

**Human Rights Council****Forty-fourth session**

15 June–3 July 2020

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Right to education: impact of the coronavirus disease crisis  
on the right to education – concerns, challenges and  
opportunities****Report of the Special Rapporteur on the right to education\****Summary*

In the present report, which was prepared pursuant to Human Rights Council resolutions 8/4, 35/2 and 38/9, the Special Rapporteur on the right to education commends the efforts made by Governments during the coronavirus disease (COVID-19) crisis to preserve human lives while facing scientific uncertainties.

The COVID-19 crisis has had numerous implications for all sectors of human life and led to both an economic crisis and an education crisis. In the present report, the Special Rapporteur analyses the issues she considers to be the most pressing from a human rights perspective. Acting within a human rights framework is indeed crucial to ensuring that measures adopted in response to the pandemic do not jeopardize the right to education and do not increase the suffering of the most marginalized.

The Special Rapporteur stresses that while numerous innovative measures have been adopted in all corners of the globe by many governmental and non-governmental stakeholders to ensure some continuity of education, they could never have been expected to compensate for the patent global lack of preparedness for a crisis of this magnitude. Past failures to build strong and resilient education systems and to fight entrenched inequalities have had a dramatic impact on the most vulnerable and marginalized, a situation to which no temporary measure adopted in haste could have fully responded.

The Special Rapporteur makes a number of recommendations. In particular, she recommends that a thorough assessment be conducted to unpack, in each local context, the dynamics at play that have led to increased discrimination in the enjoyment of the right to education during the crisis. Such an assessment should include an analysis of rising inequalities due to the measures adopted to face the pandemic; an investigation into the

\* The present report was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.



sustainability of economic and financial models behind education systems, including the consequences of poorly funding public educational institutions; scrutiny of the role of private actors in education; an evaluation of the adequacy of social protection provided for education workers, including in the private sector; and scrutiny of the lack of cooperation between State administrations, educational institutions, teachers, learners, parents and communities.

Furthermore, the Special Rapporteur stresses that the deployment of online distance learning (together with radio and television), should be seen only as a temporary solution aimed at addressing a crisis. The digitization of education should never replace on-site schooling with teachers, and the massive arrival of private actors through digital technology should be considered as a major danger for education systems and the right to education for all in the long term. A thorough debate needs to take place on the place that should be given to such learning in the future, keeping in mind not only possible opportunities but also the deleterious effect screens have on children and youth, including their right to health and education.

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## I. Introduction

1. In the present report, prepared pursuant to Human Rights Council resolutions 8/4, 35/2 and 38/9, the Special Rapporteur on the right to education addresses the impact of the coronavirus disease (COVID-19) crisis on the right to education. Given that the pandemic has affected, and continues to affect, the right to education in all parts of the world terribly, the Special Rapporteur has decided to modify her plans for the submission of thematic reports and to contribute to the ongoing global discussions on how to ensure continuity of education. In the present report, she addresses the issues she considers to be the most pressing from a human rights perspective.<sup>1</sup>

2. Much has been written about the appalling impact that the COVID-19 crisis has had on education systems and learners. Numerous actors, whether governmental, intergovernmental or non-governmental, at the national, regional and international levels, have issued useful guidelines and recommendations on how to address the situation of the more than 1.5 billion learners affected by the closure of schools and universities worldwide. Overall, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), as of 2 April 2020, 194 countries and territories had closed their schools nationally while in other countries schools closed locally.<sup>2</sup>

3. The Special Rapporteur welcomes the work done by international organizations such as UNESCO, the Islamic World Educational, Scientific and Cultural Organization, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees, the African Union, the Organization for Economic Cooperation and Development (OECD), the Global Partnership for Education and the Inter-Agency Network for Education in Emergencies (INEE), as well as by non-governmental organizations and trade unions throughout the world. She commends their efforts to foster international cooperation, share good practices and provide useful guidelines and suggestions on how best to address what can be called an education crisis.

4. Now that the first period – during which educational institutions were closed in haste, generally without warning or preparation – has passed, it is crucial to take stock of what has happened and to analyse the short-, medium- and long-term impact of this crisis on education.

5. As some countries have slowly started or plan to reopen educational institutions, the full implications of the COVID-19 crisis for education will depend on the measures adopted now. Most steps taken during the crisis have to be considered temporary in nature, while a number of others may open new possibilities. The main issue is whether we will be able to generate positive change while not undoing the progress made over recent decades, in particular in terms of access to education.

6. An assessment of the impact of the crisis should be done, however, without losing sight of the overall and wider context: public education systems remain underfunded and under pressure, inequalities in education are still striking, access to education is a dream for many and 258 million children and youth were already out of school before the pandemic,<sup>3</sup> including children with disabilities.<sup>4</sup> About 773 million persons today remain illiterate; many of them are women living in lower-income countries.<sup>5</sup>

7. The crisis has dramatically exacerbated already well-known issues regarding the implementation of the right to education. While it is important to assess the impact of the crisis, it is no less crucial to recognize how certain features of current educational systems have minimized or maximized the negative (or positive) impacts of the COVID-19 situation. In particular, structural discrimination has made a dramatic appearance during the

<sup>1</sup> Originally planned for submission to the Human Rights Council at its forty-fourth session, the thematic report on the cultural dimensions of the right to education will be prepared for consideration at a later date.

<sup>2</sup> See <https://en.unesco.org/covid19/educationresponse>.

<sup>3</sup> See <https://tellmaps.com/uis/oosc#!/tellmap/-528275754>.

<sup>4</sup> Submission by the International Disability Alliance and the International Disability and Development Consortium.

<sup>5</sup> See <http://uis.unesco.org/en/topic/literacy>.

education crisis, with the most marginalized and vulnerable groups being hit hardest. Furthermore, it is most likely that the education crisis has affected more forcefully countries where public education systems are fragile and where there is no mutual trust between citizens and public institutions, no social dialogue with teachers' unions and associations and no culture of nurturing a close relationship between schools, families and communities.

8. In preparation for her report, the Special Rapporteur participated in an online discussion on the rising inequalities in education due to the pandemic that was organized, under her mandate's auspices, in cooperation with the Global Initiative for Economic, Social and Cultural Rights and the Right to Education Initiative. Intergovernmental and non-governmental organizations contributed, including UNESCO, the Islamic World Educational, Scientific and Cultural Organization, the World Bank, the Global Partnership for Education and INEE. Furthermore, the Special Rapporteur was invited to participate in two online discussions: one organized by the Comité syndical francophone de l'éducation et de la formation in cooperation with Education International on the situation and participation of teachers during the crisis and one organized by the Global Campaign for Education on difficulties faced by civil society and the impact of the crisis on the right to education. She warmly thanks all the contributors for their time and input, including those who spontaneously submitted reports and contributions.<sup>6</sup>

## II. Legal and regulatory frameworks

9. Unlike the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights does not contain a provision on possible derogations from State obligations.

