

# People for Education's Right to Education Initiative / A Backgrounder

## 1. What is the Draft Right to Education Framework?

In Canada, every child and young person has a right to education.

That right is included in many national and international human rights agreements, including, among others, the [Convention on the Rights of the Child](#), the [Universal Declaration of Human Rights](#), the [International Covenant on Economic, Social and Cultural Rights](#), and the [United Nations Declaration on the Rights of Indigenous Peoples](#).

Missing from the declarations, conventions and covenants, is clarity about the quality of education that every child and young person should have a right to.

Developed in consultation with experts from across Canada, the [Draft Right to Education Framework](#) is a tool to define and track our progress toward achieving the goals of a quality education for all learners. The proposed Framework – which addresses education from early childhood education through kindergarten to Grade 12 – outlines 61 specific goals related to access, accountability, quality, and respect for learners and communities.

The Right to Education Framework builds on [People for Education's](#) more than 20-year commitment to monitoring policy and funding changes in Ontario's publicly funded schools.

## 2. What is a rights-based framework?

Every person in Canada has a range of economic, social, and cultural rights. In addition, Indigenous peoples in Canada have specific treaty-based rights and inherent rights, as well as rights articulated in the UN Declaration on the Rights of Indigenous Peoples.

Rights-based frameworks help to define in specific terms what types of supports and services people should expect to receive within our economic and social systems. These frameworks can help governments and individuals re-imagine both how systems are structured and how well they are serving the individuals and communities they are meant to serve.

Having a rights-based framework does not mean that every right is achieved overnight, but it does provide a tool to track systems' or jurisdictions' progress toward achieving a defined set of goals. This concept – of “progressive realization” of rights – is enshrined in the International Covenant on Economic, Social and Cultural Rights. It means that once a set of rights are agreed upon, states must show that they are taking steps toward the full realization of those rights, using their maximum available resources. In this way, rights-based frameworks can be used to guide progress and to hold jurisdictions accountable.

## 3. How are human rights connected to equity?

Equity and rights are inextricably linked.

Every person has the right to non-discrimination, and the human rights principle of universality embeds the right to equity. The principle of equity acknowledges and recognizes that historically

there are populations who have been underserved, underrepresented, and discriminated against, and that closing gaps in the enjoyment of rights is necessary to achieve equality of outcomes in education and life.

A rights-based education framework helps recognize the goals of equity as an obligation within a framework of accountability. It is one of the many strategies that can be used to address systemic racism, the impacts of colonization, and continued inequities not only in access, but in students' rights to equitable outcomes and success in education.

#### **4. What are the other benefits of working toward the realization of quality education as a human right?**

It is especially important to reinforce [education as a right](#) for all children and young people because access to a high-quality education promotes and enables other rights and freedoms. The right to education is often referred to as a “multiplier” right, in that it enables access to other human rights, including civil and political rights to freedom of expression, the right to freedom of association, the right to political participation, the right to vote, the right to freedom of thought, conscience and religion, and the right to family and private life. It enables cultural rights, social and emotional well-being, and economic rights.

Education is also a key component in allowing people to access other rights – the right to housing and food, for example, or healthcare.

And, according to the [UN Committee on Economic, Social and Cultural Rights](#), education is “the primary vehicle by which socially and economically marginalized adults and children can lift themselves out of poverty.”

#### **5. What is People for Education's interest in developing a rights-based framework for education?**

In partnership with the [Maytree Foundation](#), People for Education is working with key stakeholders to articulate what a quality education consists of in Canada and how to ensure all students can fully enjoy their right to education.

Canada has relatively strong education systems, however persistent gaps and barriers mean that not every child or student has equitable access to the quality education that will provide them the chance for long-term success in school and life. Notably, underfunded on-reserve education, a lack of universal early childhood education and care, and systemic racism continue to undermine equity in education.

By defining quality and articulating concrete goals for access, accountability and respect for individuals and communities, People for Education is seeking to advance the rights outlined in existing Canadian legislation (e.g., [Canadian Charter of Rights and Freedoms](#)) and in international rights agreements that Canada has signed on to.

The proposed Framework – which addresses education from early childhood education through kindergarten to Grade 12 – includes 61 specific goals, introducing a level of specificity and definition that lends itself to measurement, and therefore, to measuring progress against those goals.



The right to education includes the content and curriculum, governments' legal obligations, what multiple levels of government must do to implement the right to education, how to monitor the right to education, and how to increase accountability of the right to education. The Framework can be used to help develop a tool to track Canada's progress in achieving the right to education for all students in publicly funded education.

## 6. How was People for Education's Draft Right to Education Framework developed?

Beginning in 2018, People for Education convened a [right to education advisory group](#) of experts in children's rights, human rights, youth engagement, Indigenous education, and public education, along with students and teachers. The advisory group has shaped the Right to Education Framework through their diverse perspectives and experiences.

## 7. What would a Right to Education Framework mean for Canada?

Unlike most countries, Canada does not have a national department of education. Control over education resides with the provinces and territories and First Nations, Métis, and Inuit peoples.

