

4TH ANNUAL STUDENT CONFERENCE

“STUDENTS AS DIPLOMATS”



COMMITTEE ON THE RIGHTS OF THE CHILD

*“The right of the child to
education”*

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STUDY GUIDE

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1. Welcoming Letter of the Board

Distinguished Diplomats,

It is our great pleasure to welcome you to the 4th edition of the Annual Conference “Students as Diplomats” and especially to our committee, the Committee on the Rights of the Child. We, as your board members, will ensure that this is going to be an unforgettable experience for all of you, with passionate and productive debates of high academic quality, in a friendly and collaborative environment.

During our session, you are called to debate on the topic of the right of the child to education, a process playing a substantial role in the shaping of knowledgeable individuals as well as responsible citizens that wish to take a stand on the challenges their communities are faced with and contribute to the formation of a more prosperous society. Because as the famous Irish poet William Butler Yeats once said “Education is not the filling of a pail, but the lighting of a fire”.

We hope that this study guide will facilitate you with your preparations. You should however bear in mind that it is meant to be only the starting point. Your personal research will not only provide you with a more concrete basis for the drafting of your position papers but it will also endow you with in-depth knowledge of a very interesting topic.

We wish you all good luck!

Kind regards.

Terpsithea Papanikolaou, Chairperson

Pavlos Vaenas, Vice-Chairperson

2. Historical background: The United Nations and the Convention on the Rights of the Child

The United Nations (UN) is a global international organization, which was founded in San Francisco by 51 founding states (among which was Greece) on the 26th of June 1945 and began its operations on the 24th of October of the same year, following the ratification of the UN Charter by the parliaments of the Member – States. Nowadays, it is consisted of 193 Member States.

The purposes of the United Nations are enshrined in Article (1) of the Charter, among which is the “promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”, according to paragraph (3) of the said Article.

Inspired by those principles, the United Nations General Assembly adopted the Convention on the Rights of the Child (CRC) on November the 20th 1989, which came into force on September the 2nd of the following year. CRC remains, to this day, “the most widely ratified human rights treaty in history”¹, with 196 States being parties to the it, including all UN Member – States, except for the United States of America; in spite of having signed it, they are yet to become parties to the Convention. Nonetheless, the Convention on the Rights of the Child constitutes an exceptionally promising attempt in the framework of the endeavor to respect, protect and fulfill human rights worldwide.

¹ UNICEF. *What is the Convention on the Rights of the Child?* [online]. Available at: <https://www.unicef.org/child-rights-convention/what-is-the-convention>

3. The Committee on the Rights of the Child: role and mandate²

So as for the Convention's effective implementation by State parties to be ensured, a special committee was established, the United Nations Committee on the Rights of the Child, consisting of 18 independent experts. The aforementioned Committee examines the reports filled by State parties regarding the children's rights implementation in their territory and responds to them via the "concluding observations", providing concerns, remarks and proposals. Other than that, individuals may address the Committee as well, in the form of complaint – filing, claiming that a relevant violation has occurred. The body meets three times per year in Geneva, Switzerland, publishes the interpretation of human rights provisions (known as General Comments) and holds days of general discussion.

² Office of the High Commissioner on Human Rights. *Committee on the Rights of the Child- Introduction* [online]. Available at: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>

4. Articles 28 and 29 of the Convention on the Rights of The Child³

Article 18

1. *States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:*
 - a. *Make primary education compulsory and available free to all;*
 - b. *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;*
 - c. *Make higher education accessible to all on the basis of capacity by every appropriate means;*
 - d. *Make educational and vocational information and guidance available and accessible to all children;*
 - e. *Take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

2. *States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.*

3. *States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and*

³ Office of the High Commissioner on Human Rights. *Convention on the Rights of the Child, Articles 28 and 29* [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 18

- 1. States Parties agree that the education of the child shall be directed to:
 - a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
 - b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*
 - c. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*
 - d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
 - e. The development of respect for the natural environment.**

- 2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

5. Topic Analysis

5.1. Terms and Definitions

Child: According to Article 1 of the Convention on the Rights of the Child, a child is *"every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier"*⁴. This definition leaves to the discretion of each State the imposition or not of a minimum age, while it also allows for a younger age than eighteen years old to be established as the threshold of adulthood.