10. Therefore, during crises, States parties to the International Covenant on Economic, Social and Cultural Rights must continue to ensure the right to education (art. 13), an obligation also enshrined in the Universal Declaration of Human Rights (art. 26). Where measures limit Covenant rights, such as the closure or partial reopening of educational institutions, they should comply with the conditions set out in article 4 of the Covenant and article 29 of the Universal Declaration of Human Rights.

11. As stressed by the Committee on Economic, Social and Cultural Rights, in essence, measures adopted that limit Covenant rights must be necessary to combat the public health crisis posed by COVID-19 and be reasonable and proportionate. Emergency measures and powers adopted by States parties to address the pandemic should not be abused and should be lifted as soon as they are no longer necessary for protecting public health. In addition, responses to the pandemic should be based on the best available scientific evidence to protect public health.<sup>7</sup>

12. The Special Rapporteur concurs with the Committee that, as this pandemic and the measures taken to combat it have had a disproportionately negative impact on the most marginalized groups, States must make every effort to mobilize the necessary resources to combat COVID-19 in the most equitable manner, in order to avoid imposing a further economic burden on these marginalized groups. Allocation of resources should prioritize the special needs of these groups.<sup>8</sup>

13. The right to education is of particular importance to children. Like the Covenant, the Convention on the Rights of the Child does not contain a derogation clause. The Committee on the Rights of the Child has made clear, however, that restrictions imposed on children's rights in order to protect public health must be imposed only when necessary, be proportionate and kept to an absolute minimum.<sup>9</sup> Furthermore, any such restrictions should

<sup>6</sup> The contributions received by the Special Rapporteur will be made available at [www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx](http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx).

<sup>7</sup> E/C.12/2020/1, paras. 10–11.

<sup>8</sup> *Ibid.*, para. 14.

<sup>9</sup> Committee on the Rights of the Child, statement dated 7 April 2020, available from [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/ST.A/9095&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/ST.A/9095&Lang=en).

reflect the principle of holding the best interests of the child as a primary consideration (art. 3 (1) of the Convention). This includes restrictions on a child's right to education (art. 28).<sup>10</sup>

14. Resorting to the framework set out in general comment No. 13 (1999) on the right to education to assess challenges and priorities and to ensure that the most vulnerable are not left behind, is crucial. In accordance with that framework,<sup>11</sup> education must exhibit the following interrelated and essential features, all of which are of particular relevance in times of crisis:

(a) Availability, which requires that functioning educational institutions, including sanitation facilities for both sexes and safe drinking water, be available, as well as trained teachers, teaching materials, computer facilities and information technology;

(b) Accessibility, meaning that educational institutions and programmes have to be physically and economically accessible to everyone, without discrimination;

(c) Acceptability, meaning that the form and substance of education, including its curricula and teaching methods, have to be acceptable (i.e., they must be relevant, culturally appropriate and of good quality) to students and, in appropriate cases, to parents; this is subject to the educational objectives set out in article 13 (1) of the International Covenant on Economic, Social and Cultural Rights and such minimum educational standards as may be approved by the State in accordance with article 13 (3)–(4) of that same Covenant;

(d) Adaptability, which demands that education be flexible, so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

15. While understanding that many were caught by surprise by the closure of educational institutions and that it was necessary to urgently take action, the Special Rapporteur insists on the importance of abiding by this framework for the sake not only of equality and equity but also of efficiency. For example, distance learning must be implemented keeping in mind the framework in order to avoid widening rather than narrowing inequalities. Furthermore, the availability, accessibility, acceptability and adaptability framework demands close cooperation among institutions, teachers, families and communities to ensure that the needs of learners and their families are understood. This is at odds with certain authoritarian and top-down attitudes reinforced in times of crisis, as exemplified in many parts of the world.

16. There is an opportunity to “build back better” after the pandemic and to address past weaknesses. To do so, however, there must be an understanding of how policies and legal and regulatory frameworks that failed to sufficiently integrate a human rights-based approach may have exacerbated the negative impact of the pandemic on the right to education of the most vulnerable.

17. It appears necessary to reinforce and adjust these policies and legal and regulatory frameworks in order to face the next crisis, for example by:

(a) Integrating the availability, accessibility, acceptability and adaptability framework at all levels of the education system, including at the level of schools. The framework is a powerful tool for addressing inequalities in the enjoyment of the right to inclusive quality education. It helps build a culture of human rights within education systems, as well as a culture of cooperation among all stakeholders, including parents and communities, as a solid foundation from which to address future crises in a timely and reactive manner;

(b) Fully integrating the rights of children, for whom the right to education is of special importance and who should be considered as rights holders;

(c) Focusing on the most vulnerable as a matter of priority;

<sup>10</sup> Ibid.

<sup>11</sup> See also principle 14 of the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education.

(d) Developing emergency education preparedness plans within national education systems globally, as few countries have crisis-sensitive education plans<sup>12</sup> and educational planners at all levels are not sufficiently trained in this respect. These plans should be based on the right to education for all and the availability, accessibility, acceptability and adaptability framework;

(e) Placing the right to public education at the heart of educational policies. In particular, legal and regulatory frameworks should integrate the right of access to public educational institutions and programmes on a non-discriminatory basis as a core obligation, in accordance with article 13 of the Covenant.<sup>13</sup> Countries with strong public education systems are more likely to respond to educational crises than others, in the same way that countries with strong public health services are better able to respond to health crises. More widely, implementing the right to public, inclusive, quality education for all on a long-term basis is the best way to combat the inequalities that the COVID-19 crisis did not create but exposed and widened significantly. Temporary measures adopted during a crisis can only minimize impact, not solve inequalities.

18. As societies are hit by an enormous economic crisis with long-lasting effects, the Special Rapporteur reminds States of their obligation under article 2 of the Covenant to devote their maximum available resources to achieving progressively the full realization of the rights recognized in the Covenant. According to the Committee, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.<sup>14</sup> In this context, the Abidjan principles on the human rights obligations of States to provide public education and to regulate private involvement in education provide useful guidance.<sup>15</sup>

### III. Issues of concern

19. Most States and other stakeholders, including intergovernmental and civil society organizations, have done their best to address the education crisis in a very short time. The Special Rapporteur salutes these efforts. She has received numerous testimonies, from all parts of the world, about the deployment of distance learning through high-tech solutions (such as online teaching), low-tech solutions (using radio or television) or no-tech solutions (such as distribution of documents); actions adopted to reach the most vulnerable; and support provided to teachers and families to ensure the provision of home schooling and attention to the well-being of learners and their families. She pays special tribute to teachers, many of whom are women, who have demonstrated courage (in particular those who have taken care of the children of frontline workers), commitment, creativity in designing new teaching methods and in finding ways to remain in contact with learners and flexibility in adapting to the new context.

20. Such measures could never, however, be expected to compensate for the patent global lack of preparedness for a crisis of this magnitude. Moreover, past failures to build strong and resilient education systems have had a dramatic impact on the most vulnerable and marginalized, a situation to which no temporary measure adopted in haste could have fully responded.

