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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Armenia,* Brazil, Bulgaria, Colombia,* Costa Rica, Cyprus,* Czechia,* Dominican Republic, Ecuador,* France, Gambia, Georgia, Ghana, Kazakhstan, Kyrgyzstan, Luxembourg, Malta,* Micronesia (Federated States of),* Monaco,* Nauru,* Panama,* Paraguay, Peru,* Romania, San Marino,* Sierra Leone* and Slovakia*: revised draft resolution

56/... Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child on the rights to early childhood education, free pre-primary education and free secondary education

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and referenced in the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments,

Recalling the Human Rights Council resolutions on the right to education, the most recent of which is resolution 53/7 of 12 July 2023,

Welcoming the near-universal ratification of the Convention on the Rights of the Child, in which States parties agreed, with a view to achieving the right of the child to education progressively, and on the basis of equal opportunity, to make primary education compulsory and available free to all, encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures, such as the introduction of free education and offering financial assistance in case of need, and noting the consistent work of the Committee on the Rights of the Child in examining the progress made in achieving the

* State not a member of the Human Rights Council.



realization of the obligations undertaken under the Convention on the Rights of the Child by States parties thereto,

Reaffirming the 2030 Agenda for Sustainable Development and the Sustainable Development Goals contained therein, in particular Sustainable Development Goal 4, which is aimed at ensuring inclusive and equitable quality education, including early childhood, primary, secondary and tertiary education and technical and vocational training, with targets to ensure, by 2030, that all children complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes and that all children have access to quality early childhood development, care and pre-primary education so that they are ready for primary education,

Expressing deep concern that a significant number of countries have made only slow progress in raising early childhood education participation and secondary education completion rates, in particular with regard to children from low-income families and in marginalized or vulnerable situations,

Recognizing that the right to education is a multiplier right that supports the empowerment of all women and girls to realize their human rights, including the rights to the enjoyment of the highest attainable standard of physical and mental health, to participate in the conduct of public affairs, as well as in economic, social and cultural life, and to fully, equally and meaningfully participate in the decision-making processes that shape society, and the transformative potential of education for every girl,

Expressing profound concern that, according to the United Nations Educational, Scientific and Cultural Organization, 250 million children, adolescents and young people do not attend school, predominately at the secondary school level, that, according to the United Nations Children's Fund, nearly 50 per cent of pre-primary age children around the world – at least 175 million – are not enrolled in pre-primary education, that costs to students or their families, social inequality and lack of infrastructure at the pre-primary and secondary levels remain important obstacles to access to education in many countries, and that girls are still more likely to remain excluded from education,

Noting that special procedure mandate holders of the Human Rights Council and treaty bodies have highlighted that providing free education includes removing not only fees but also indirect costs, including the cost of books, school materials, uniforms, transportation, examination fees, utilities and security, parent-teacher association fees, the payment of volunteering teachers, boarding school costs when parents have no other choice and, increasingly, the costs of digital devices and Internet connections, as well as providing free lunches, in particular for those unable to pay,

Taking note of the Youth Declaration on Transforming Education, in which young people demanded that decision makers eradicate all legal, financial and systemic barriers preventing all learners from gaining access to and fully participating in education,

Affirming the need to ensure equal access to educational opportunities and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices,

Welcoming the steps taken at all levels, including by low- and middle-income countries, to prioritize and allocate adequate resources, despite economic and financial challenges, to make pre-primary and secondary education free and accessible for all children,

Recognizing the long-term benefits of education, including on digital skills and literacy, in promoting economic growth, development, social stability and individual empowerment, and urging States to explore the innovative financial mechanisms, international partnerships and effective policy measures to ensure that every child receives a quality education without financial barriers, especially children in marginalized or vulnerable situations,

Urging the international community, including development partners, international financial institutions and non-governmental organizations, to support and cooperate with States in their efforts to provide quality, inclusive and free public education, including through non-conditional financial assistance, capacity-building initiatives and the sharing of best practices to help States to overcome economic constraints and successfully implement

free education programmes, thereby helping to ensure inclusive and equitable quality education for all,

Taking note of the Tashkent Declaration and Commitments to Action for Transforming Early Childhood Care and Education, adopted at the World Conference on Early Childhood Care and Education, held from 14 to 16 November 2022 in Tashkent, in which participants outlined principles and strategies for inclusive, equitable early childhood care and education and, in emphasizing special reference to the most disadvantaged children, encouraged that the right to at least one year of free and compulsory pre-primary quality education for all children must be reflected in policies and legal frameworks, in which States committed to ensure further improvements and implementation of policy and legal frameworks to guarantee the right of every child to inclusive, quality care and pre-primary education and in which the international community, non-governmental stakeholders and the United Nations Educational, Scientific and Cultural Organization committed to examine the feasibility of supporting and enshrining the right to early childhood care and education in a legal instrument;

1. *Decides* to establish an open-ended intergovernmental working group of the Human Rights Council with the mandate of exploring the possibility of, elaborating and submitting to the Human Rights Council a draft optional protocol to the Convention on the Rights of the Child with the aim to:

(a) Explicitly recognize that the right to education includes early childhood care and education;

(b) Explicitly state that, with a view to achieving the right to education, States shall:

(i) Make public pre-primary education available free to all, beginning with at least one year;

(ii) Make public secondary education available free to all;

(c) Recall that States shall promote and encourage international cooperation in matters relating to education;

(d) Consider a provision that would allow for States parties to the Convention on the Rights of the Child to incorporate all reporting on their obligations under the optional protocol into their reports submitted under article 44 of the Convention, eliminating the need for an initial or other separate reports;

2. *Also decides* that the working group will meet for five working days in Geneva in a hybrid format, including a webcast, and that its first session should be held before the end of 2025;

3. *Further decides* that the sessions of the working group will be dedicated to conducting constructive deliberations on a future optional protocol in accordance with the scope defined in paragraph 1 above;

4. *Requests* the United Nations High Commissioner for Human Rights to provide the working group with all the assistance necessary for the effective fulfilment of its mandate;

5. *Requests* the working group to ensure the meaningful participation of children, in an ethical, safe and inclusive manner, and in particular to give children the opportunity to express their views on the topic and substance of the proposed optional protocol, to facilitate their expression, including through child-friendly information, to listen to children's views and to act upon them, as appropriate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure appropriate resources to support the participation of children, from all five regional groups, ensuring that they have easy access to relevant premises, and to make the discussions fully accessible to children and to persons with disabilities;

7. *Decides* to invite representatives of the Committee on the Rights of the Child to attend sessions of the working group as resource persons, as well as, where appropriate,

relevant special procedures of the Human Rights Council and other relevant independent experts, and invites them to submit input to the working group for its consideration;

8. *Invites* States, civil society and all relevant stakeholders, including through consultations with parents, legal guardians and educators, to contribute actively and constructively to the work of the working group;

9. *Requests* the working group to submit a report on progress made to the Human Rights Council for its consideration no later than at its sixty-second session and to make the report available in an accessible and child-friendly format.
