**Call for CONTRIBUTIONS:**

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

Submission by the Ombudsman’s Office of the Republic of Latvia

31/01/2023

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?*
			2. *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 Ombudsman conducted a study in 2016-2017 on accessibility and higher education. The following problems were identified:

* Lack of information on the addresses of universities:
	+ Lack of information on university buildings (for example, it is indicated that the university has branches, but it is not possible to find out their addresses; at best, it is indicated in which city the branch is located). The situation was similar for student accommodation and libraries.
	+ From the information available on the university websites, it was not possible to clearly deduce in which buildings students of certain faculties or study programmes are undergoing studies. For example, it is not clear whether studies take place in the one building or several.
	+ 1.3 The university website only indicates a main building, however, after a conversation with the staff of the university, it can be concluded that studies take place in other buildings as well.
	+ As there was not enough information about university buildings in general, then also information on accessibility was not available.
* Universities do not tend to use their existing resources to ensure accessibility, e.g., digital tools for universities.
* In some cases, incomplete or superficial fulfilment of the technical parameters laid down in regulatory acts, e.g., ramps are too steep, there are no railings.
* Lack of signs or other guidance systems in buildings.
* More attention is paid to the needs of persons with reduced mobility than to other persons with disabilities, such as with visual and hearing impairments.
* Most student accommodation is not suitable for students with reduced mobility, which means that in most cases people with reduced mobility are only able to study in the city of their residence (if there is a university). At the same time, it was pointed out that, in certain student accommodation, the rooms adapted for persons with reduced mobility had not been used at all in the last few years.
* There is no student accommodation specifically adapted for students with visual impairments, and only 7% of the student accommodation is adapted for students with hearing impairments.

As a result of the Ombudsman’s efforts, most universities provided more information on their websites regarding university buildings, including their accessibility status.

For more information please see the summary attached.

* + - 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?*
			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.*

In Latvia, basic education and preparatory schooling for children who are at least 5 years old, is compulsory.

Until 2013, the common practice was such that parents of students would purchase teaching aids, stationary and other supplements needed for the education process themselves. It required substantial resources from the family budget. In 2012, the Ombudsman published a [report](https://www.tiesibsargs.lv/resource/tiesibsarga-zinojums-par-tiesibu-iegut-pamata-un-visparejo-izglitibu-bez-maksas-2012-gads/) on the right to free education and the duty of local governments (as the founders of schools) to ensure this right. The report was aimed at the teaching aids needed for the education process, with the term “teaching aids” encompassing the resources that are needed to undergo and complete the state basic education and general secondary education programmes. It was concluded that the request that parents purchase these teaching aids themselves, was not lawful. As a result, in 2013, amendments to the Education Law clearly stated which teaching aids are state-sponsored, which are local government-sponsored, and which should be purchased by parents. Now, parents do not have to purchase teaching aids anymore. Basic and secondary education is state-funded.

The right to free education is still not fully implemented in pre-schools. Schooling for children between 1,5 and 4 years old is not compulsory. Pre-schools founded by local governments are tuition-free, however not enough spaces are provided for all children to be able to attend. In 2022, the admission queue was 6868 children. This is a long-term problem. For children who attend private pre-schools due to a lack of spaces, the local government funds part of the tuition fee. The rest is covered by parents. In 2022, the average local government aid received by children between 1,5 and 4 years old, was 276.33 euros a month, while the average cost of tuition at a private pre-school was around 500 euros a month. In 2013, the Ombudsman proposed amendments to the Education Law that would make it the local government’s responsibility to finance pre-school education in private institutions in full if it is unable to provide enough spaces for all children. The proposal was not supported. It is worth noting that the Constitution (Satversme) guarantees the right to free basic and secondary education. Secondary education, as well as pre-school education is not compulsory, but it is guaranteed to be provided without cost.

* + - 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.*

Yes. For example, in case Nr. A420356314 of 10 October 2014, the Administrative District court made it a duty of the local government of a particular school to implement an education programme - special basic education programme for students with serious mental development disorders or several serious development disorders, programme code 21015911. The case was opened at the mother’s request. Both the decisions and actions of local government and education institutions can be appealed in court.

* + - 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?*

In 2022, the Ombudsman published a study on the Roma community. It was found that, in the field of education, it is necessary to pay close attention to Roma children already from pre-school age, in order to ensure a successful start to the schooling process. Special attention should be paid to the number of Roma children in special education institutions. The Ministry of Education and Science has been asked to assess and provide information to the Ombudsman on the work of the pedagogical medical commissions of local governments, and the alleged practice of unjustifiably placing Roma children in special educational institutions or providing education in inappropriate special educational programmes. The Ombudsman has also asked for information on whether Roma children who are taught in accordance with special educational programmes are provided with teaching assistants from the Roma community who could communicate with them in a language they understand. If not, how exactly do these Roma children acquire education.

Illiteracy was also identified as an issue. This severely impacts the ability of the Roma to receive social assistance. Although it was concluded that the majority of Roma people are aware and know where to turn for social assistance, most local governments indicated that most Roma are not able to read, write and therefore prepare a submission to apply for social assistance. This has raised the issue of the number of illiterate Roma and the measures to promote adult education in municipalities, regarding which most local governments had no information or provided no information, with some local governments referring only to Latvian language or naturalisation courses or educational opportunities at the evening school and the State Employment Agency. It is apparent that the issue of adult Roma education is either not being sufficiently addressed or is not addressed due to a lack of interest and active involvement of the Roma themselves (such courses have been organised and individual approach has been provided but they have not become sustainable in the long term).

More information on the findings is available in the document attached.

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

Legal norms guarantee every individual’s right to inclusive and good-quality education. In practice, the number of students that are undergoing education in general education institutions is increasing, however the quality of inclusive education is lacking. There is a lack of support personnel (specialized teachers, teaching assistants, social pedagogy experts), the job is low-paid, the environment is not adapted, the recommendations made to the schools by specialists are not being taken into account. For example, regarding the balance between studying and leisure time. As a result, violence among children is growing, while the quality of education for the whole class is decreasing.

In general, there is also a lack of accessibility (both physical accessibility and accessibility of information) for children with disabilities in the education system.

1. *What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?*

The right to free pre-school education should be strengthened in the constitutional level, as well as in international law.

The quality of inclusive education should be improved by increasing the number of support personnel available, as well as the renumeration they receive. Accessibility (both physical accessibility and accessibility of information) should be made a requirement for education institutions at all levels.

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)