21. An overall assessment is necessary, as stakeholders must ensure that they are prepared for the next crisis. Such an assessment should include: an analysis of rising inequalities due to the measures adopted to face the pandemic; an investigation into the sustainability of economic and financial models behind education systems, including the consequences of poor funding of public educational institutions; a scrutiny of the role of private actors in education; an evaluation of the adequacy of social protection provided for education workers, including in the private sector; and scrutiny of the lack of cooperation between State administrations, educational institutions, teachers, learners, parents and

<sup>12</sup> <https://inee.org/collections/education-planning>.

<sup>13</sup> General comment No. 13, para. 57.

<sup>14</sup> General comment No. 3 (1990) on the nature of States parties' obligations, para. 9.

<sup>15</sup> See, in particular, principles 45–46.

communities. In addition, as digital learning has increased exponentially, a thorough debate needs to take place on the place that should be given to such learning in the future, keeping in mind not only the possible opportunities but also the deleterious effect that screens have on children and youth, including on their right to health and education. Attention also needs to be paid to the risks posed by a shift to online education to those children at risk of digital exclusion or with special educational needs.

## A. Structural discrimination and rising inequalities

22. The Special Rapporteur is deeply concerned about the significant widening of inequalities in access to education as a consequence of the closure of educational institutions and the social and economic crisis resulting from the pandemic.

23. New grounds of discrimination may be of increasing importance in the post-COVID-19 context, such as the lack of access to the Internet. Ultimately, however, those grounds simply correspond to preexisting structural inequalities within societies based, in particular, on social and economic status, remote location, sex and gender, language, religion, colour, national or ethnic origin, disability or other status. Huge differences in access to education also exist between and within countries. The situation of children in humanitarian contexts (refugees<sup>16</sup> and conflict-affected populations) is also of great concern.

24. The closure of schools and universities has interrupted the learning of countless individuals. Where closures have lasted only a few weeks, where parents have been in a position to ensure effective home schooling and where children have enjoyed continued support from their teachers and access to digital learning platforms, the consequences may have been limited. Children who were already performing well and who benefited from good physical, social, economic and psychological conditions at home may have had no problem at all. The same is true of those older learners who have been able to access online education and other forms of pedagogical and social support.

25. For many others however, school closures have been devastating, with significant long-term repercussions on their right to education and lost opportunities affecting their futures.<sup>17</sup> For many children, school closures have resulted in an acceleration of inequalities. This has been particularly true for children who are socially vulnerable, whose parents are not in a position to ensure effective home schooling and who do not speak the same language as is used at school, who live in poor quality or unsafe housing, who experience digital exclusion, who care for others, who have experienced economic precariousness and hunger as a result of the school closures and who were not able to access or benefit from online learning. The COVID-19 pandemic may result in children and youth dropping out permanently from education for diverse reasons, including the inability of parents to pay school fees in the post-COVID-19 context, the need to support their families economically, the bankruptcy of their school or the incapacity of their school to ensure the hygiene and protection measures needed to ensure a safe return in the short term. For many, school closures have also translated into the end of access to social services, including school meals and psychosocial support services. The lockdown and the severing of the link with educational services has increased the risk of domestic violence and psychosocial distress, sexual and gender-based violence, child marriage, child labour and child trafficking, recruitment and use in armed conflict. Based on previous crises such as the Ebola crisis, early estimates predict that 10 million more girls will be out of school than before the pandemic once all schools reopen.<sup>18</sup>

26. The situation also remains extremely difficult for those students who are no longer able to support themselves and/or pay off their debts because they have lost their jobs.

<sup>16</sup> See the Special Rapporteur's report on the right to education of refugees (A/73/262).

<sup>17</sup> George Psacharopoulos and others, "The COVID-19 cost of school closures" (Brookings, 29 April 2020).

<sup>18</sup> Malala Fund, "Girls' education and COVID-19: what past shocks can teach us about mitigating the impact of pandemics", p. 2, and OHCHR, "COVID-19 and women's human rights: guidance", 15 April 2020.



Some foreign students have not been able to return home and have found themselves isolated, destitute and living in poor-quality housing.

27. Too often, measures adopted to minimize the impact of COVID-19 on the continuity of education did not focus on the realization of human rights, requiring decision makers to address the situation and the needs of the most vulnerable and to ensure the implementation of the non-discrimination principle.

28. The Special Rapporteur notes with concern, for example, information according to which some Governments have deprioritized education for refugee communities during the crisis. There have also been examples of discrimination against children of health workers, many of whom have not been allowed to go back to their usual classes after the schools reopened for fear that they would be contagious. In some instances, children in detention and State care have seen their education suspended in the context of COVID-19.

29. Reportedly, some Governments did not address the situation of children with disabilities, or did so when it was already too late. Children with intellectual disabilities are at higher risk of exclusion and more likely to drop out of school because few parents or caregivers are trained to support them in homeschooling. Furthermore, remote learning is frequently not appropriate nor tailored to their educational needs. Children with intellectual disabilities may need additional face-to-face support.<sup>19</sup> Nonetheless, good practices have been signaled in this respect. For example, it is reported that in countries like Bolivia (Plurinational State of), the Democratic Republic of the Congo, Ecuador, Guatemala, India, Kenya, the United States of America and Viet Nam guidance and recommendations for families and caregivers have been disseminated.<sup>20</sup> In Peru, homeschooling has reportedly been offered through 50 local radio stations in nine indigenous languages and through open television in sign language, reaching more than 200,000 students in remote communities in the Andes and Amazon regions.<sup>21</sup>

30. Increased inequalities may continue after schools have reopened. The Special Rapporteur is worried for example about reports indicating that in some countries where children return to school on a voluntary basis, only a small number of those most vulnerable actually return.<sup>22</sup>

31. Widening inequalities in the area of education have all the more dramatic consequences given the importance of education, as an empowering right, in giving the possibility to all to explore and realize their potential. Therefore, inequalities in education perpetuate and reinforce inequalities in the future. The crisis has further demonstrated how interrelated and interdependent human rights are, especially the right to education, the right to water and sanitation (including in educational institutions), the right to adequate nutritious food (when food is provided by schools), the right to adequate housing (necessary to pursue homeschooling), the right to an adequate standard of living and the right to work (which often depend on the level of education attained by people), as well as the child's right to freedom from all forms of violence, injury or abuse. Education finds itself at the crossroads of many public action policies in favour of vulnerable groups, especially children. When education is suspended, many other services are too.

## **B. Adequacy and inadequacy of remedial tools: high-tech, low-tech and no-tech solutions**

32. Information has circulated about the measures adopted by the large number of States that have made significant efforts to set up educational programmes through the Internet,

<sup>19</sup> Submission by the International Disability Alliance and the International Disability and Development Consortium.

<sup>20</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "COVID-19 and the rights of persons with disabilities: guidance" (29 April 2020) and the submission by the International Disability Alliance and the International Disability and Development Consortium.

