**An Analysis of the Fundamental Right to an Education: Advances, Challenges, Setbacks, and Successes**

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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?
      1. The Citizen Outreach Coalition *affirms* that education is a human right that all should be entitled to regardless of an individual’s race, ethnicity, age, gender, religion, sexual orientation, gender identity, gender expression, disability, or economic status as described in the twenty-sixth article of the United Nations Universal Declaration of Human Rights [[1]](#footnote-1)
      2. Unfortunately, across the world, educational disparities exist and take a massive toll on individuals, and these disparities are often divided on the grounds of immutable characteristics
      3. In the United States of America, free education is guaranteed to all people; however, an equitable education is not guaranteed to all people
         1. Due to issues such as a lack of representation or forgetfulness of individuals in rural areas and individuals in communities where racial minorities make up the majority of a population, education remains inequitable[[2]](#footnote-2)
         2. Moreover, due to the United States’ method of funding schools where neighborhood property taxes fund public educational schools, individuals from lower-income backgrounds, which often are people of color, are not set-up for success for further education due to a lack of materials[[3]](#footnote-3)
         3. Many reports have outlined this disparity such as one from the US Department of Education which indicated that compared to white students, black students have a significantly lower rates of access to college-ready courses, which can hurt future educational attainment. Other reports have indicated that schools with 90% or more students of color spend as much as $733 less per student in a year than schools with 90% or more white students[[4]](#footnote-4)
      4. Despite the many consequences of the United States education system, it is important to note that an approach to education that guarantees and education to all people, treating education as a human right, is much better than the alternative
         1. In the experience of members working in countries such as Afghanistan or Sierra Leone, where a lack of education is extremely prevalent, substantiated by UNESCO data, educational disparities are even more stark and prevent many from attaining education necessary for daily life[[5]](#footnote-5)
         2. Thus the it is imperative that education continues to be approached as a fundamental human right, guaranteed to all people; however, work in the areas of promoting educational equity and overcoming the socioeconomic determinants of education is vital to achieve lasting change in the field of education
   2. 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.
      1. Unfortunately, the fundamental human right of education has not been progressively implemented based on the reference documents mentioned.
      2. Currently, education is not free in its “fundamental stages” as recommended in article 26 of the Universal Declaration of Human Rights and further emphasized in article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child
         1. Individuals in the United States, by and large, do not have access to universal pre-kindergarten education with only 3 of 50 states in the United States offering this necessity;[[6]](#footnote-6) as a result of this, parents often have to forsake work and take on more responsibilities to ensure that their children are taken care of and educated [[7]](#footnote-7)
      3. Moreover, although set forth by article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child, higher education in the United States and across the world is not equally accessible on the basis of merit
         1. Often, especially at elite institutions, rich students and legacy students have significantly higher admission rates than students from underserved communities; as a result, this furthers disparities in higher education by socioeconomic status[[8]](#footnote-8) [[9]](#footnote-9)
         2. Moreover, social determinants of educational access and equity fundamentally limit the ability of underserved communities to access education, simply because of immutable factors
      4. To continue, although emphasized in article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights, and article 29 of the Convention on the Rights of the Child education systems in the United States, often do not strengthen the respect for human rights and fundamental freedoms.
         1. States such as Alabama, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas have deeply disrespectful language within their schools’ curriculum that erase and ignore the identities of many LGBTQ+ individuals; in fact, before July 1st, 2022, Alabama teachers were required to teach in their classrooms that homosexuality is not an acceptable lifestyle and illegal under state law[[10]](#footnote-10)
         2. Racism can also be found in many school curricula, which can greatly harm the mental and physical well-being of students who have their experiences undermined by these state-mandated portions of educational material which disregard the effects of systemic racism and the United States’ history of slavery on individuals today[[11]](#footnote-11)
      5. Especially egregious is the United States’s violation of the concerned echoed in article 26 of the Universal Declaration of Human Rights, article 13 of the International Covenant on Economic, Social and Cultural Rights, and article 29 of the Convention on the Rights of the Child, where educational systems, often, do not prepare people to participate freely in society or promote tolerance of people regardless of their backgrounds
         1. In the United States, there is no mandatory (or often even recommended) civic education class available for students under the age of eighteen in the school system; this clear lack in education surrounding civic engagement prevents youth involvement with political systems. As a result of this, evidence has suggested that fewer than half of Americans ages 18 to 29 (eligible to vote) actually casted a ballot in the 2016 presidential election[[12]](#footnote-12)
         2. Moreover, the dominance of particular cultures in American society, such as the prevalence of Christianity and the caucasian race, has lead to less perspectives present in United States educational systems that often fail to provide accurate information about individuals who are not in the majority, excluding there narrative and experiences from public education[[13]](#footnote-13)
      6. Furthermore, although set forth by article 13 of the International Covenant on Economic, Social and Cultural Rights, educational systems do not promote the continual improvement of curriculum, which can prevent educational innovation.