Education: In a general sense, education of children can be defined as the action or process of *"the transmission of the values and accumulated knowledge of a society, designed to guide children in learning a culture, molding their behaviour in the ways of adulthood and directing them toward their eventual role in society"*. It is also usually perceived as the field of study that is occupied with methods of teaching and learning in formal educational institutions, such as schools, and as a result, various non-formal and informal means of education, such as education in parent-child relationships, do not fall within the scope of this definition⁵. From a legal point of view, education usually refers to *"all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given"*⁶.

⁴ Office of the High Commissioner on Human Rights, *Convention on the Rights of the Child, Article 1*. [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁵ Encyclopedia Britannica, (2019). *Education | Definition, History, Types, & Facts*. [online]. Available at: <https://www.britannica.com/topic/education>

⁶ UNESCO. *Convention against Discrimination in Education, Article 1 par. 2*. [online]. Available at: http://www.unesco.org/education/pdf/DISCRI_E.PDF

Discrimination: Discrimination in the enjoyment of the right to education can be defined as *“any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*

- a. *Of depriving any person or group of persons of access to education of any type or at any level;*
- b. *Of limiting any person or group of persons to education of an inferior standard;*
- c. *... of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or*
- d. *Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man”⁷.*

Refugee: A refugee is defined as *“a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”⁸.*

Internally displaced person: An internally displaced person (hereinafter IDP) is defined as a *“person who has been forced or obliged to flee or to leave his or her home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who*

⁷ UNESCO. *Convention against Discrimination in Education, Article 1 par. 1.* [online]. Available at: http://www.unesco.org/education/pdf/DISCR1_E.PDF

⁸ UNESCO, (2019). *Right to education handbook*, p. 92-93, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

has not crossed an international recognized State border"⁹. Such an individual is sometimes faced with a situation similar to that of a refugee, however what sets him or her apart is the fact that he or she still remains within the territory or his or her own country.

Roma people: Roma is the internationally used name¹⁰ that designates *"an ethnic group of traditionally itinerant people who originated in northern India but live in modern times worldwide, principally in Europe"*¹¹.

Person with disabilities: A person with disability can be defined as an individual *"who has long-term physical, mental, intellectual or sensory impairments which in interaction with various environmental and attitudinal barriers may hinder his or her full and effective participation in society on an equal basis with others"*¹².

⁹ UNESCO, (2019). *Right to education handbook*, p. 93, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

¹⁰ Council of Europe, (2012). *Descriptive Glossary of terms relating to Roma issues*, p. 7. [online]. Available at: <http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>

¹¹ Encyclopedia Britannica, *Roma / people*. [online]. Available at: <https://www.britannica.com/topic/Rom>

¹² United Nations General Assembly, *Convention on the Rights of Persons with Disabilities, Preamble and Article 1*, [online]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

Religious and philosophical beliefs and convictions: The term "belief" signifies "*deeply held conscientious convictions that are fundamental about the human condition and the world*"¹³. It is important to highlight that UN Human Right Treaty Bodies perceive belief and religion in a broad way, so they include in the term not only "*traditional religions or religions and beliefs with institutional characteristics or practices analogous to those of traditional religions*", but also "*theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief*"¹⁴.