<sup>21</sup> Submission by the International Disability Alliance and the International Disability and Development Consortium. See also <https://noticia.educacionenred.pe/2020/05/aprendo-casa-estrategia-minedu-difundio-mas-700-programas-lenguas-originarias-199810.html> (in Spanish).

<sup>22</sup> Submission by the Syndicat national des enseignants de second degré (France).

television and radio. Computers, tablets, television screens and radios have been distributed, Internet connections deployed and learning materials distributed by post or made available in schoolyards.<sup>23</sup>

33. While welcoming these efforts, the Special Rapporteur warns against the temptation to see high-tech solutions as the main or best way to ensure continuity of education in times of crisis, when it is absolutely necessary to consider a mix of high-tech, low-tech and no-tech solutions, depending on the context. The simplest technology, such as printed material, can have a positive impact on learning continuity during periods of school closure and should form a core part of responses.

34. For example, INEE recommends that, depending on context and cohort, a multipronged approach might be the most appropriate, keeping in mind that from both a supply and demand perspective, most digital forms of distance learning in areas with limited connectivity will be difficult. First, most education systems in fragile and conflict-affected contexts are not set up to support Internet connectivity. Second, most marginalized populations will not have the financial or physical means to support their children with digital distance learning. It is necessary to consider, for example: the costs of downloading, uploading and streaming additional data; the limited likelihood of homes having (sufficient) hardware to support online learning; the potentially gendered nature of access to whatever hardware exists within households; and the likelihood that, in a crisis, household income will decrease while the use of savings to cover critical costs will increase.<sup>24</sup>

35. In addition, preserving some degree of interaction between students and teachers and among students is crucial.<sup>25</sup> Furthermore, even in the poorest households and in households with limited literacy, parental and sibling engagement and support can add significantly to learning outcomes using very simple methods.<sup>26</sup>

36. Excessive reliance on online distance learning tools to ensure the continuity of education risks exacerbating inequalities. Numbers released by UNESCO speak for themselves: half of the total number of learners (about 826 million students) kept out of the classroom by the COVID-19 pandemic do not have access to a household computer and 43 per cent (706 million) have no Internet at home.<sup>27</sup>

37. Disparities are particularly acute in low-income countries: in sub-Saharan Africa, 89 per cent of learners do not have access to household computers and 82 per cent lack Internet access. Furthermore, while mobile telephones can enable learners to access information, connect with their teachers and with one another, about 56 million learners live in locations not served by mobile networks – with almost half of these being in sub-Saharan Africa.<sup>28</sup> Many reports have been published about the difficulties faced in accessing online tools, in particular for those in remote or rural areas, including in developed countries.

38. The Special Rapporteur notes with concern, in this regard, that statistical data about access to online distance learning may lack accuracy. It has been reported, for example, that in some countries, including Albania, private schools have not been taken into consideration when collecting such statistics.<sup>29</sup> It is also likely that non-formal educational

<sup>23</sup> See <https://docs.google.com/spreadsheets/d/1ndHgP53atJ5J-EtxgWcpSfYG8LdzHpUsnb6mWybErYg/edit?ts=5e6f893e#gid=0>. See also Shelby Carvalho and Lee Crawford, “School’s out: now what?” (Center for Global Development, 25 March 2020).

<sup>24</sup> INEE, “Technical note: education during the COVID-19 pandemic” (New York, April 2020), p. 13.

<sup>25</sup> *Ibid.*

<sup>26</sup> Submission from Save the Children.

<sup>27</sup> See <https://en.unesco.org/news/startling-digital-divides-distance-learning-emerge>. The figures at this web page were compiled by the Teacher Task Force, an international alliance coordinated by UNESCO, on the basis of data from the UNESCO Institute for Statistics and the International Telecommunication Union.

<sup>28</sup> *Ibid.*

<sup>29</sup> Comité européen pour l’enseignement catholique, Information Bulletin No. 7 (May 2020), p. 4. Available from [http://enseignement.catholique.be/ceec\\_wp/wp-content/uploads/2017/04/CEEC-Newsletter-N%C2%B07-Mai2020fr%C3%A7s.pdf](http://enseignement.catholique.be/ceec_wp/wp-content/uploads/2017/04/CEEC-Newsletter-N%C2%B07-Mai2020fr%C3%A7s.pdf) (in French).

settings have not been taken into consideration. Furthermore, the problem concerns not only learners but also teachers.<sup>30</sup>

39. The Special Rapporteur underscores that the issue is not just about having a computer or a mobile telephone. For parents, teachers and learners, knowing how to use these tools is crucial. The Special Rapporteur recalls in this respect that the accessibility criteria set out in paragraph 14 (b) above includes both an informational and a cognitive component. Furthermore, a careful assessment needs to be undertaken on the results achieved by distance online education, as connectivity criteria is far from being proof of a successful education.

40. Thus, the very low level of preparation and training of teachers in distance education, even in the richest countries, is an issue of concern. In a survey carried out by Education International, which represents unions of teachers and other education workers around the globe, only about 29 per cent of respondents said that Governments had provided adequate and sufficient support for teachers during the transition from on-site to digital and distance learning.<sup>31</sup>

41. While low-tech delivery modalities such as radio and television can and do reach a much larger number of children than the Internet in most contexts, access to the radio is far from universal. Where such modalities have been used, they have not been able to reach the most marginalized and disadvantaged students, including those in rural and remote areas.<sup>32</sup> In addition, in some parts of the world, for example in Chad and other low-income countries, the most marginalized still have no access to electricity.

42. Particular concern has been expressed about girls' access to technologies. Reports indicate that "harmful gender norms and perceptions of risk to girls' safety or reputation make some parents reluctant to allow girls access to devices. In the poorest countries, women are 33 per cent less likely to use the internet than men."<sup>33</sup>

43. The situation of children with disabilities also demands greater attention. Many learners who are deaf or hard of hearing cannot access education and not all web platforms used for distance learning are accessible to learners who are blind.<sup>34</sup>

44. Solving the issues of access to electricity, access to Internet and high-technologies such as computers is a matter of political will. The Special Rapporteur recalls in this respect the work undertaken by the Special Rapporteur in the field of cultural rights on the right to benefit from scientific progress and its applications, as enshrined in article 15 of the Covenant, and the recent general comment of the Committee on that issue.<sup>35</sup>

### C. Digitization of education: challenges and opportunities

45. Despite shortcomings in accessing online distance learning, use of this mode of learning has considerably accelerated due to the health crisis and may be viewed by many as holding great promise for a better implementation of the right to education for all in the future.

46. While underscoring that many opportunities may indeed arise, the Special Rapporteur warns against promoting easy solutions that will be detrimental, not beneficial, to the right to education. A number of challenges should be addressed and debated, and decisions adopted with the participation of stakeholders, including learners, parents and teachers, based on the right to education. Serious thought must be given to the place and content of digital education, its meaning and efficiency, and its impact on the health and

<sup>30</sup> Education International, "COVID-19 and education: how education unions are responding – survey report" (April 2020), pp. 9–10.

