



THE CHILD'S RIGHT TO EDUCATION: FROM INTERNATIONAL LEGAL PROTECTION TO THE REQUIREMENTS OF SUSTAINABLE DEVELOPMENT

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Abstract:

The right to education is a fundamental right of the child, guaranteed and protected by numerous international instruments. It received broad legal protection through various general international conventions, culminating in the adoption of the Convention on the Rights of the Child (CRC) in 1989, which strengthened this right and imposed obligations on States Parties to respect it. In line with international protection requirements, the 2030 Sustainable Development Agenda reframed the right to education within a broader and more comprehensive approach based on quality and inclusive education for all. This paper examines its transformation from the classical legal perspective to sustainable development.

Keywords: Education; Child; Sustainable Development; Equal Opportunities; Primary Education.

Introduction:

The right to education (RE) is considered one of the fundamental rights of the child, as it represents an essential means of developing both their intellectual and physical abilities, enabling them to integrate into their social environment while also contributing to the construction of their future. It constitutes a fundamental pillar in the development of the child's personality and serves as a tool for achieving the progress and prosperity of societies.

For this reason, the RE has received considerable attention at the international level, as reflected in numerous international instruments that have recognized and protected this right, established rules to guarantee it, and sought to create mechanisms that ensure its effective exercise by States.

Alongside this broad international legal recognition, it became necessary to keep pace with contemporary developments, making it essential to reconsider education through a new approach that differs from the previous one. This approach has been linked to sustainable development,

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which is characterized by several defining features. Most importantly, it places the human being at its center as its objective, purpose, and means, while emphasizing balance among the different dimensions of the environment. It also seeks to achieve the development of both natural and human resources without excess or waste, according to a present and future strategy that is collectively planned and based on sound scientific principles.¹

In 2015, the Member States of the UN unanimously adopted the 2030 Sustainable Development Agenda and identified 17 goals. The fourth of these goals addresses quality education.² This goal introduced a new vision of education, which is no longer viewed solely from the perspective of protection but is instead incorporated into sustainable development strategies as one of their core objectives. At the same time, it plays a pivotal role in achieving the remaining Sustainable Development Goals.

Accordingly, it can be argued that the child's right to education has come to be presented through a two-dimensional approach. The first dimension represents the traditional legal approach, which recognizes and protects this right, while the second reflects the sustainable development approach, which focuses on its future developmental dimension in order to address the current challenges facing the world.

Based on the foregoing, the following research question may be raised: To what extent have the international legal system, on the one hand, and the sustainable development strategy, on the other hand, been able to establish the child's right to education (CRE)?

In this study, we relied on the analytical approach by examining the international legal texts, as well as the sustainable development plan related to the CRE, in addition to the comparative approach whenever necessary.

To answer this research question, the first section examines the international legal protection of the right of the child to education, while the second section is devoted to the CRE and the prospects of sustainable development.

THE FIRST TOPIC: INTERNATIONAL LEGAL PROTECTION OF THE CHILD'S RIGHT TO EDUCATION (CRE)

The child's right to education (CRE) is considered one of the most important fundamental rights guaranteed by many international instruments, as it constitutes an essential need for every child because it promotes their proper mental and intellectual development, protects them from various forms of exploitation, and contributes significantly to enabling them to exercise their other rights. This makes the protection of this right a matter of utmost necessity. Accordingly, various international instruments, despite differences in their content, have recognized this right and established legal protection for it. However, as previously noted, recognition of the CRE alone was not sufficient. Consequently, international efforts expanded to establish international legal mechanisms that guarantee the effective protection of this right.

The study of the international legal protection of this right requires an examination of the international legal framework of the CRE and the international guarantees for its protection.

FIRST REQUIREMENT: THE INTERNATIONAL LEGAL FRAMEWORK FOR THE CHILD'S RIGHT TO EDUCATION

To clarify this legal framework, it is necessary to highlight the various general international conventions related to this right and then examine it in light of the CRC of 1989.