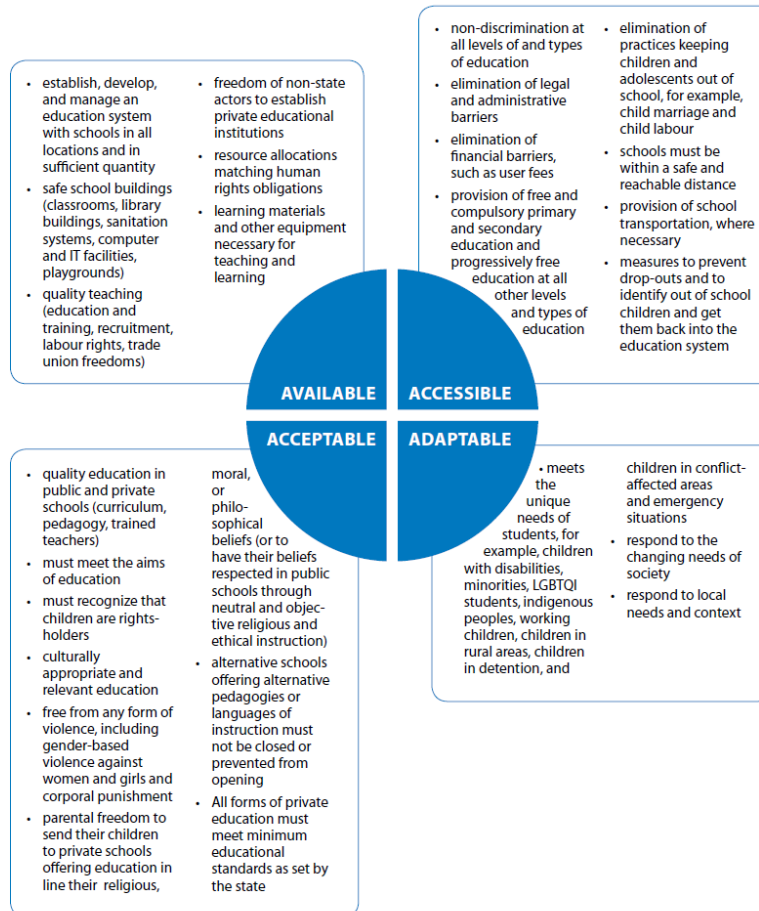
5.2. Article 28 - Brief Content Analysis

Article 28 serves as the legal basis for the recognition of education as a right for every child. It imposes on the Member States to the Convention several legally binding obligations, such as free compulsory primary education for all, free secondary education, including vocational and technical education, accessibility to higher education on the basis of meritocracy and academic performance, provision of educational and vocational information and guidance, safeguarding of regular school attendance, using school discipline methods respecting the human dignity of the

¹³ Organization for Security and Co-operation in Europe, (2007). *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*, p. 20, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw [online]. Available at: <https://www.osce.org/odihr/29154?download=true>

¹⁴ UN Human Rights Committee. *General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)*, par. 2 [online]. Available at: <https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en>

child and international cooperation on matters relevant to the right to education¹⁵. It is also important to showcase that the overall content and philosophy of this article is based upon a framework consisting of 4 fundamental pillars, known as the “4As”: a) availability, b) accessibility, c) acceptability, and d) adaptability. The content of each of these pillars can be summarized according to the following figure¹⁶ as this:



¹⁵ UNESCO, (2019). *Right to education handbook*, p. 53, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

¹⁶ This figure comes from UNESCO, (2019). *Right to education handbook*, p. 76, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

5.3. The General Comment on Article 29 – CRC/GC/2001/1

5.3.1. Introduction

Until today, the Committee on the Rights of the Child has issued numerous General Comments so as to provide a more precise and solid interpretation of the Convention’s particular aspects. On April the 17th 2001, the Committee published its first one concerning the aims of education, symbolized as CRC/GC/2001/1¹⁷. Typically, the aforementioned General Comment, refers to Article 29 of the Convention; however, it offers adequate and in – depth information regarding the right to education as a whole. With a view to further and more comprehensively understanding children’s right to education, a summary of the key parts of the General Comment may be found bellow.