<sup>31</sup> *Ibid.*, pp. 6–7.

<sup>32</sup> Submission from Save the Children. See also Carvalho and Crawford, "School's out: now what?".

<sup>33</sup> Malala Fund, "Girls' education and COVID-19", p. 8.

<sup>34</sup> Submission by the International Disability Alliance and the International Disability and Development Consortium.

<sup>35</sup> A/HRC/20/26 and general comment No. 25 (2020) on science and economic, social and cultural rights.

education of children and other learners. Consideration must be given, for example, to the consequences of a heavy use of screens by children and to the threat of online abuse.

47. The deployment of online distance learning (together with the use of radio and television), should only be seen as a temporary solution aimed at addressing a crisis. The digitization of education should never replace on-site schooling with teachers. If distance education were to become the new paradigm for education after the end of the pandemic, it would affect the heart and purpose of the right to education. On-site and face-to-face education enables teachers not only to provide content but also to ensure that it is understood and well received. Besides, education does more than merely transmit didactic knowledge: it aims to develop socioemotional skills, critical spirit, creativity, a sense of citizenship and mutual understanding between groups that need to interact and mix in order to live together and build a peaceful society. Education also aims to connect children to nature and their environment. Education is a social act carried out by a community of learners who require real, human interaction.

48. Distance learning tools must make use of high-quality content that is adapted to local contexts and, in particular, local languages, and must be introduced together with effective and ongoing training for teachers and learners. They should permit teachers and learners to provide their input, allow for pedagogical differentiation depending on the level and the capacities of learners and should also allow academic freedom and creativity.

49. Digital education raises additional important issues, including in respect of data protection and teachers' and learners' privacy. As a researcher and advocate for children's rights at Human Rights Watch has noted:

Children's education data are far less protected than health data. Many countries have regulations that govern the appropriate uses and disclosures of personally identifiable health data, even during emergencies. But while children's school data may be just as sensitive – revealing names, home addresses, behaviors, and other highly personal details that can harm children and families when misused – most countries don't have data privacy laws that protect children.<sup>36</sup>

Concern has been expressed regarding the popular distance learning options published by UNESCO in this regard.<sup>37</sup> The remote surveillance of teachers and learners and the sale of data are of particular concern.

50. The Special Rapporteur recalls in this regard that, in accordance with the Abidjan principles, States must define and enforce minimum standards regarding:

Privacy and data protection, ensuring in particular respect for the rule of law and ethical practices with regards to personal data. States must also ensure that no personal, including biometric data, be collected or retained without consent, or be shared with third-parties without express consent and for purposes other than education, including for commercial, immigration, or security purposes.<sup>38</sup>

51. The massive arrival of private actors in education through digital technology represents a major danger for education systems and the right to education in the long term, and must be controlled in line with existing standards, including the Abidjan principles. In particular, the Special Rapporteur is concerned that the prominent role of private actors in this context may lead to the capture of limited public resources for education by commercial entities seeking to profit from the COVID-19 crisis, despite research showing huge gaps in access to digital learning technology based on income, location and gender.<sup>39</sup>

52. The development of partnerships between States, intergovernmental organizations and private actors raises questions about the nature of the participation of each actor in education and the benefits they will obtain from such partnerships, whether in terms of

<sup>36</sup> Hye Jung Han, "As schools close over coronavirus, protect kids' privacy in online learning" (Human Rights Watch, 27 March 2020).

<sup>37</sup> *Ibid.* For the options listed by UNESCO, see <https://en.unesco.org/covid19/educationresponse/solutions>.

<sup>38</sup> Principle 55.

<sup>39</sup> Submission from Oxfam.

public subsidies, collection of data, advertising directed at children and youth<sup>40</sup> and longer-term developments in the way education systems are shaped once the crisis is over.<sup>41</sup> The risks associated with handing over data and control of education to a few companies based in a handful of countries cannot be underestimated. A range of alternatives to commercial solutions exist, including tools under creative commons licences and public online learning platforms, that should be explored and enhanced.

#### **D. Rights of teachers and other education workers**

53. COVID-19-related decision-making on education must take into account the fact that learners are embedded in their communities. This entails recognizing the implications of different aspects of education decision-making for the rights of those who teach, care for and share with learners.<sup>42</sup>

54. The COVID-19 crisis has affected not only learners but also teachers. According to UNESCO, 63 million primary and secondary school teachers have been affected by the unprecedented disruption caused by the COVID-19 pandemic.<sup>43</sup> This is without counting education workers such as pre-primary teachers and tertiary level teachers, and all other staff working in educational institutions, such as casual or sessional teachers, persons providing additional support to learners with special education needs and disabilities, administrative staff, cleaners, security staff, cafeteria workers and bus drivers.

55. These workers too are rights holders. Whether they work in the public or the private sector, they should enjoy all the rights enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the right to the enjoyment of just and favourable conditions of work, which includes fair remuneration, safe and healthy working conditions, equal opportunities for promotion, and rest, leisure and reasonable limitation of working hours; to social security, including social insurance; to form and join trade unions of their choice; and to the enjoyment of the highest attainable standard of physical and mental health (articles 7, 8, 9 and 12 of the International Covenant on Economic, Social and Cultural Rights).

56. The health crisis has shed light on the poor conditions in many schools throughout the world, where teachers and pupils find themselves in overcrowded classrooms, sometimes with no or poor access to water and sanitation. Many teachers and other education workers lack social protection and training.

##### **1. Participation of teachers, teachers' unions and associations in decision-making**

57. The concrete implementation of the right to education for all largely relies on the commitment of a sufficient number of trained teachers who are able to take part in decision-making processes on how best to ensure that right.

58. The Special Rapporteur underscores that trade union rights and the right to participate in decision-making processes are not a luxury that may be exercised only in uneventful times. It is crucial also in times of crisis, for the sake of efficiency. Teachers know their students. They are often best placed to be innovative and creative in their local contexts, to contact families and communities to assess their difficulties and needs, and to tailor their actions to meet those needs. But to do that, they also need to be supported, trusted and listened to, and be used to developing and applying their creativity and critical thinking. The fact that teachers themselves have families and other commitments must be acknowledged when planning responses to future crises.

59. Periods of crisis tend to reinforce authoritarian and top-down attitudes, however, including in the field of education. While there have been examples of rather good

<sup>40</sup> See, for example, Solidarité Laïque, "Beware: major risk of privatization of world education!". See also A/69/286.

<sup>41</sup> See, for example, Ben Williamson, "New pandemic edtech power networks" (1 April 2020).

<sup>42</sup> Aoife Nolan, "Should schools reopen? The human rights risk - an advisory note to Independent SAGE" (May 2020).