Firstly: The Child's Right to Education in Light of the General International Conventions



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At the outset, it should be noted that the Declaration of the Rights of the Child of 1924 did not include any reference to the CRE. However, the Universal Declaration of Human Rights (UDHR) of 1948 was the first international instrument to guarantee this right to every person. It required that education, at least in its elementary and fundamental stages, be free of charge and that elementary education be compulsory.³ It is evident from this provision that the UDHR recognized primary or elementary education as a fundamental human right. Although it did not explicitly refer to the child, education in its initial stages is inherently associated with childhood.

The Declaration of the Rights of the Child of 1959 explicitly affirmed the CRE in its seventh principle. It recognized the right of the child to education and required that education, at least at the elementary level, be compulsory and free of charge. It further provided that education should promote the child's culture and enable the child, on the basis of equal opportunities, to develop their abilities and become a useful member of society. The Declaration also required that the best interests of the child be taken into consideration by those responsible for the child's education and guidance. In addition, it placed the primary responsibility for the child's education on the parents.⁴

The International Covenant on Economic, Social and Cultural Rights (ICESCR)⁵ marked a major development in establishing RE at the international level, as it recognized the right of every individual to education and specified the measures necessary for the enjoyment of this right.⁶ Article 13 of the Covenant requires that primary education be compulsory and available free of charge to all. It also recognizes the freedom of parents or legal guardians to choose schools for their children other than those established by public authorities, provided that such schools comply with the minimum educational standards prescribed by the State and provide religious and moral education in conformity with the parents' convictions.

It is evident from this Covenant that the State is obliged to provide education for the child, while it does not interfere in determining the type of education received. These matters are left to parents and legal guardians, particularly during the early stages of education.

Secondly: The Child's Right to Education in Light of the 1989 CRC

Given the fundamental importance of this right in the child's life, the CRC⁷ enshrined the CRE and addressed it in considerable detail. The Convention devoted Articles 28 and 29 to this right. It placed upon the States Parties the obligation to recognize the CRE on the basis of equal opportunities and to make primary education compulsory and available free of charge to all.

Thus, this Convention demonstrates that education for the child is not only a right but also a matter of utmost necessity, and that the responsibility for educating children is shared among several parties, foremost among them the State and the family.⁸ In its commitment to the full realization of the CRE, the Convention imposes several obligations on the States Parties, including ensuring equal educational opportunities for male and female children, encouraging regular school attendance, and strengthening and promoting international cooperation in the field of education with the aim of contributing to the eradication of ignorance.⁹

It should be noted that the CRC did not merely enshrine the child's right to education in the manner described above. Rather, Article 29 sets out a number of educational objectives that the States Parties are required to pursue. These objectives include the development of the child's personality, talents, and mental and physical abilities, the promotion of respect for the child's parents, cultural identity, language, and the national values of the country in which the child lives, as well as the development of respect for the natural environment. All of these objectives are intended to prepare the child for a responsible life in a free society.



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It is clear from the foregoing that the 1989 CRC contains no provision recognizing the parents' right to choose the schools in which the child receives their education, unlike the ICESCR. Consequently, the Convention put an end to the debate over whether this right belongs to the child or to the parents by recognizing that the right belongs to the child, while parents have the right to provide appropriate guidance to the child in the exercise of this right.¹⁰

Additionally, the 1989 CRC set educational goals and explicitly stated that the States Parties concur that a child's education should focus on helping them develop their personality, skills, and mental and physical capacities to the utmost extent possible. Additionally, it seeks to promote respect for basic freedoms, human rights, and the UN Charter's tenets. Additionally, it promotes respect for civilizations and cultures that differ from the child's own while emphasizing respect for the child's parents, cultural identity, language, and values as well as the national values of the country the child lives in and the country from which the child may originate.