5.3.2. Key Points of the General Comment on Article 29 – CRC/GC/2001/1

First and foremost, Article 29 (1), showcases the indispensable link between the core values of the Convention overall. It highlights the importance of human dignity, especially in its particular dimension concerning children’s rights, whereas it emphasizes that the educational approach needs to be child – centered and holistic, so as for all aspects of a child’s personality to be equally developed. “Education”, under this notion, transcends formal schooling and seeks for the effective integration of children in the society as independent individuals, who will be able to face current and ever – evolving challenges. Through education, children need to surpass national, religious and cultural boundaries as well as embrace human rights and fundamental

¹⁷ UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education* [online].

Available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashxenc=6QkG1%2fPPRiCAqhKb7yhsiQql8gX5Zxh0cQqSRzx6Ze%2f9ZHeLGwBpr0TgNk7n2KwvLTyUpYZrr02%2f7DotFSXC1I63SyvWMYMe2Uzx3UWvmY%2bEdPniS4vfn%2f9OXI938X>

freedoms. The latter (as stated in Art. 29 (1) (b), however, is not always automatically in accordance with Paragraph (1) (c) of the same Article, referring to the protection of and respect towards the child's own cultural identity. Nonetheless, it is this exact "contradiction" that reveals the true nature of education; one that can bridge gaps between different values through tolerance and respect.

Furthermore, the Committee emphasizes on the fact that children's rights stem from already existing social values and that they can be efficiently understood only in a broader ethical context. That is to say that in no case can it be argued that they are imposed to States solely by the Convention. Moreover, as far as the educational and teaching processes are concerned, the Committee stresses the importance of the principles of equality and non – discrimination, deplores the use of violence in schools, while it also encourages the endeavor to eliminate racism and other similar forms of unfounded fear. The school curriculum needs to promote a holistic educational approach so for children to equally develop all of their dimensions – both mental as well as physical – in a way that it does not exhaust them but provides them with sincere motivation to achieve their full potential. Notwithstanding the crucial role of school, families and communities need to also shape these young individuals in accordance with the Convention's principles, such as by providing education for peace and tolerance and promoting respect for the environment. In other words, what is frankly demanded is a multidisciplinary approach when it comes to education.

What is more, Article 29 constitutes the foundation upon which human rights education can be organized and provided in schools both in a theoretical as well as in a practical manner. Needless to say, in order to truly understand their significance, children have to personally experience the implementation of human rights not only in schools but also in their families and their communities. This kind of education is vital and can prove to produce very promising results, especially when it comes to children who are subjected to situations of conflict or emergency.

The Committee has pointed out that the school curricula have to be reworked, mainly though

the regular revision of textbooks, the implementation of new technologies in the learning process as well as by constantly training teachers, while the school environment needs to be a friendly place allowing students to fully develop their character. Needless to say, the media can entertain a major role as well, by promoting content that constructively shapes children's personalities.

Notwithstanding the promising nature of the Committee's attempts, the complete fulfillment of this vital right is yet to be achieved. According to the Committee's opinion, the Convention's rather generic language, implemented in order for numerous values to be embodied, does not constitute any form of excuse for States not to comply with their conventional obligations and incorporate CRC's values in their national legislation. Moreover, human and financial resources limitations cannot be used as a justification as well, seeing that States are required to design development strategies via undertaking measures on a national level as well as through the promotion of international and regional cooperation, so as for the aforementioned resources to become available to the maximum extent possible. Lastly, the Committee notes that any other human rights violations occurring in States can lead to the assumption that the respective Government has done nothing or little in order to implement the Convention's guidelines.

5.4. Selected sub-topics

5.4.1. Integration of refugee, internally displaced, Roma children and children with disabilities in the educational system

Although the right to education is a universal right, meaning it must be enjoyed by each and every child equally and without discrimination, in reality a large number of children belonging to certain vulnerable groups miss out on education on terms of legal, financial and physical access or inferior quality. Such a phenomenon is incompatible especially with the dimensions of accessibility and adaptability of national educational frameworks, as analyzed above. The need to eliminate all kinds of discrimination and inequalities was unanimously recognized by the

international community in 2015 by undertaking the promise, according to the Sustainable Development Agenda, “to leave no one behind”¹⁸. The Convention on the Rights of the Child in fact also explicitly recognizes that the Member States to the Convention have to respect and ensure the right to education “without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”¹⁹.