<sup>43</sup> See <https://en.unesco.org/news/startling-digital-divides-distance-learning-emerge>.

cooperation between Governments and trade unions during the crisis, as reported, for example, in Mauritius,<sup>44</sup> the Special Rapporteur remains concerned that in many cases teachers' associations and trade unions have not been adequately consulted and involved in decision-making. This has been the case for decisions as important as the closure and the reopening of educational institutions. The Special Rapporteur received reports of trade unions being informed through the press of school closures (for example, in France),<sup>45</sup> of the selection and use of distance education platforms and content, tools and methodologies, of the validation or non-validation of partially accomplished studies, of the rescheduling of the school calendar and of changes to conditions of work.

60. In some countries, such as the Niger, the government authorities have reportedly still not engaged with teachers' unions about the COVID-19 crisis. In others, the level and quality of social dialogue is poor, impeding cooperation and joint efforts to face the health crisis. The problem is particularly acute in countries where communication lines between governmental authorities and trade unions were already poor and relationships tense before the crisis, as is reported in Gabon and Haiti.

61. In many parts of the world, teachers' unions have organized to support government action or compensate for government inaction.<sup>46</sup> For instance, unions have organized training on new distance teaching methods, disseminated information on sanitary measures and protocols and exchanged information on experiences. Many have lobbied Governments to ensure respect for the rights of their members,<sup>47</sup> including their right to work in healthy conditions, and to minimize the impact of the crisis on learners.

62. The Special Rapporteur recognizes that Governments have had to take difficult decisions within a short time, with many scientific uncertainties surrounding the pandemic. Decisions to close schools were taken so fast that, in many parts of the world, education systems have had no time to make plans and adjust their working methods to ensure some continuity of education. As mentioned previously, however, capacity-building for a crisis must precede that crisis. In the education system, this includes establishing good relationships and mutual trust between the Government, teachers, including their associations and trade unions, parents and communities, at the national and local levels.

## 2. Right to safe and healthy working conditions

63. The Special Rapporteur is also concerned about the sanitary conditions in which teachers and other education workers have been working during the crisis, in particular those who have continued to take care of the children of frontline workers such as health workers. With the ongoing or planned reopening, this issue is particularly acute, especially in countries where health systems are fragile. The concern is worldwide, however.

64. The Special Rapporteur shares the concern expressed by other United Nations special procedures, that some frontline workers have not been given adequate protection during peak periods of contagion in various countries and economic sectors, and concurs with the recommendation that all States and businesses should ensure that preventive and precautionary measures are in place to protect every worker.<sup>48</sup> This also affects education workers, including those in private educational institutions. Particular attention should be paid to the position of education workers who may be at particular risk in the COVID-19 context due to, for instance, their age, health status or ethnicity.

65. The Special Rapporteur welcomes the efforts made by many Governments to minimize the risks to teachers by introducing physical distancing measures, reducing the number of children in classrooms and providing protections such as masks. Sometimes, such measures were taken as a result of conditions imposed by trade unions for the reopening of schools.

<sup>44</sup> Submission from the Government Teachers Union of Mauritius.

<sup>45</sup> Submission from the Syndicat national des enseignants de second degré (France).

<sup>46</sup> Education International, "COVID-19 and education", pp. 18–19.

<sup>47</sup> *Ibid.*, p. 20.

<sup>48</sup> OHCHR, "Every worker is essential and must be protected from COVID-19, no matter what" – UN rights experts" (18 May 2020).

66. In too many cases, however, workers remain unprotected or without sufficient guarantees about future reopenings. In countries like the Niger, where classrooms contain 40–60 students and 4 children sit at the same table, the return to school in safe sanitary conditions appears to be problematic, raising concerns about the health not only of education workers but also of learners. In wealthier countries, such as the United Kingdom of Great Britain and Northern Ireland, serious concerns have been expressed about schools reopening without adequate measures in place to mitigate the risks posed to learners, teachers and the wider community.<sup>49</sup>

67. In schools where no access to water and sanitation is available, the matter is of particular concern. The Special Rapporteur will address that issue in her next thematic report to the General Assembly, which will focus on the interrelations between the right to education and the right to water and sanitation.

### 3. Employment situation and remuneration

68. According to various reports, the employment situation and remuneration of teachers and other personnel has deteriorated in many countries. Particularly affected are teachers in the private sector and teachers with precarious contracts. Issues regarding the termination of contracts, salary cuts and delays, and the requirement that education workers take unpaid leave have been reported to the Special Rapporteur, who in this context underscores the need to adopt a gender perspective, as many education workers are women.

69. Education International has indicated that the category of affected workers most frequently mentioned by trade unions is that composed of education workers in private institutions. Other highly affected categories include the following (from the most to the least frequently mentioned): higher education personnel and researchers; supply/substitution teachers; early childhood education workers; and immigrant teachers (mentioned by just one respondent). Many respondents reported that teachers hired on temporary contracts have been particularly affected by the closure of schools. With schools closed, those paid by the hour are out of work, those on temporary contracts have not had their contracts renewed and those out of work are finding it difficult to find new work.<sup>50</sup>

70. The situation in private schools is of particular concern at all levels, from early-childhood education to higher education. The economic model behind such institutions, which are heavily reliant on the payment of fees, and the precarious employment conditions of education workers in these institutions, make them more vulnerable to dismissal and pay cuts. Problems of these kinds were reported in Cyprus, Morocco, Nepal, Spain and Sri Lanka,<sup>51</sup> as well as in the Democratic Republic of the Congo. While some Governments have made efforts to provide social safety nets to these workers, for example in Italy and Morocco, the situation reveals how crucial it is that private school workers be protected in accordance with international standards and on an equal basis with those working in public schools, in particular when the schools they work in receive public funding.<sup>52</sup>

71. The issue has become very controversial in some countries (for example, in Morocco), where some private schools have requested that fees be paid in full, including for the third trimester of the year, when children did not attend school, justifying their request by citing investments made to guarantee distance education and teachers' salaries. While some schools have reduced their fees, in particular for the most vulnerable families, others have not. Yet other schools have reportedly pressured families by threatening not to enroll their children for the next school year in case of non-payment of fees.<sup>53</sup>

72. The Special Rapporteur notes with concern that some private schools have closed, as have many other private enterprises throughout the world, and that many of them are facing economic difficulties and expect to face more as enrollments drop for the next school year

<sup>49</sup> United Kingdom, Independent Scientific Advisory Group for Emergencies, "When should a school reopen? Final report" (28 May 2020).

<sup>50</sup> Education International, "COVID-19 and education", pp. 13–15.

<sup>51</sup> *Ibid.*, p. 16.

<sup>52</sup> See principles 55 (e) and 67 of the Abidjan principles.

