nations Convention on the Rights of the Child (1989), and spotlight the reality of childhood in our country, especially that of those with fewer opportunities and in a situation of vulnerability, network and promote transversal work, exchange and reflection between the entities, maintain a direct dialogue with the administrations and institutions with competences and/or interests concerning children, and promote the coordination with other entities within the State or the international arena.

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**Contribution of the submitants to the Report of the UN Special Rapporteur on the right to education to the Human Rights Council “The right to education, advances and challenges”**

1. Over the last 40 years, the right to education in Catalonia has expanded. Schooling 6-16 is universal and compulsory, and schooling 3-6 is universal with 95% of students enrolled. Moreover, 91% of the population aged 16 to 17 are in school[[1]](#footnote-1).
2. Despite more than 1.2 million people having arrived in Catalonia since 2002[[2]](#footnote-2), the Catalan education system has managed to provide schooling for the sons and daughters of this migration by creating specific educational supports in schools for. Nonetheless, this group is the one that suffers from worse educational results and has shorter school trajectories.
3. In the last two years, free schooling has been extended up until 2 years of age. Although this is far from universal, the goal in the next ten years is for all students to be schooled. As a result of said expansion, the illiteracy rate is only 1.7% and it is almost non-existent in the population under 65[[3]](#footnote-3). Besides, thanks to the efforts taken ahead in the last 25 years, nowadays 32% of Catalonia’s population enjoys higher education qualifications and 23% intermediate ones[[4]](#footnote-4).
4. While the right to schooling is guaranteed, the right to quality education has shortcomings due to a lack of equity in the system. Some of the areas for improvement are:

## Free education

1. Despite an increase in recent years and the fluctuations caused by the changes in the economy over the last two decades, investment in education in Catalonia has always been below the Spanish and European levels. In 2019 it stood at 3.70% of GDP, while the European average was 4.70%[[5]](#footnote-5). This underfunding is covered, in part, by the Catalan families who pay 1,364€/year for the education (compulsory and non-compulsory) of its members[[6]](#footnote-6). Neither the school material nor the complementary activities are guaranteed for all students. Scholarships and grants do not manage to even out the access and use of educational resources and facilities children receive. The effects of the economic costs of education are most evident in the post-compulsory level, which remains inaccessible for a part of the population due to a lack of means.

## Segregation

1. Catalonia is the second territory with more school segregation at the State level and the eighth within the European Union[[7]](#footnote-7). Despite a decline over the last decade, 39% of primary school students and 32% of secondary school ones should be relocated to balance out the social composition of the Catalan schools[[8]](#footnote-8).
2. It is worth highlighting the signature of the “[Pact against school segregation](https://www.sindic.cat/site/unitFiles/6058/Pacte%20segregacio%20escolar%202018_definitiu.pdf)” in March 2019 by most town councils of municipalities with over 10,000 inhabitants and agents of the educational community. This agreement bolstered the promulgation of the [11/2021 decree of February 16, of the programing of the educational offer and of the admission procedure in the schools of the *Servei d’Educació de Catalunya*](https://dogc.gencat.cat/ca/document-del-dogc/?documentId=893678) (Education Service of Catalonia), which will become the most appropriate mechanism to achieve the social balance of the students in all educational centers once its deployment is complete.

## School dropout

1. Catalonia has a 14.8% early school dropout rate, higher than the Spanish average (13.3%) and the European average (9.7% in 2021), which places Catalonia far from the 2020 European Goal of 10%. Socio-economic inequalities are a determining factor. To provide some examples, dropout rates are higher among young people whose mothers have low levels of education (20.1% compared to 4.1% of those whose mothers have completed higher education) and among young people who live in low-income households (18.8% in the households situated on the lowest quartile of income, compared to 0.8% in the households in the highest quartile)[[9]](#footnote-9).
2. However, it is worth noting that the Catalan school dropout rate has decreased considerably over the last 20 years: in 2002, it was 31.3%. Policies such as the reduction of school year repetition and the promotion of vocational training education, together with a sustained increase in secondary school graduation, have helped. Notwithstanding, these incipient measures are not enough to drastically reduce this issue, for which we might face a dropout rate increase again in periods of economic recovery.