         1. Many elements of the United States educational curriculum contain outdated elements that do not reflect or address current societal issues, sometimes disregarding modern issues. This greatly limits student appreciation and engagement with school material [[14]](#footnote-14) [[15]](#footnote-15) [[16]](#footnote-16)
      7. In addition, Although set forth by article 28 of the Convention on the Rights of the Child, measures have not be taken in the United States to make educational and vocational information and guidance available and accessible to all children;
         1. Access to vital information on future professions and further education after high school education is vital for all students in shaping their future plans and determining how they interact with their educational experience
         2. In the United States, students of different backgrounds have vast differences in access to educational and vocational information; in fact, recently data from public schools suggests that counselors in private schools spend as much as 47% of their time advising students while counselors in public schools only spend 21% of their time on advising, which may stem from the fact that, there are, on average, 482 public school students for every 1 guidance counselor[[17]](#footnote-17)
   3. 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.
      1. Education in the United States is – to a certain extent – a justiciable right that has been advanced and limited both on a national and state-level overtime; however, circumstances vary widely and different aspects of the right to an education have been justiciable in different ways at different times
      2. *San Antonio Independent School District v. Rodriguez* (1973)
         1. This case established that systems where public schools were funded by local property taxes could disadvantage children living in poorer areas.
      3. *Brown v. Board of Education* (1954)
         1. This case established that segregation of public schools was unconstitutional because it could case psychological harm on black students. This started the end of state-sanctioned segregation in public schools.
      4. *Green v. County School Board* (1968)
         1. This school required school districts to create realistic plans for active integration and not just allow students to choose what school to attend
      5. Keyes v. School District No. 1 (1973)
         1. This case established that the presence of Latino and African-American students in schools does not mean that a school is desegregated and urged school districts to eliminate racial segregation
      6. *Parents Involved in Community Schools v. Seattle School District* (2006)
         1. This case prevented schools from establishing racial quotas and racial balance requirements
      7. *Lau v. Nichols* (1974)
         1. This case ensured that students who were non-native speakers of English would be entitled to additional English language instruction
      8. *Plyler v. Doe* (1982)
         1. This case ensured that undocumented children in schools would be entitled to equal school education because otherwise schools would be discriminating on the basis of a factor beyond the students’ control.
      9. *Franklin v. Gwinnett County Public Schools* (1992)
         1. This case ensured that students that faced sexual harassment could still sue for damages
      10. *Board of Education v. Rowley* (1982)
          1. This case limited protections for students with disabilities, expressing that schools were not responsible for providing a maximally beneficial education, and students with disabilities could still succeed without certain accommodations
      11. *Honig v. Doe* (1988)
          1. This case ensured that when students with disabilities faced disciplinary action, they were still entitled to an Individualized Education Program (IEP) until the punishment had been agreed upon by the student’s parents
2. Main challenges and crucial issues for the future
3. In your view, what are the main challenges in your country in implementing the right to education?
4. Across the United States, there exists a wide variety of challenges in ensuring that all people have access to education and access to quality education.