<sup>53</sup> See [www.bladi.net/maroc-ecoles-privees-parents,69523.html](http://www.bladi.net/maroc-ecoles-privees-parents,69523.html) and [www.maroc-hebdo.press.ma/ecoles-privees-payer-frais-scolaire](http://www.maroc-hebdo.press.ma/ecoles-privees-payer-frais-scolaire) (in French).

because families are unable to continue to pay the fees and related costs.<sup>54</sup> Of particular concern are reports suggesting the massive collapse of low-fee private schools, for example in Pakistan,<sup>55</sup> which will result in harsh and sudden pressure being put on unprepared public schools to enroll children when they reopen or in an increase in out-of-school children.<sup>56</sup> In Kenya, the school chain Bridge International Academies has reportedly put teachers on compulsory leave without pay, covering health insurance and a monthly gratuitous payment equivalent to 10 per cent of their salary.<sup>57</sup> In Liberia, the same company reportedly imposed a reduction of “essential staff” salaries by 80–90 per cent while employees continue to work from home,<sup>58</sup> a matter that the Ministry of Labour is concerned about and is looking into.<sup>59</sup>

73. In the view of the Special Rapporteur, this is just another example of the limitations of education models based on privatization and commercialization.<sup>60</sup> When teachers are fired or schools close, children are left with no access to education. The fact that the reopening of these schools remains uncertain causes much anxiety to both children and their families. Should teachers find alternative employment in order to maintain an income, it is likely that there will be, as has happened in the past, shortages of teaching staff once schools reopen.<sup>61</sup>

74. Some private schools, including non-profit religious schools, have requested financial support from States but have not always received timely responses, as reportedly happened for example in Albania.<sup>62</sup> The Special Rapporteur underscores in this respect the need to follow the guidance provided in the Abidjan principles regarding the direct or indirect financing of private educational institutions, should any such funding be deemed necessary in times of emergency.<sup>63</sup> She recalls that States must prioritize the funding and provision of free, quality, public education.<sup>64</sup>

## E. Future of public education systems

75. Austerity measures and budget cuts to public education systems have weakened their capacity to cope with the education crisis and to ensure protection of the right to education for all. For example, in Brazil, funding cutbacks and capping of public expenditure have led to a dismantling of social policies, preventing stakeholders from adopting an urgent and strong response to the pandemic.<sup>65</sup> In contrast, countries that have invested in the protection of economic, social and cultural rights, and in which cooperation and trust with civil society have been established, are better equipped to respond to crises.

76. While understanding that priorities will have to be set within each country depending on the specificities of the local context and the impact of the pandemic, the Special Rapporteur is worried about the risk of a massive redirection of funding towards health at the expense of education, without taking into account the obvious links between these social services. As the Special Rapporteur on extreme poverty and human rights has

<sup>54</sup> See, for example, Quentin Wodon, “COVID-19 crisis, impacts on Catholic schools, and potential responses: introduction”, *Journal of Catholic Education* (2020).

<sup>55</sup> Arshad Yousafzai, “Low-cost private schools may not be able to survive COVID-19 crisis”, *The International News*, 1 April 2020.

<sup>56</sup> Submission by Oxfam.

<sup>57</sup> Paul Wafula, “Bridge schools send teachers home amid coronavirus crisis”, *Daily Nation*, 27 March 2020.

<sup>58</sup> “Labor ministry expresses concern over labor issues at Bridge International Academies Liberia: several employees express frustration”, *Libeyewitness*, 26 May 2020.

<sup>59</sup> <https://www.facebook.com/Labourministry2018/posts/2603104286631733>.

<sup>60</sup> See the report of the Special Rapporteur on this matter (A/HRC/41/37).

<sup>61</sup> Malala Fund, “Girls’ education and COVID-19”, p. 5.

<sup>62</sup> Comité européen pour l’enseignement catholique, Information Bulletin No. 7 (May 2020), p. 5.

<sup>63</sup> Principles 64–74.

<sup>64</sup> Abidjan principles, overarching principle 5.

<sup>65</sup> OHCHR, “COVID-19: Brazil’s irresponsible economic and social policies put millions of lives at risk, UN experts say” (29 April 2020). See also Andressa Pellanda and Gabriel Morais, “Brazil: students, teachers’ unions and civil society lead the struggle for the right to education”, National Campaign for the Right to Education, 19 August 2019.



already underscored, “States have committed at least \$8 trillion to defend against the economic impacts of COVID-19. This should be directed towards building a more inclusive economy based on the rights to work and to social security, as well as the rights to adequate housing, healthcare and education.”<sup>66</sup>

77. Furthermore, in view of the major economic crisis affecting all countries, including increased indebtedness, the Special Rapporteur fears that there will be a significant reduction in the budgets allocated to the public education sector, which has nevertheless demonstrated its crucial importance in times of crisis, including that of COVID-19. A dramatic rollback in funding for public schools is likely to lead to the erosion of education quality and access, and a further mushrooming of low-fee private schools and other privatization processes as government failure to meet needs increases, leading to the introduction or reintroduction of school fees and low enrollment.<sup>67</sup> The likely expansion of public-private partnerships in the post-crisis period risks increasing educational inequalities, with limited citizen engagement or accountability. Particularly worrying are the possible budget cuts for inclusive education.

78. While some have called for stronger partnerships with international financial institutions, including the International Monetary Fund, the Special Rapporteur underscores that such partnerships need to be scrutinized, taking into consideration the impact of past policies on public services such as health and education. She further recalls that “States that are providing international assistance and cooperation must not adopt, support, or require impermissible retrogressive measures with regard to the right to public education”.<sup>68</sup> She supports the recommendation made by the Committee on Economic, Social and Cultural Rights that States should use their voting powers in international financial institutions to alleviate the financial burden of developing countries in combating the pandemic, with measures such as granting these countries different mechanisms of debt relief.<sup>69</sup>

#### IV. Conclusions and recommendations

79. **The crisis has forcefully demonstrated the central role of educational institutions in our societies, not only with regard to implementing the right to inclusive quality education for all, but also in terms of ensuring a number of social services for the benefit of the most marginalized, transmitting health information, developing socioemotional skills to increase the strength of resilient societies, providing essential support to health workers who have had to be on the frontline and have not been able to be with their children and enabling countries to function economically while parents have been working. The true value of teachers and other education workers should be acknowledged. Schools and the education community have acted as an essential space for solidarity during the crisis. It is crucial to reflect on this experience.**

80. **A careful assessment of the impact of the closures of educational institutions on different population groups should be conducted in all countries, taking into consideration the intersectionality of discrimination. While it is clear that the education crisis has disproportionately affected the most vulnerable and marginalized, it did so against a backdrop of entrenched, recognized structural inequality. Unsurprisingly, the most destitute, those suffering discrimination based on economic and social status, sex and gender, ethnicity, geographical location, disability and health status will endure particularly long-term consequences on their right to education and future life paths. As many schools are now reopening in various parts of the world, it is important to establish systems for supervising and monitoring school dropout rates at all levels. This is necessary not only for minimizing the impact on the most vulnerable but also for preparing for the next crisis.**

<sup>66</sup> OHCHR, “COVID-19 crisis highlights urgent need to transform global economy, says new UN poverty expert” (1 May 2020).

<sup>67</sup> Submission by Oxfam. See also Jo Walker and others, *The Power of Education to Fight Inequality* (Oxford, Oxfam International, September 2019).

<sup>68</sup> Principle 46 of the Abidjan principles.

<sup>69</sup> E/C.12/2020/1, para. 21.