## *High complexity* schools

1. In Catalonia, schools and high schools are classified according to the social vulnerability of the students attending them to achieve a better allocation of resources of different types. This is referred to as the degree of complexity of schools, being the most disadvantaged ones, schools of high or maximum complexity. In the last update of the classification (2021), a combination of several indicators were used, such as the level of education or employment of parents, the immigrant background, or the specific needs of educational support of students[[10]](#footnote-10).
2. Over 1 in every 4 schools (26,2%) in Catalonia is of high or maximum complexity, which accounts for a total of 594 schools (including primary and secondary schools). Despite the efforts to provide these with additional support and resources, they suffer more than the rest from the fact that education is not factually entirely free, such as in the case of trips and camps, complementary activities, transport, textbooks, and school material. Also, these schools have insufficient and inadequate teaching staff[[11]](#footnote-11). Regarding the students enrolled in high or maximum-complexity centers, their academic results and educational trajectories are well below the national average. At the end of obligatory schooling, nearly 40% of the students in these schools have a low level of mathematical competencies and 25% have a low level of language competencies[[12]](#footnote-12). Premature school dropout in these schools surpasses double the Catalan average, standing at 41.6%[[13]](#footnote-13).

## Inclusive education

1. The amount of students with specific needs for educational support continues to grow. In Catalonia, according to the latest data from the [Department of Education](https://educacio.gencat.cat/ca/departament/estadistiques/estadistiques-ensenyament/visualitzacio-dades/regim-general/), this group amounts to a total of 169,664 students. This is 6,000 more students than in the 2019-2020 school year (163,626) and almost 38,000 more compared to the 2018-2019 school year (131,882).
2. Increasingly, teachers have to manage a wider range of diversity in the classroom which establishes the need for a completely inclusive education system as more urgent than ever: complex socio-economic or socio-cultural situations, disorders that condition learning and behavior, migrant children or children with disability, among others.
3. After many years of struggle by families and professionals, it is relevant to emphasize that since 2017 Catalonia has the *Decree 150/2017, on educational service to students within the framework of an inclusive education system*, which represents great progress in the recognition and guarantee of the right to an inclusive education. However, as demonstrated by the dossier published by the [Taula d’entitats del Tercer Sector Social de Catalunya i la Plataforma d’Infància de Catalunya](https://www.tercersector.cat/sites/default/files/2022-11/2022-11_t3s_dossier_catalunya_social_el_desplegament_del_decret_descola_inclusiva_cinc_anys_despres_vweb.pdf) (2022), after five years of the Decree’s approval, its deployment, in reality, has been insufficient and has numerous shortcoming.
4. One of the main shortcomings is the lack of financial and human resources in schools and the fact that teachers are overwhelmed and cannot adequately attend students with special educational needs. Plus, there is a lack of a transversal inclusive approach and full accessibility of buildings and materials.
5. Some proposals to make inclusive education a reality would be:
6. Apply a plan of action that reviews the decree and its application throughout the territory to detect its shortcomings. Recently, the Department of Education published the provisional version of the [inclusive education resource map](https://educacio.gencat.cat/ca/departament/linies-estrategiques/educacio-inclusiva/), which represents a first step in this regard.
7. Take advantage of the qualifications and expertise of professionals from special education schools (schools within the education system that are enrolled only by students with disabilities) to offer training and support to ordinary schools for them to become truly inclusive and to offer permanent training for the entire school community (not just the teaching staff), as well as to professionals of other fields such as health services, to ensure comprehensive care.
8. Guarantee that inclusive schools exist throughout the territory, since there are obvious territorial inequalities, affecting especially rural areas. If a child wants to enroll in an inclusive ordinary school (not an special education school), it is most likely that he will not have one close to home.
9. Ensure that the inclusive school is a reality in all educational stages since students with educational needs have barely testimonial participation in higher education, representing between 1.5% and 2% of the total number of students. Access to higher education is essential and greatly conditions access to employment.
10. Adopt measures to guarantee access to education and educational success under conditions of equity and equal opportunities for students of migrant background with specific needs of educational support due to a late entry to the education system, deficient previous schooling and, the lack of mastery of the vehicular language for learning.