Refugee children are undeniably one of the most marginalized groups when it comes to the enjoyment of the right to education. In addition, despite the widespread realization of the problem, statistical data for refugees are often either scarce and fragmented or entirely missing from both the statistics of the refugee’s country of origin and the host country. On a global level, however according to the UN Refugee Agency, while the primary school enrollment rate reaches 91%, only about 50% of the 3.5 million refugee children of primary school-age attend primary education in their host countries²⁰. At the secondary education, figures are even more disappointing, with 23% of refugee students enrolled in secondary schools compared with 84% globally, meaning that only two-thirds of refugee children go beyond primary education level.

At the same time, as far as the tertiary education level is concerned, the estimate for refugees is just 1% compared to 34% globally. In addition, access to education for refugees is

¹⁸ UNESCO, (2019). *Right to education handbook*, p. 81, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

¹⁹ Office of the High Commissioner on Human Rights, *Convention on the Rights of the Child, Article 2*. [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

²⁰ UN High Commissioner for Refugees, (2016). *Starting Out- Why education for refugees matters* [online]. Available at: <https://www.unhcr.org/starting-out.html>

significantly different between countries. Low- and middle-income countries host 85 % of refugees and some of these big hosting countries, such as Pakistan, Cameroon and Ethiopia, exhibit worryingly low refugee enrollment rates²¹.

In several countries, refugees face various restrictions on their enrolment in national schools and are granted access only to unofficial schools, meaning that they are not taught and examined according to the established national standards and thus their advancement to secondary and tertiary education faces insurmountable challenges. In addition, due to the lack of information, refugee parents can initially be hesitant to send their children to study foreign curricula, due to the fear of alienation to their native cultures and identities. Furthermore, problems also exist from the perspective of teachers, who, upon the arrival of refugee children, can suddenly face considerably more complex classrooms than they were used to and need appropriate support and re-training²².

Internally displaced and Roma children face to a large extent similar challenge. Interestingly, when it comes to discrimination against Roma children in particular, it has been found that, for example, the mass enrolment of students from Roma background in “special schools”, that is, institutions for the education of mentally disabled children and their subsequent over-representation in these schools compared to those of mainstream education, was a practice

21 UNESCO, (2019). *Enforcing the right to education for refugees- a policy perspective*, p 4-5, UNESCO, Paris [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366839>

22 UN High Commissioner for Refugees, (2016). *Starting Out- Why education for refugees matters* [online]. Available at: <https://www.unhcr.org/starting-out.html>

contrary to the respect of the right to education without discrimination²³. The same conclusion has also been drawn regarding the placement of Roma children in separate classes in several Slovak mainstream schools, solely based on their ethnic origin²⁴.

Finally, children with various disabilities also have to deal with many obstacles regarding the full enjoyment of their right to education. The concept of “reasonable accommodation” is substantial in this case. It means that sometimes appropriate modifications and adjustments that do not impose a disproportionate burden are needed, so as to ensure that disabled children can benefit on an equal basis from the advantages of education, for instance by making sure that classrooms and libraries are accessible to students with mobility problems and providing children with dyslexia with additional time to complete exams ²⁵. One interesting example of actual implementation of this concept in a domestic level is that of Canada, where in a case concerning the education of a boy with Down’s Syndrome, a court found that the mandatory integration enshrined in the Education Act taken together with the prohibition of disability-based discrimination stipulates that reasonable accommodation measures need to be taken at each stage of a student’s integration, taking account of the international experience that disabled

²³ Child Rights International Network. (2017). *Czech Republic: First steps taken on ending anti-Roma discrimination in schools* [online]. Available at: <https://archive.crin.org/en/library/publications/czech-republic-first-steps-taken-ending-anti-roma-discrimination-schools.html>

²⁴ Right to Education, (2017). *Case-law summary: Center for Civil and Human Rights v ŠM Primary and Nursery School* [online]. Available at: <https://www.right-to-education.org/resource/case-law-summary-center-civil-and-human-rights-v-m-primary-and-nursery-school>

²⁵ UNESCO, (2019). *Right to education handbook*, p. 91, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

children are better educated in an environment of integration²⁶. The legally binding character of the integration of disabled children in mainstream education has also been affirmed when Bulgaria was condemned for the placement of children with medium and severe disabilities in secluded institutions with appalling living conditions and there was in most cases not provision of their education neither in these institutions nor in mainstream schools²⁷.