However, Canada still has a responsibility to ensure all children and young people fully enjoy their right to education. The right to education was recognized as a core human right in the Universal Declaration of Human Rights in 1948. Canada formally recognized this right in 1976, when it signed and ratified the International Covenant on Economic, Social and Cultural Rights, and again in 1991 when it ratified the UN Convention on the Rights of the Child, which further elaborates on the right to education. The UN Convention on the Rights of the Child was the first human rights treaty to explicitly recognize rights of Indigenous children to language and culture.

A Right to Education Framework could be used by multiple levels and types of government and governing structures, including federal, provincial, territorial, Indigenous, municipal, school board and schools. It would introduce a consistency across the country in terms of the quality of education every person in Canada should expect. The Framework would also serve to harmonize education-related standards across the different systems, while at the same time providing a structure that could be adaptable to local and regional needs.

## 8. What is a quality education in Canada?

Creating a framework that articulates the right to a quality education will help ensure that Canadian education systems create engaged learners with the capacity to continue learning, to collaborate, to communicate effectively and think critically, and to understand themselves and society. Quality education systems promote and prioritize student well-being, and prepare students for long-term success, no matter the future path they choose.

In 2016, representatives from Canada joined world leaders to adopt the [Incheon Declaration for Education 2030](#), which outlines goals to achieve a strong, high-quality education system by 2030 (UNESCO). Those goals include a commitment to the evaluation of outcomes, preparing well-trained and qualified teachers, building well-resourced systems, committing to nurturing literacy and numeracy skills, as well as competencies such as analytical and social-emotional skills. The goals also include a commitment to cultivating citizenship skills, human rights literacy, and global and sustainable development.



## 9. How does Canada support the right to education?

The following documents relate to Canada's commitment to the right to education:

- [Convention on the Elimination of All Forms of Racial Discrimination](#) (1969)
- [Convention on the Elimination of All Forms of Discrimination against Women](#) (1981)
- [Canadian Charter of Rights and Freedoms](#) (1982)
- [Convention on the Rights of the Child](#) (1991)
- [Convention on the Rights of Persons with Disabilities](#) (2010)
- [2030 Agenda for Sustainable Development](#) (2015)
- [UN Declaration on the Rights of Indigenous Peoples](#) (2016) (signatory, ratification in progress)

## 10. How does a Canadian Right to Education Framework incorporate Indigenous rights?

It is critically important to distinguish Indigenous rights from a universalizing human rights framework. The Right to Education Framework must uphold the rights of Indigenous peoples.

For Indigenous students, the right to education is a human rights issue, as well as an issue of inherent Indigenous rights and treaty rights. The People for Education Framework recognizes existing standards for Indigenous education developed by Indigenous-led organizations such as the World Indigenous Nations Higher Education Consortium ([WINHEC](#)), which has developed standards and benchmarks for both K–12 and post-secondary Indigenous educational institutions. International human rights instruments are to support and not to revoke or rescind the self-determining and inherent rights systems of Indigenous Peoples.

The Convention on the Rights on the Child explicitly recognize rights of Indigenous children to language and culture, and the UN Declaration on the Rights of Indigenous Peoples specifically outlines the right to “retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.”

## 11. How will a Right to Education Framework address systematic racism?

There are numerous rights frameworks that declare acts and behaviours associated with racism and discrimination unacceptable, such as the Canadian Charter of Rights and Freedoms, with some remedies available in the [Canadian Human Rights Tribunal](#) and provincial/territorial human rights bodies. Recently, there have also been public acknowledgments that systemic racism persists in education and affects students' outcomes.

Up to now, this has not had a substantive effect on shifting the culture embedded in many if not most education systems. By defining specific and potentially measurable goals for access, accountability, quality, and respect for all learners, the Draft Right to Education Framework has the capacity to provide a more concrete pathway to address pervasive racism in the education system.

## 12. Does introducing a rights framework create an overly litigious culture in the school system?

There is some evidence to suggest that with the introduction of a rights-based framework, individual complaints increase. However, it is not the intention to use this Framework – or the tools that can be derived from it – to make individuals or groups of individuals unduly responsible for its entirety.

The Framework is intended to place learners and their experiences at the heart of how we design and deliver education, in realms including access, accountability, quality and respect for all learners. The rights-based perspective can be as much about shifting culture in schools and school systems, as it is about creating a list of legal rights. For instance, at the school level, the Framework can be used in tandem with existing mechanisms such as school improvement plans, or strategies such as [UNICEF's Rights Respecting Schools initiative](#).

## 13. What are the roles and responsibilities of different parties under a rights framework?

The Framework is centred in a rights-based approach to education that acknowledges students are rights-holders and adults are duty-bearers within educational institutions. In fulfilling students' right to education in Canada, there is a reciprocal relationship between students (the rights-holders) and the state (the duty-bearers).

As rights-holders, students must be provided with the curriculum, supports and education necessary to develop the capacity and the knowledge that will allow them to claim their right to a quality education. As duty-bearers, the state is legally bound to protect students' right to quality education, and to ensure that all authorities involved in designing, funding, and delivering education – the federal, provincial, territorial, Indigenous governments, school boards and school districts, individual schools, their leaders, and other responsible adults – take steps toward the full realization of students' rights, using their maximum available resources.

To find out more on the right to education, please visit: <https://peopleforeducation.ca/draft-right-to-education-framework/>