## Roma students

1. The inequality gap of Roma students throughout the entire educational itinerary stands out negatively. Two areas of concern affect the protection of the right to quality and inclusive education: the high rate of school failure (boys and girls who do not obtain the title of Compulsory Secondary Education) and the high rates of school segregation.
2. One of the causes of this inequality is the high concentration of Roma students in certain schools, especially in primary schools, in percentages that exceed 30% and that reach up to 70% and 80% in many cities. This is a consequence of apparently neutral practices, provisions and criteria (residential, access and enrollment rules in public schools, rules in private schools sustained with public funding,etc.) that because of practical purposes, end up exercising indirect discrimination and placing Roma students at a disadvantage negatively affecting the quality of their education, expectations, academic achievements and socialization process.
3. While inequalities already begin in the early years of education, namely, in school grades from 0 to 3 years of age, there is a noticeably lower participation of Roma children compared to the rest, it is during the high school years when these inequalities become more apparent. For example, according to a [comparative study](http://www.gitanos.org/centro_documentacion/publicaciones/fichas/102984.html.es) carried out in 2013, only 26% of 14 year old Roma students are on the school grade that corresponds to them according to their age (compared to 68% of the rest of the students), in the second year of high school 42% of Roma children have repeated a school year (compared to 13% of the rest of the students), and 64% of Roma students in high school arrive at 16 years of age and leave the educational system without having obtained the high school diploma (compared to 13% for the rest of the students).
4. In post-compulsory education the presence of Roma students is very scarce. Only 3.4% of Roma boys and girls are enrolled in secondary education to access university at 16 (compared to 49.8% of the total population). In intermediate vocational training and basic vocational training the percentages of Roma students are 13% at 17 years of age. In university studies, the participation of young Roma men and women is much lower than that of the rest of the population.
5. In spite of everything, some progress should be noted. At the policy level, the current Spanish education law (LOMLOE) presents progress thanks to the incorporation of the concept "students in a situation of socio-educational vulnerability". In terms of measures, the PROA+ (educational program for orientation, advancement and enrichment) and the Units for the Accompaniment and Personal and Family Guidance of Educationally Vulnerable Students are two initiatives in the right direction to combat school failure and dropout, which also have a considerable budget allocation. Regarding school segregation, there has been progress in the knowledge of how it specifically affects Roma students (causes, dynamics, consequences, etc.)[[14]](#footnote-14). Despite all this, the impact of these measures on Roma students is still low.

## Out-of-school activities

1. Activities beyond school hours offer children crucial opportunities for personal and social development and have increasingly become associated with the right to education within a framework of equality of opportunities. In Catalonia, despite 80% of children being enrolled in some kind of extracurricular activity, the percentage of those coming from a disadvantaged background is lower: 72% if the household income is €1,200/month, 89% if the income exceeds €3,000/month, and 65% compared to 87% if the parents of the child are higher education graduates.
2. Gender differences should also be highlighted, especially the fact that girls and young women do fewer sports activities (49% compared to 65% for boys and young men)[[15]](#footnote-15), up to the point that 80% of girls and young women in Catalonia do less physical activity than what WHO recommends[[16]](#footnote-16). Initiatives such as Barcelona City Council's ["Educational Afternoons"](https://ajuntament.barcelona.cat/educacio/ca/tardes-educatives) aim to expand access to out-of-school activities for the most disadvantaged children and youth.
3. Within out-of-school activities, the right to leisure time education needs a particular approach. Educational leisure time is a right of all children, as set out in several legal norms in Catalonia and Spain. Leisure education is of great importance in the development and growth of children, in the promotion of social relationships, and the acquisition of transversal competencies and social values, it is a space for active participation of children that promotes equity and equality of opportunities and, for all that, it is a key educational area.
4. For this reason, it is essential to universalize the investment to guarantee universal access to educational leisure and to make the public administration responsible for guaranteeing this duty, which often ends up being assumed by social entities, town councils, or the families themselves. Although the activities are designed taking into account all children and their diversity, the necessary resources do not always exist so that children with specific needs of educational support can access them. More resources are needed, such as, for example, specialized support staff, so that children with specific educational needs can participate in ordinary leisure activities, as well as improvement of professionals’ training on inclusive education.

