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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Andorra*, Angola*, Argentina, Austria, Belgium*, Brazil, Bulgaria*,
Canada*, Croatia, Czech Republic*, Denmark*, Ecuador*, Finland*,
Germany, Guatemala, Hungary, Iceland*, Ireland, Italy, Liechtenstein*,
Lithuania*, Luxembourg*, Mexico, Netherlands, Norway*, Panama*,
Paraguay, Poland*, Portugal*, San Marino*, Slovakia*, Spain*,
Sweden, Switzerland*, Thailand*, Timor-Leste*, Tunisia*,
United Kingdom of Great Britain and Northern Ireland, Venezuela*:
draft resolution**

2004/... The right to education

The Commission on Human Rights,

Recalling its previous resolutions on the right to education, inter alia resolution 2003/19 of 22 April 2003,

Recalling also that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further the Convention against Discrimination in Education adopted on 14 December 1960 by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education,

Welcoming the Dakar Framework for Action adopted at the World Education Forum, held in Dakar in April 2000, and the goals agreed upon at its adoption,

Noting the United Nations Millennium Declaration, in which it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015, and emphasizing the importance of realizing the right to education in attaining the Millennium Development Goals,

Affirming that the realization of the right to education, especially for girls, contributes to the eradication of poverty,

Welcoming the attention given to education in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and noting with interest that the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action dedicated part of its second session to a discussion on the issue of education (see E/CN.4/2004/20, chap. III, sect. A),

Noting the outcome document of the special session of the General Assembly on children, entitled “A world fit for children”, and its emphasis on education as a human right and the provision of quality education as a key factor in reducing poverty and child labour and promoting democracy, peace, tolerance and development,

Deeply concerned that some 120 million children, two thirds of whom are girls, have no access to education,

Welcoming the launching of the United Nations Literacy Decade by the General Assembly on 1 January 2003,

Affirming that good governance and the rule of law will assist all States to promote and protect human rights, including the right to education,

Bearing in mind the need for adequate financial resources so that everyone can realize their right to education, and the importance in this regard of national resource mobilization, as well as international cooperation,

1. *Takes note* of the report of the Special Rapporteur on the right to education (E/CN.4/2004/45 and Add.1 and 2) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2004/38);

2. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education and their general comments, notably general comment No. 11 on plans of action for primary education and No. 13 on the right to education, adopted by the Committee on Economic, Social and Cultural Rights, and general comment No. 1 on the aims of education adopted by the Committee on the Rights of the Child;

3. *Recalls* the holding by the Committee on Economic and Social Rights in May 2002, in cooperation with the United Nations Educational, Scientific and Cultural Organization, of a follow-up meeting to the general discussion of the Committee on the right to education held in November 1998, as well as to the World Education Forum, held in Dakar in April 2000;

4. *Commends* the collaboration between the United Nations Educational, Scientific and Cultural Organization and the Office of the United Nations High Commissioner for Human Rights;

5. *Welcomes* the first meeting of the joint expert group of the United Nations Educational, Scientific and Cultural Organization and the Committee on Economic, Social and Cultural Rights on the monitoring of right to education, held in May 2003, and encourages continued collaboration between these two bodies;

6. Welcomes the report of the United Nations Children's Fund entitled *The State of the World's Children 2004 - Girls, Education and Development*;

7. Urges all States:

(a) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children affected by infectious diseases, including HIV/AIDS, sexually exploited children, children deprived of their liberty, children living in the street, working children and orphaned children:

- Taking all necessary legislative measures to prohibit explicitly discrimination in education on the basis of race, colour, descent, national, ethnic or social origin, sex, language, religion, political or other opinion, property, disability, birth or other status which has the purpose or effect of nullifying or impairing equality of treatment in education;

(c) To improve all aspects of the quality of education aimed at ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills, and, in this regard, to emphasize the development of quality indicators and monitoring instruments, to promote a sound school environment, school health, preventive education against HIV/AIDS and drug abuse, and science and technology education, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(d) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches to increase access and attendance for all, for example by providing a minimum monthly income to the families of poor children attending school on a regular basis or free meals for children attending school;

- (e) To mainstream human rights education in educational activities, in order to strengthen respect for human rights and fundamental freedoms;
- (f) To enhance the status, morale and professionalism of teachers;
- (g) To recognize and promote lifelong learning for all, both in formal and in informal settings;
- (h) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;
- (i) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;
- (j) To adopt effective measures to encourage regular attendance at school and reduce school dropout rates;
- (k) To support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, to ensure that they enjoy the right to education and acquire the life skills necessary to overcome poverty and exclusion;
- (l) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;
- (m) To take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools,

and in this context to take measures to eliminate corporal punishment in schools, and to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims;

(n) To consider undertaking or supporting studies on best practices for elaborating and implementing strategies for improving the quality of education and meeting the learning needs of all;

(o) To give appropriate priority to the collection of quantitative and qualitative data relating to gender disparities in education;

(p) To submit information on best practices for the elimination of discrimination in access to education, as well as for the promotion of quality education, to the Special Rapporteur;

(q) To ensure that no child is prevented from receiving free primary education on account of his or her disability;

8. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

9. *Invites* the Special Rapporteur, within his or her mandate:

(a) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right to education, and to make recommendations on appropriate measures to promote and protect the realization of the right to education;

(b) To intensify efforts aimed at identifying ways and means to overcome obstacles and difficulties in the realization of the right to education;

(c) To pursue the collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and the cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees, and the dialogue with the World Bank;

(d) To cooperate with other special rapporteurs, representatives, experts and members and chairpersons of working groups of the Commission, and United Nations bodies, including human rights treaty bodies;

(e) To review the interdependence and interrelatedness of the right to education with other human rights;

(f) To apply a gender perspective in his or her work;

10. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization other partners that pursue the goals of the Dakar Framework for Action and the Special Rapporteur, with a view to further integrating the right to education into the operational activities of the United Nations system, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

11. *Requests* all States to continue cooperating with the Special Rapporteur with a view to facilitating his or her tasks in the discharge of his or her mandate and to respond favourably to his or her requests for information and visits;

12. *Requests* the Special Rapporteur to report to the Commission at its sixty-first session;

13. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his or her mandate;

14. *Decides* to consider the right to education at its sixty-first session under the same agenda item;

15. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/... of ... April 2004, approves the decision of the Commission to extend the mandate of the Special Rapporteur on the right to education for a period of three years and the request that the Special Rapporteur report to the Commission at its sixty-first session. The Council also approves the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his or her mandate.”