Along with educating the kid for a responsible life in a free society, this education should focus on fostering tolerance, understanding, peace, equality between the sexes, and friendship among all peoples. Additionally, it ought to encourage reverence for the natural world.¹¹

It should be noted, in conclusion, that concern for the child's right to education was not limited to international instruments. Rather, many international conferences contributed significantly to the promotion of this right, as they constituted important milestones in its development and in translating it into practical obligations. They also played a major role in many countries around the world, as their final declarations frequently affirmed that education is a fundamental human right and emphasized the need for participating States to continue giving special attention to the education of children.¹²

SECOND REQUIREMENT: INTERNATIONAL GUARANTEES FOR THE PROTECTION OF THE CHILD'S RIGHT TO EDUCATION

Recognizing the right of the child to education is not sufficient. Effective monitoring mechanisms are also required to ensure the enjoyment of this right. Accordingly, the CRC of 1989 established the Committee on the Rights of the Child (CRC), which is entrusted with the responsibility of monitoring the implementation of the rights set out in the Convention.¹³

Furthermore, a UN mechanism was established to protect this right, namely the Special Rapporteur on RE.

Firstly: Committee on the Rights of the Child (CRC)

The acknowledgment of the CRC is deemed inadequate. Instead, it is essential to establish monitoring systems to guarantee the realization of this right. This principle was enshrined in the 1989 CRC, which established the CRC, tasked with ensuring compliance with the rights stipulated in the Convention.¹⁴ The Committee has the authority to review reports submitted by Member States regarding the measures they have taken to implement the provisions of the Convention. Additionally, it may request further information from States Parties, and these reports must detail the factors and challenges that hinder States from fulfilling their obligations under the Convention. Furthermore, the reports must provide sufficient information to enable the Committee to carry out its mandate and understand the realities of the Convention's implementation by States Parties. Such reports are expected to enhance awareness of children's rights. The Rules of Procedure of the CRC authorize the Committee to develop general comments based on the articles and provisions of the Convention with the objective of promoting its implementation and assisting States Parties in fulfilling their reporting obligations. The Committee incorporates these general comments into its reports to the General Assembly.¹⁵



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In 2001, the Committee adopted its General Comment on Article 29 of the Convention, which addresses the aims of education, and affirmed that RE is not limited to school attendance but extends to the manner in which education is provided and its content. These contents include not only school curricula but also educational processes, pedagogical methods, and the environment in which education takes place, whether at home, in school, or elsewhere. The Comment also emphasized the duty to respect the principle of equality between the sexes, as well as the prohibition of discrimination against children with disabilities. It concluded by stressing the need to design education in a manner that supports, in an integrated way, the ethical values embodied in the CRC and promotes human rights more broadly.¹⁶

The General Comment of the CRC concerning indigenous children and their rights under the Convention emphasized the importance of ensuring that these children have equal access to education with their non-indigenous counterparts. Furthermore, it stressed that States Parties must implement a range of specific measures to achieve this objective, including the allocation of financial, material, and human resources to enhance indigenous children's educational opportunities through tailored policies and programmes.¹⁷

Secondly: The Special Rapporteur on the RE

The Special Rapporteur on RE is an independent human rights expert appointed by the UN Human Rights Council, and the mandate was established in 1998. The mandate was created to examine the fundamental issues related to the right of every individual to receive quality education without discrimination, as well as to submit recommendations to governments and other relevant stakeholders. Within the framework of the mandate, the Special Rapporteur addresses issues relating to education in terms of its availability, accessibility, and adaptability, beginning with primary education.¹⁸

The Special Rapporteur has presented numerous reports, including a report issued on the occasion of the twenty-fifth anniversary of the establishment of the mandate on RE, which examined the guarantee of RE in light of the progress achieved and the critical challenges that remain. The report reviewed the achievements made in this field, the understanding of RE and the obligations arising from it, as well as contemporary and emerging issues that must be addressed to guarantee RE for all, both now and in the future.¹⁹

Among the Special Rapporteur's significant reports is the report on artificial intelligence in education, which examined the use of artificial intelligence in education from the perspective of the human right to education.²⁰

THE SECOND TOPIC: THE CRE AND THE PROSPECTS OF SUSTAINABLE DEVELOPMENT

Sustainable development seeks to establish a connection between the present and future generations in a manner that ensures the equitable distribution of resources, based on a forward-looking vision that guarantees a decent life for both current and future generations.

