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

**Call for CONTRIBUTIONS:**

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

**This contribution submitted January 11, 2023**

by Richard Fransham

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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**

I hope you will not dismiss this submission because it does not follow the format you have outlined. I feel you are missing something that requires very serious consideration on your part. To focus on the right to education without emphasizing that it be a rights respecting education is to mislead. The education most young people are subjected to is not rights respecting and therefore not preparing them for successful living in democratic societies.

There is no mystery as to the kinds of educational experiences that best serves young people and society in general, but those running the show have failed to sufficiently look beyond the form of education they received and consequently they keep perpetuating bad practices. I make these comments with the world population in mind. Whether young people live in a country where the right to education is well established or in a developing nation where many children may not have access to good learning opportunities, the thinking around what kind of education you are promoting needs to be far more sophisticated than what you are projecting. There are all sorts of resources available to expand ones imagination of the possibilities. Successful products of school as most people know them may be aware of them, but they have a hard time getting their heads around the solutions they provide. It was extended lived experience in a more rights respecting learning environment that sealed it for me, and it has made me skeptical of anyone who claims to know what such environments achieve without having such experience.

Let me take you back more than the 25 years you mention above. In 1968, the government of the Canadian Province of Ontario released the report of a committee it had commissioned to study the state of education in the province. It is an impressive report by eminent people. It is still relevant today in many ways, and something I recommend you have a look at for the respect and caring of young people that it emanates. It’s titled [*Living and Learning*](https://www.connexions.org/CxLibrary/Docs/CX5636-HallDennis.htm) and is also known as the [Hall-Dennis Report](https://www.connexions.org/CxLibrary/Docs/CX5636-HallDennis.htm), named after its principal authors. It points us in a healthy direction, but old school educators discredited it with poor implementation. The following quote is how the report describes education in the province at the time.

*“Today, on every side, however, there is heard a growing demand for a fresh look at education in Ontario. The Committee was told of inflexible programs, outdated curricula, unrealistic regulations, regimented organization, and mistaken aims of education. We heard from alienated students, frustrated teachers, irate parents, and concerned educators. Many public organizations and private individuals have told us of their growing discontent and lack of confidence in a school system which, in their opinion, has become outmoded and is failing those it exists to serve.”*

This description is as true today as it was over 50 years ago in first world countries like Canada. Some people will even argue that the situation today is actually worse than it was back then. It absolutely begs the question: “Why is it that education has remained so much the same for so long despite the high level of dissatisfaction it provokes?” I respectfully submit to you that the people tasked with correcting the problem have a blind spot. Your questions below suggest to me that you may be among them. I find your emphasis on the right to education with no clear indication of what type of education we are talking about to be ludicrous, and it has me thinking that all of the effort you are putting into this gathering of information, like so many previous efforts, is going to have little, if no, effect.

If what I have provided above makes some sense to you, please feel welcome to follow-up with me. I have been a serious student of education since I began my career in education decades ago and I see people struggling to cover ground I have covered. I’m happy to help anyone wanting to accelerate their journey.

Most sincerely,

Richard

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* + - 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. 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?
			2. 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?
			3. 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.
			4. 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.
			5. 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?
			6. In countries where the Special Rapporteur has undertaken visits[[1]](#footnote-2), have recommendations been implemented? If so, please list recommendations acted upon.
			7. 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?
3. What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?

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)