## Quality and purpose of education

1. In compliance with the Universal Declaration of Human Rights, the Catalan Education Law (Llei d’Educació de Catalunya) guarantees students' right to a comprehensive education and their access to the education system[[17]](#footnote-17). However, taking under consideration, first of all, what is established by *SDG 4:* *Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all* and secondly, UNESCO’s call for transforming education and updating our education systems in order to shape more peaceful, just, and sustainable futures (*Reimagining Our Futures Together — A New Social Contract For Education*, 2021): there is still a gap between what the legislation advocates for and the reality of the Catalan education system. This gap is particularly serious and harmful in the case of students in vulnerable situations and schools in vulnerable contexts, as it has been widely explained in this report.
2. Assuming the cleavage between the reality of the Catalan education system and the aim established by SDG 4, as it is displayed in the Incheon Declaration, the global mandate to transform education and Catalonia’s long tradition of pedagogical renewal have led to the development of many relevant initiatives that aim for the transformation of education as a lever to face global challenges. Those initiatives have come both from the public administration and from civil society alliances. Two of the most important ones are:
3. *Catalonia’s New Curriculum: an opportunity to learn meaningfully* ([El Nou Curriculum):](https://projectes.xtec.cat/nou-curriculum/) in order to deploy territorially the current Spanish education law passed in 2020 (LOMLOE[[18]](#footnote-18)) , the Catalan Department of Education has published *Catalonia’s New Curriculum.* A curriculum that holds as a main objective to achieve meaningful and significant learning for all students. This implies bringing schools closer to real world’s problems and preparing learners to mobilize the knowledge and skills acquired to face global challenges and, ultimately, to contribute to a more just, democratic, cohesive and inclusive society. In addition, this curriculum avoids the rote approach and adopts a competencies based perspective while placing special emphasis on formative assessment.
4. *New School 21 (*[Escola Nova 21):](https://www.escolanova21.cat/escola-nova-21-en/) alliance between several civil society organizations, among which there were Catesco and Fundació Bofill, that aimed to catalyze the existing desire for change in education through a 3-year (2016-2019) project that would generate a wide movement to update the Catalan education system. The project contributed to consolidate and strengthen schools that were already contributing to build a new educational paradigm and it also accompanied a transformation process in around 500 schools belonging to 60 different networks. Moreover, the project had a strong impact on the Catalan educational agenda, establishing the need to transform education in order to respond to global challenges not as a temporary tendency but as a prevailing need.
5. **Linguistic model and social cohesion**
6. Catalan is a regional and minoritized language in a hostile context of coexistence with one of the languages with more speakers in the world, Spanish. In addition to the historical and political context of Catalonia, social and demographic changes in recent years have posed decisive challenges for the future of the language. Faced with these circumstances, education becomes a key aspect in the survival of the Catalan language and the protection of the rights of the speakers.
7. The Catalan school model consists of an inclusive model that avoids separating students based on their origin or mother tongue and that, in a multilingual framework, positions Catalan as the vehicular language of reference so that by the end of compulsory education every student reaches a perfect command of both Catalan and Spanish, and a functional competence of a third language[[19]](#footnote-19). This model aims to act as a countervailing force for the minorized situation of the language in the Catalan society, as it ensures that every child can learn both languages and the social cohesion is preserved. Thus, this model is fully aligned with the international claims for the protection of minority and minoritized languages by UNESCO, or those established in the European Charter for Regional or Minority Languages (Art. 7) which the Spanish state itself has acceded to[[20]](#footnote-20).
8. This model favors social cohesion and equity and guarantees equality of opportunity in terms of language skills. However, the latest data collected alarms of a drastic decrease in the use of Catalan in the school environment and therefore presents a risk of loss of social cohesion and equity in the system. If in 2006, 7 out of 10 students used Catalan while working in groups (peer to peer), in 2021 this proportion had dropped to 2 out of 10[[21]](#footnote-21).