5.4.2. The respect of the right of the parents that their children receive education that is compatible with their religious and philosophical convictions

Parents and legal guardians, according to the Convention on the Rights of the Child, as well as other international legally binding texts, are afforded the right to ensure that their children are receiving a general, moral and religious education in accordance with their own convictions, taking into account the child’s evolving capacities²⁸. States that are bound by the Convention must therefore take care of the need that their educational system is also compatible with the above analyzed notion of acceptability.

At this point, it is crucial to clarify that information about religions and beliefs and religious instruction are two distinct concepts. “Learning about religion” entails investigation of the nature of different religions, their general beliefs and teachings systems, as well as of their sacred texts,

²⁶ UNESCO, (2019). *Right to education handbook*, p. 50, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

²⁷ Child Rights International Network, (2015). *Bulgaria: no more excuses on education for children with mental disabilities* [online]. Available at: <https://archive.crin.org/en/library/publications/bulgaria-no-more-excuses-education-children-mental-disabilities.html>

²⁸ Office of the High Commissioner on Human Rights, *Convention on the Rights of the Child, Article 14 par. 2*. [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

traditions and forms of manifestation It also covers students’ realization of the way in which individual religions relate to each other, skills of interpretation and usage of specialized scientific terms²⁹. “Religious instruction”, on the other hand is the teaching of a particular religion or belief based on its foundations and can also take place outside of formal educational institutions. When it takes place within the national education system as an integral part of it or even as part of the mandatory school curriculum, it often reflects the interests and demands of large parts of the population which adheres to a certain religion and expect the school to entertain an active role in the teaching of the predominant religion³⁰.

Religious instruction does not in itself violate the right of parents not adhering to the predominant religion to ensure that their own children receive an education compatible with their own convictions, when certain safeguards are in place. One of these safeguards is the possibility of being exempted from such a course, without being subjected to unnecessary bureaucratic procedures or even penalties but rather by being provided with an appropriate alternative course. This safeguard is of paramount importance given the nature of religious beliefs as an integral part of the parent and the child’s inviolable internal world³¹. An example of

²⁹ Organization for Security and Co-operation in Europe, (2007). *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*, p. 45-46, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw [online]. Available at: <https://www.osce.org/odihr/29154?download=true>

³⁰ Office of the High Commissioner on Human Rights. *International standards 13g- Freedom of religion or belief*, par. 48-49 [online]. Available at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx>

³¹ Office of the High Commissioner on Human Rights. *International standards 13g- Freedom of religion or belief*, par.50-53 [online]. Available at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx>

judicial affirmation of these positions can be found in a judgment of the Supreme Court of the Philippines, where it was found that children who are Jehovah's Witnesses have the right to be exempted from the flag ceremony (singing of the national anthem, salute the flag and reciting of patriotic pledges) because their freedom to express their beliefs could only be limited due to a danger to public safety³².

Another substantial safeguard is that of educational freedom, that is the right of the parents and the legal guardians to ensure the moral and religious education of their children compatible with their own convictions. An aspect of this freedom is the possibility to choose schools other than the public ones for their children. It is therefore an obligation of the State to allow for the choice of alternative schools not established by the public authorities and in that connection to also allow, as a prerequisite, to private individuals and communities to establish their own educational institutions³³.