Accordingly, in 2015, the UN adopted the 2030 Agenda for Sustainable Development, a global action plan comprising 17 Sustainable Development Goals (SDGs).²¹ The Agenda is founded on collaborative action among governments, the private sector, civil society, and individuals to achieve long-term sustainable impact.

FIRST REQUIREMENT: THE PLACE OF EDUCATION WITHIN THE SUSTAINABLE DEVELOPMENT GOALS



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Education occupies a central place within the Sustainable Development Goals. It is reflected in Goal 4 of the 17 SDGs, which is devoted exclusively to education, underscoring its pivotal role in achieving sustainable development.

Firstly: Quality Education: The Fourth Goal of the Sustainable Development Goals

The relationship between education and sustainable development is inseparable, as development cannot progress without the human element. Consequently, education, or more broadly learning, constitutes the foundation of the sustainable development process. While sustainable development seeks to empower individuals, education aims to foster human development and empowerment through the teaching of knowledge in its broadest sense, thereby contributing to sustainable development. Education enables children, young people, and adults to develop their knowledge, attitudes, values, skills, and critical thinking, which are indispensable for living in societies undergoing rapid change. Accordingly, education was designated as Goal 4 of the 2030 Agenda for Sustainable Development.²²

Goal 4 of the 17 Sustainable Development Goals, entitled *Quality Education*, seeks to ensure inclusive and equitable quality education for all without discrimination while promoting lifelong learning opportunities. Education therefore constitutes a fundamental pillar of sustainable development and is inherently linked to the achievement of the other SDGs. However, the realization of Goal 4 requires the provision of educational opportunities of equal quality, together with the continuous development of educational skills and curricula in a manner that responds to the future demands of the labour market.

On this basis, education for sustainable development seeks to formulate a new vision of the educational process founded on the inclusion of all groups within society without exclusion and guided by a system of values and principles capable of addressing current and future challenges. This approach is not limited to improving education itself. Rather, it extends to making education a tool for enabling society to address fundamental issues such as the water crisis, climate change, and other global challenges.²³

The Regional Bureau for Arab States has reported notable progress in school enrolment across the Arab region. For example, between 2000 and 2014, gross enrolment rates increased from 15.5% to 27% at the pre-primary level and from 90.78% to 99.75% at the primary level.²⁴

Secondly: Objectives of Goal Four: Quality Education

The Sustainable Development Agenda's fourth goal aims to accomplish a number of goals, many of which have a direct bearing on children. Ensuring that all girls and boys get free, equitable, high-quality primary and secondary education by 2030 that results in relevant and useful learning outcomes is the most important of these goals. In order to prepare them for primary school, it also aims to guarantee that all boys and girls have access to high-quality early childhood development, care, and pre-primary education by 2030.²⁵

Ensuring that all students have the information and abilities required to advance sustainable development is another goal. By 2030, this entails encouraging sustainable lifestyles, respect for human rights, gender equality, a culture of peace and non-violence, global citizenship, an appreciation of cultural variety, and an understanding of how culture contributes to sustainable development.

The goals also include building and renovating educational buildings that are sensitive to the requirements of people with disabilities and gender disparities while guaranteeing inclusive, safe, productive, and violence-free learning environments for all students.