5. Socioeconomics often play a crucial role in the way that children interact with education, whether they achieve success, and whether they have access to education in the first place. Systemic barriers and disparities in socioeconomics often lead to great differences in childhood success and can impact a child’s cognitive development. In fact, students with a low income family background are often found to develop academic skills slower as they persist through school, compared to children of high socioeconomic families. The disparity between students in higher-income towns and districts versus those in high-poverty areas attests to the shortcomings of the educational system in the United States. Socioeconomics plays such a critical role in education not only because it can determine student attitudes, but because people’s socioeconomic status directly correlates with their access to education, given the fact that school funding depends largely on the property taxes collected from the surrounding communities[[18]](#footnote-18)
6. Educational funding also plays a major role in limiting the education of those around the world. Across the USA's 50 states, there are highly inconsistent levels of state funding for public school districts. For example, following the 2009 recession, 35 states provided less funding per student. This is extremely problematic considering that a major portion of education spending in the U.S. comes from the states, meaning that if one state decreases its spending, it can create a widespread effect for the other states[[19]](#footnote-19)
7. In the United States, a concern that prevents many young people from receiving a quality education is the lack of access to safe schools. The United States is largely plagued with gun violence with recent statistics suggesting that as many as 12 children die from gun violence in America every day.[[20]](#footnote-20) As a result of a lack of protections for young people from gun violence, many people are unwilling to attend school, citing a fear of being killed while trying to learn. As a result of this, education has become out of reach for many individuals simply trying to stay alive[[21]](#footnote-21)
8. Gaps in educational achievement are especially prevalent amongst minority students who experience ongoing discrimination within school settings. This set up causes many individuals to receive dramatically different educational opportunities. Systemic racism and discrimination are ingrained in society’s structure with disparities in many students’ learning experiences plaguing our nation today and hindering many students’ future endeavors[[22]](#footnote-22)
9. Inequality among campuses within a district contributed to lower quality of education for students. Indeed, a district gives a school more funding if the general wealth of the region is higher.[[23]](#footnote-23) Unfortunately, this lack of funding means that poverty-stricken communities not only face additional socioeconomic barriers but also endure lower quality resources as well. Adequately distributing school funding is critical as it plays a major role in creating a balanced space for students and giving beneficial educational tools.[[24]](#footnote-24) This funding is absolutely necessary for these schools since they already face external issues with overcrowding in classrooms, leaving teachers unequipped to effectively teach their students.
10. What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?
11. Natural disasters which are worsening in intensity due to climate change is a major factor that keeps children out of schools, often forcing children to spend their time working to make up for the economic and health-related consequences of natural disasters
    1. Solutions: *invest* in sustainability to limit the effect of natural disasters; *form* partnerships with with non-governmental organizations and governments to support victim of natural disasters; *create* microfinance programs to temporarily support victims and help them develop their own methods of remaining economically well
12. Many schools across the world do not have access to vital learning materials such as books, chalk boards, pens, pencils, and textbooks which greatly reduces the material that can be taught and learned in educational circumstances
    1. Solutions: *partner* with global non-governmental organizations to provide these services at a low cost; *train* local scientists and educators to develop their own material using the power of microfinance; *run* workshops and other programs to distribute education from one community to another; *create* peer-lead working groups, allowing for students to learn from each other
13. Poverty remains a major issue that keeps children out of school; due to economic hardship, many children support their families by working instead of going to school
    1. Solutions: *use* microfinance to help families when times become difficult which they can use to start programs and businesses to remain economically afloat; *offer* school in a flexible manner such that students are able to come into school in early morning, in the evening, or on the weekends so they can continue to be educated
14. Societal perceptions of the role of women. Often, religious and social expectations can force women to work in their own homes rather than receive an education, preventing women from gaining basic educational skills necessary for survival
    1. Solutions: *work* and *partner* with religious and community leaders, who often have a major role in these decisions, to advocate for female education to ultimately allow for more women able to attend schools; *advertise* and better *represent* women leaders in society to empower women to seek education
15. The lack of feminine hygiene products in schools is a major issue; in fact, some reports have indicated that women may miss as many as 4 days every 4 week of school due to stigma, lack of access to hygiene materials, lack of safe bathrooms, or lack of understanding of period care [[25]](#footnote-25)
    1. Solutions: *provide* hygiene materials in safe bathroom locations; *work* with community leaders to provide sexual education; *invest* in education to the greater public about period care
16. Lack of teachers; across the world there are not enough teachers to educate the world’s number of students; in fact, a UNESCO report indicated that the world will need 69 million more teachers by 2030[[26]](#footnote-26)
    1. Solutions: *improve* pay for educators; *better* working hours for educators; *provide* methods for people in developing nations to become educators such as through scholarships
17. Lack of transportation; many people do not have the ability to attend school due to geographic distance, lack of transportation infrastructure, or limited access to methods motor vehicles
    1. Solutions: *invest* in infrastructure and better transportation systems that are safe for young people; *incentivise* carpooling; *host* traveling libraries and classrooms; *subsidize* bikes and other sustainable methods of getting around
18. One in every five girls is married before reaching age 18[[27]](#footnote-27) This prevents women from seeking education because of their newfound focus on running households and other domestic duties
    1. Solutions: *placing* legal protections for women under the age of 18 to prevent child marriages; *working* with community and religious leaders to prevent the officiation of wedding with child brides; *empower* women with greater levels of representation; *form* activities in safe places forwomen under the age of 18 to ensure they have a supportive community in the case of a child bride

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