However, the existence of separate educational institutions established for minorities for linguistic, religious or cultural reasons, or the possibility thereof, does not serve as an excuse for the State to obstruct members of minority groups from attending mainstream educational institutions, should they themselves or their families accordingly wish. In addition, if the State decides to provide public funding to religious or denominational schools, the funds should be

³² Birutė Pranevičienė and Aurelija Pūraitė, (2010). *Right of Education in International Legal Documents*. Jurisprudence. 2010, 3(121), p. 141 [online]. Available at: <https://www.mruni.eu/upload/iblock/e91/8praneviciene,%20puraite.pdf>

³³ UNESCO, (2019). *Right to education handbook*, p. 128-129, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

made available without discrimination between different institutions or between religions and denominations³⁴.

Last but not least, a highly contentious issue closely connected with the right under discussion is that of religious symbols. It has to be noted that each case calls for a different treatment. If a State deems necessary to impose restrictions on the wearing of religious symbols in public educational institutions, such restrictions should be applied in a non-discriminatory manner, and be directly relevant and proportionate to the particular need or interest they are destined to serve. At the same time, for instance, the rights of the child and their parents or legal guardians may justify the restriction of the freedom of teachers to wear religious symbols and garments as a manifestation of their own religious beliefs. Under any circumstances, the best interests of the child should be the most decisive parameter in striking a balance between, for example, the professed confessional neutrality of the public education and the wish of the children or their teachers to exercise their freedom of religion³⁵.

³⁴ Office of the High Commissioner on Human Rights. *International standards 13g- Freedom of religion or belief*, par. 54-55 [online]. Available at:
<https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx>

³⁵ Office of the High Commissioner on Human Rights. *International standards 13g- Freedom of religion or belief*, par. 59 [online]. Available at:
<https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx>

6. Questions to be answered

1. How can the integration of children belonging to vulnerable groups, and more specifically, refugee, internally displaced, Roma children and children with disabilities in the educational system be achieved?
2. How can students receive an education in conformity with the right of the parents to respect their religious and philosophical convictions?

7. Suggestions for Further Research

- i. Child Rights International Network: <http://home.crin.org/>
- ii. Child Rights Connex: <https://www.childrightsconnect.org/>
- iii. UNICEF Website: <https://www.unicef.org/>
- iv. UNESCO, (2019). Right to education handbook, UNESCO and Right to Education Initiative, Paris-London :<https://unesdoc.unesco.org/ark:/48223/pf0000366556>
- v. Right to Education: <https://www.right-to-education.org/>
- vi. UN Office of the High Commissioner on Human Rights: <https://www.right-to-education.org/>
- vii. Convention on the Rights of the Child State Parties Reports:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4

8. Bibliography

- a. Birutė Pranevičienė and Aurelija Pūraitė, (2010). Right of Education in International Legal Documents. Jurisprudence. 2010, 3(121)
- b. Child Rights International Network, (2015). Bulgaria: no more excuses on education for children with mental disabilities
- c. Child Rights International Network. (2017). Czech Republic: First steps taken on ending anti-Roma discrimination in schools
- d. Council of Europe, (2012). Descriptive Glossary of terms relating to Roma issues
- e. Encyclopedia Britannica, (2019). Education | Definition, History, Types, & Facts
- f. Encyclopedia Britannica, Roma | people
- g. Office of the High Commissioner on Human Rights. Committee on the Rights of the Child- Introduction
- h. Office of the High Commissioner on Human Rights. Convention on the Rights of the Child
- i. Office of the High Commissioner on Human Rights. International standards 13g- Freedom of religion or belief
- j. Organization for Security and Co-operation in Europe, (2007). Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw
- k. Right to Education, (2017). Case-law summary: Center for Civil and Human Rights v ŠM Primary and Nursery School

- l. UN Committee on the Rights of the Child, General Comment No. 1: The Aims of Education
- m. UN High Commissioner for Refugees, (2016). Starting Out- Why education for refugees matters
- n. UN Human Rights Committee. General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)
- o. UNESCO, (2019). Enforcing the right to education for refugees- a policy perspective, UNESCO, Paris
- p. UNESCO, (2019). Right to education handbook, UNESCO and Right to Education Initiative, Paris-London
- q. UNESCO. Convention against Discrimination in Education
- r. UNICEF. What is the Convention on the Rights of the Child?
- s. United Nations General Assembly, Convention on the Rights of Persons with Disabilities