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Goal 4 also aims to significantly increase the number of scholarships available for poor nations. By 2030, it also seeks to greatly expand the pool of competent educators by strengthening international collaboration in teacher preparation for developing nations, especially the least developed nations and small island developing states.²⁶

SECOND REQUIREMENT: THE RELATIONSHIP BETWEEN QUALITY EDUCATION AND THE OTHER SUSTAINABLE DEVELOPMENT GOALS

Education is considered one of the fundamental pillars of achieving sustainable development. It constitutes one of the 17 Sustainable Development Goals (SDGs) and may appear to be independent of the other goals. However, it is closely interconnected with them. For example, it plays a significant role in eliminating gender discrimination and contributes to promoting health and environmental awareness, among other areas.

In this regard, some scholars argue that education is the fundamental pillar upon which the 2030 Agenda for Sustainable Development is based, as it represents the link between the economic, social, and environmental dimensions of sustainable development. In addition, it is regarded as one of the most important drivers of development and one of its essential foundations. A society that is committed to developing its educational system and preparing its members contributes to building a cohesive society in which the values of social security and political and economic stability prevail.²⁷

As a result, education is the key to achieving many of the other Sustainable Development Goals. Access to quality education enables people to escape the cycle of poverty and empowers individuals everywhere to lead healthier and more sustainable lives. It is also of great importance in promoting tolerance among people and contributes to building more peaceful societies.²⁸

Accordingly, it can be said that quality education represents a fundamental pillar for achieving the remaining Sustainable Development Goals.

Conclusion:

The CRE has been the subject of considerable international attention, as numerous international instruments, both general and specific, have recognized this right. These instruments have established and protected it through the adoption of a set of mechanisms that guarantee its exercise and monitor the extent of States' commitment to implementing it in their national legislation and in practice.

Despite the significance of this international legal recognition, which requires education to be compulsory and free for every child without discrimination between girls and boys, it is no longer sufficient on its own. It has become necessary to keep pace with contemporary developments, prompting States to link education to the dimensions of sustainable development. This approach was reflected in the 2030 Agenda for Sustainable Development, in which education was accorded considerable importance, becoming the fourth Sustainable Development Goal and a key factor closely interconnected with the other goals.

However, despite the central role of education in achieving sustainable development, and despite the positive outcomes reported in many countries, achieving its intended objectives continues to face numerous challenges that hinder the development of the educational system and the attainment of quality and inclusive education. These challenges include economic and financial constraints, administrative and educational obstacles, as well as social and political barriers. Addressing these challenges requires integrated policies and measures that ensure the achievement of the fourth Sustainable Development Goal.



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Based on this study, the following conclusions can be drawn:

- Many international conventions have emphasized the establishment of the right to primary education and have recognized it as compulsory and free.
- The CRC (1989) explicitly recognized the CRE on the basis of equal opportunities and established primary education as compulsory and free for all.
- The establishment of the CRC as an international institutional framework to monitor States' implementation of their obligations under the CRC constitutes an important guarantee for the effective protection of children's rights, including the RE.
- Reports play an important role in ensuring the establishment of the RE. However, questions remain regarding their effectiveness.
- The RE has acquired a new dimension in the context of sustainable development, highlighting its importance for the development of societies.
- Relative progress has been recorded in the field of education despite the financial disparities between developed and developing countries.
- Quality education is a key Sustainable Development Goal and is closely interconnected with the other Sustainable Development Goals.
- Various obstacles continue to hinder the achievement of quality education.

Based on the above, the following recommendations are proposed:

- Strengthen the implementation of international monitoring mechanisms to oversee States' compliance with their obligations related to the RE.
- Support States in developing quality education by providing financial assistance.
- Enhance international cooperation in the field of education to enable States to benefit from the experiences of leading countries in education.
- Give greater practical attention to areas experiencing exceptional circumstances, such as armed conflicts and other emergencies, in order to effectively guarantee the CRE.
- Develop digitalization systems in countries around the world to facilitate the monitoring of States' implementation of their obligations related to education and to make effective use of statistical data to identify the obstacles that hinder the educational process.

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