81. Such an assessment must, however, analyse not only the consequences of the education crisis, but also its causes. It should unpack, in each local context, the dynamics that have led to increased discrimination in the enjoyment of the right to education during the crisis.

82. Such an assessment should therefore include: an analysis of rising inequalities due to the measures adopted to face the pandemic; an investigation into the sustainability of economic and financial models behind education systems, including the consequences of poorly funding public educational institutions; a scrutiny of the role of private actors in education; an evaluation of the adequacy of social protection provided for education workers, including in the private sector; and scrutiny of the lack of cooperation between States' administrations, educational institutions, teachers, learners, parents and communities.

83. Many governmental and intergovernmental agencies, as well as civil society organizations, have disseminated a high number of useful guidelines and recommendations on how to address the education crisis on short-term (including at the time of reopening of schools) and long-term bases, some of them very detailed and tailored to specific situations. The Special Rapporteur welcomes in particular the useful guidance developed by INEE, by OHCHR and, on a more specific note, by Education International.

84. Rather than repeating or summarizing those recommendations, the Special Rapporteur prefers to concentrate on a number of recommendations outlining what a human rights-based approach to the crisis entails. She recommends, in particular, that:

(a) Limitations imposed on the right to education should strictly comply with the conditions set out in article 4 of the International Covenant on Economic, Social and Cultural Rights, article 29 of the Universal Declaration of Human Rights and other relevant provisions of international human rights law;

(b) Governments and other stakeholders should integrate the availability, accessibility, acceptability and adaptability framework as a policy guide throughout the education system at all levels, including at the school level;

(c) States should develop emergency education preparedness within national education systems globally and train educational planners at all levels. These plans should be based on guaranteeing the right to education for all and the availability, accessibility, acceptability and adaptability framework;

(d) States should create an institutional mechanism for crisis and disaster planning and management. Such a mechanism should function at an important decision-making level and be decentralized in its implementation, ensuring that relevant decisions are adopted at the local level in cooperation with local stakeholders, for example when it comes to reopening schools;

(e) All States should, as a matter of urgency, adopt special, targeted measures, including through international cooperation, to address and mitigate the impact of the pandemic on vulnerable groups, as well as on communities and groups subject to structural discrimination and disadvantage. In many contexts, that would mean prioritizing the adoption of the most accessible low-tech or no-tech approaches to distance learning, as well as taking measures such as imposing moratoria on the payment of school fees, providing cash transfers to families and ensuring the delivery of food and other social services to vulnerable children during the crisis;

(f) Bearing in mind the particular importance of the right to education for children, children's rights must be given special attention and priority by decision makers. States should carry out child rights impact assessments of crisis-related education decision-making. Furthermore, States should provide opportunities for children's views to be heard and taken into account in decision-making processes in the COVID-19 context;

(g) Special emphasis should be placed on the equal importance of the right of every girl and every learner with disabilities to continued education, in accordance with guidance developed by OHCHR in this respect, as well as of other marginalized

or vulnerable children or learners, including migrants and children in humanitarian contexts;

(h) The deployment of online distance learning (together with radio and television), should only be seen as a temporary solution aimed at addressing a crisis. The digitization of education should never replace on-site schooling with teachers. Serious thought should be given to the place and content of digital education, its meaning and efficiency, and its impact on the health and education of children and other learners;

(i) Distance learning tools must make use of high-quality content that is adapted to local contexts and, in particular, local languages, and must be introduced together with effective and ongoing training for teachers and learners. They should permit teachers and learners to provide their input, allow for pedagogical differentiation depending on the level and the capacities of learners and should also allow academic freedom and creativity. They should be designed to ensure the protection of data and privacy of learners and teachers. Distance learning tools should be safe and not expose children to risk or bullying;

(j) Governments should consider the massive arrival of private actors through digital technology as a major danger for education systems and the right to education in the long term. They should ensure, including through the adoption of appropriate regulation, that the increased role of the private sector will not lead to the capture of limited public resources for education by commercial entities seeking to profit from the crisis, the collection of learners' and teachers' data or advertising directed at children and youth. Education and learning solutions should be developed as a public good, without commercial or other restrictive licences that threaten the enjoyment of the right to education and deepen inequalities;

(k) States should give effect to their obligation under article 2 of the International Covenant on Economic, Social and Cultural Rights by devoting the maximum of their available resources to achieving progressively the full realization of economic, social and cultural rights, including the right to education. States must, therefore, enhance their efforts to mobilize domestic resources, especially through the adoption of progressive tax policies. The Special Rapporteur underscores in this regard the crucial importance of consolidating public education systems and of prioritizing the provision of free, public education of the highest attainable quality, in accordance with principle 34 of the Abidjan principles;

(l) Taking into consideration the interdependence and indivisibility of human rights, as well as of the Sustainable Development Goals, the response to the crisis must be multidimensional and multisectoral and action must be taken in respect of the full continuum of essential social services, including education, health, housing, food and employment. Consequently, States should be careful not to redirect significant funding towards the health or economic sectors at the expense of education;

(m) If, in exceptional circumstances, retrogressive measures are taken in relation to the right to education, States must ensure that any such measure is in accordance with applicable human rights law and standards. States that are providing international assistance and cooperation must not adopt, support or require impermissible retrogressive measures with regard to the right to public education;

(n) States should further be supported with adequate aid for their public education systems as a means to ensuring that the crisis will not lead to the increased privatization and commercialization of education;

(o) States should use their voting powers in international financial institutions to alleviate the financial burden on developing countries of combating the pandemic and, in this context, take measures such as granting these countries different mechanisms of debt relief, including debt cancellation;

(p) Donors should meet their commitments to localization, ensuring that local and national organizations are funded to respond to the crisis and recognizing these organizations' local expertise and their ability to reach marginalized populations;

(q) States should ensure the rights of teachers and other education workers, in the public and the private sectors, during and after the crisis, in particular their rights to the enjoyment of just and favourable conditions of work, to form and join trade unions of their choice, to social security, including social insurance, and to the enjoyment of the highest attainable standard of physical and mental health (articles 7, 8, 9 and 12 of the International Covenant on Economic, Social and Cultural Rights);

(r) All States and business entities should make sure that preventive and precautionary measures are in place to protect and ensure the right to health, including mental health and well-being, for every education worker and learner, especially at the time of reopening of educational institutions. Special attention should be paid to those at particular risk;

(s) Good relationships and mutual trust among Governments, teachers, associations and trade unions of teachers and other education workers, as well as parents and communities, should be established, at both the national and local levels. Permanent lines of dialogue should remain open at all stages of the crisis in order to ensure that the measures adopted are adequate, efficient and acceptable to all. Schools should be reopened in cooperation with teachers and their associations and trade unions;

(t) An exercise on lessons learned should be carried out to continue to foster the role of parents and families in the schooling of their children;

(u) As a longer-term measure, the role of educational institutions in developing the psychoemotional competencies of all persons and the resilience of societies should be enhanced and taken seriously.

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