Barcelona, 13 of January 2023

1. <https://educacio.gencat.cat/ca/departament/estadistiques/indicadors/sistema-educatiu/escolaritzacio/taxes-escolaritzacio/> [↑](#footnote-ref-1)
2. <https://www.idescat.cat/poblacioestrangera/?b=0> [↑](#footnote-ref-2)
3. <https://www.idescat.cat/pub/?id=censph&n=15> [↑](#footnote-ref-3)
4. <https://www.idescat.cat/novetats/?id=4047> [↑](#footnote-ref-4)
5. <https://www.idescat.cat/indicadors/?id=ue&n=10103> [↑](#footnote-ref-5)
6. <https://fundaciobofill.cat/publicacions/anuari-2020> [↑](#footnote-ref-6)
7. <https://fundaciobofill.cat/publicacions/informe-estat-i-evolucio-de-la-segregacio-escolar-catalunya> [↑](#footnote-ref-7)
8. [https://www.sindic.cat/site/unitFiles/8468/Informe%20Balanç%20Bianual%20PSE\_cat.pdf](https://www.sindic.cat/site/unitFiles/8468/Informe%20Balan%C3%A7%20Bianual%20PSE_cat.pdf) [↑](#footnote-ref-8)
9. <https://fundaciobofill.cat/publicacions/l-abandonament-escolar-prematur-a-catalunya-radiografia-de-la-situacio-actual> [↑](#footnote-ref-9)
10. <http://csda.gencat.cat/ca/arees-actuacio/publicacions/informes-avaluacio/26-tipologia-complexitat/> [↑](#footnote-ref-10)
11. <https://www.sindic.cat/site/unitFiles/7063/Informe%20centres%20elevada%20complexitat%20CV19_cat_def.pdf> [↑](#footnote-ref-11)
12. <http://csda.gencat.cat/web/.content/home/arees-actuacio/publicacions/quaderns-avaluacio/quaderns-avaluacio-53/quaderns-avaluacio-53.pdf> [↑](#footnote-ref-12)
13. <https://elobservatoriosocial.fundacionlacaixa.org/ca/-/l-abandonament-educatiu-prematur-reflecteix-les-desigualtats-socials-1> [↑](#footnote-ref-13)
14. <https://www.gitanos.org/estudios/estudio_piloto_exploratorio_sobre_la_segregacion_escolar_del_alumnado_gitano.html.es> [↑](#footnote-ref-14)
15. <https://www.educacio360.cat/wp-content/uploads/2021/05/c75-educacio360_pol89.pdf> [↑](#footnote-ref-15)
16. <https://www.sjdhospitalbarcelona.org/ca/noticies/80-nenes-adolescents-no-realitzen-lactivitat-fisica-recomanada-loms> [↑](#footnote-ref-16)
17. <https://educacio.gencat.cat/web/.content/home/departament/normativa/normativa-educacio/lec_12_2009.pdf> [↑](#footnote-ref-17)
18. <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-17264> [↑](#footnote-ref-18)
19. <https://www.udaltop.eus/documents/374239/1397153/udaltop_txostena_katalanak2.pdf/32210851-0461-004b-0aa4-6d2c848bcc4c?download=true> [↑](#footnote-ref-19)
20. https://llengua.gencat.cat/ca/serveis/informacio\_i\_difusio/publicacions\_en\_linia/classific\_temes/temes\_opuscles\_divulgatius/carta\_europea\_de\_les\_llengues\_regionals\_o\_minoritaries/ [↑](#footnote-ref-20)
21. https://www.ccma.cat/324/el-catala-en-clar-retroces-en-aules-patis-i-menjadors-escolars/noticia/3163043/ [↑](#footnote-ref-21)