9. Online Sources

- a. Birutė Pranevičienė and Aurelija Pūraitė, (2010). *Right of Education in International Legal Documents*. Jurisprudence. 2010, 3(121), [online]. Available at:
<https://www.mruni.eu/upload/iblock/e91/8praneviciene,%20puraite.pdf>
- b. UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education* [online]. Available at:
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashxenc=6QkG1%2fPPRiCAqhKb7yh%2fsiQql8gX5Zxh0cQqSRzx6Ze%2f9ZHeLGwBpr0TgNk7n2KwvLTyUpYZrr02%2f7DotFSXC1l63SyyWMYMe2Uzx3UWvmY%2bEdPniS4vfn%2f9OXI938X>
- c. Child Rights International Network, (2015). *Bulgaria: no more excuses on education for children with mental disabilities* [online]. Available at:
<https://archive.crin.org/en/library/publications/bulgaria-no-more-excuses-education-children-mental-disabilities.html>
- d. Child Rights International Network. (2017). *Czech Republic: First steps taken on ending anti-Roma discrimination in schools* [online]. Available at:
<https://archive.crin.org/en/library/publications/czech-republic-first-steps-taken-ending-anti-roma-discrimination-schools.html>
- e. Council of Europe, (2012). *Descriptive Glossary of terms relating to Roma issues* [online]. Available at:
<http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>
- f. Encyclopedia Britannica, (2019). *Education | Definition, History, Types, & Facts.* [online].

Available at: <https://www.britannica.com/topic/education>

- g. [Encyclopedia Britannica, *Roma / people*](https://www.britannica.com/topic/Roma). [online]. Available at: <https://www.britannica.com/topic/Roma>
- h. [Office of the High Commissioner on Human Rights. *Committee on the Rights of the Child- Introduction*](https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx) [online]. Available at: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>
- i. [Office of the High Commissioner on Human Rights. *Convention on the Rights of the Child*](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx), [online]. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- j. [Office of the High Commissioner on Human Rights. *International standards 13g- Freedom of religion or belief*](https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx), [online]. Available at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Istandards13g.aspx>
- k. [Organization for Security and Co-operation in Europe, \(2007\). *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools*](https://www.osce.org/odihr/29154?download=true), OSCE Office for Democratic Institutions and Human Rights (ODIHR), Warsaw [online]. Available at: <https://www.osce.org/odihr/29154?download=true>
- l. [Right to Education, \(2017\). *Case-law summary: Center for Civil and Human Rights v ŠM Primary and Nursery School*](https://www.right-to-education.org/resource/case-law-summary-center-civil-and-human-rights-v-m-primary-and-nursery-school) [online]. Available at: <https://www.right-to-education.org/resource/case-law-summary-center-civil-and-human-rights-v-m-primary-and-nursery-school>
- m. [UN High Commissioner for Refugees, \(2016\). *Starting Out- Why education for refugees matters*](https://www.unhcr.org/starting-out.html) [online]. Available at: <https://www.unhcr.org/starting-out.html>

- n. UN Human Rights Committee. *General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18)* [online]. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.4&Lang=en UNESCO, (2019). *Enforcing the right to education for refugees- a policy perspective*, UNESCO, Paris [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366839>
- o. UNESCO, (2019). *Right to education handbook*, UNESCO and Right to Education Initiative, Paris-London [online]. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000366556>
- p. UNESCO. *Convention against Discrimination in Education* [online]. Available at: <http://www.unesco.org/education/pdf/DISCRIME.PDF>
- q. UNICEF. *What is the Convention on the Rights of the Child?* [online]. Available at: <https://www.unicef.org/child-rights-convention/what-is-the-convention>
- r. United Nations General Assembly, *Convention on the Rights of Persons with Disabilities* [online]. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>