

SDG 4: QUALITY EDUCATION



A LEGAL GUIDE

This Legal Guide to the Sustainable Development Goals (SDGs) was first published by Advocates for International Development (A4ID).

Disclaimer

The information contained within this guide is correct at the date of publication.

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About A4ID

Advocates for International Development (A4ID) was founded in 2006 to see the law and lawyers play their full part in the global eradication of poverty. Today, A4ID is the leading international charity that channels legal expertise globally toward the achievement of the UN Sustainable Development Goals. Through A4ID, the world's top lawyers are able to offer high-quality, free legal support to NGOs, social enterprises, community-based organisations, and developing country governments that are working to advance human dignity, equality, and justice. A4ID also operates as a knowledge and resource hub, exploring how the law can be better used to help achieve the SDGs through a range of courses, publications, and events.



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Foreword



The SDG Legal Initiative

There are now less than ten years left to realise the achievement of the UN Sustainable Development Goals (SDGs). Aware of the challenge, Advocates for International Development (A4ID) has been continuing its innovative work towards meeting these targets by harnessing the power of the law and the work of lawyers. A4ID's SDG Legal Initiative has been developed because it is now more important than ever that the global legal community comes together to use their skills to advance positive global change.

The SDG Legal Initiative is a call to action to the global legal profession to work towards the achievement of the SDG Agenda and we have until 2030 to do so. By sharing knowledge and providing opportunities to take practical action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity, A4ID will continue its work with the legal sector to enhance this impact. The SDG Legal Initiative aims to create communities of practice, and to amplify the role of the legal sector in achieving the SDGs.

Legal Guide to the SDGs

As part of its SDG Legal Initiative, A4ID has developed the world's first Legal Guide to the SDGs. The Legal Guide has been developed as a unique resource, providing a foundational analysis of the role that law can and should play in the achievement of the SDGs. Developed in collaboration with lawyers, academics, and development practitioners, the Guide is made up of 17 distinct chapters, each focussed on one of the 17 goals. Each chapter provides an overview of the relevant regional, national, and international legal frameworks, highlighting how the law can be applied to promote the implementation of the SDGs. The Guide also offers key insights into the legal challenges and opportunities that lawyers may encounter, presenting clear examples of the actions that lawyers can take to help achieve each goal.

Role of Law in Increasing Access to Quality Education for All

Quality education is fundamental to sustainable development. Education is one of the most powerful tools by which people can lift themselves out of poverty and fully participate in their communities. In particular, educating girls has proven to be one of the most impactful ways of breaking the cycle of poverty. Girls with an education can better access the labour market and get jobs with higher wages. Better educated women can make more informed choices about matrimony, maternity, and the nutrition and health of their children. Education also helps women to take on leadership roles in public life, contributing to the decisions that will affect their lives and their communities.

However, the importance of education is not limited to its

potential to combat poverty and realise other human rights. As the United Nations Committee on Economic, Social and Cultural Rights states, “a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence”.¹ It is therefore clear that education is, in itself, a human right.

The right to education for all and without discrimination has been recognised by a large number of international treaties with obligations placed upon States to see it fulfilled.

However, in recent years, the ability to meet these obligations has been tried and tested. National lockdowns from the COVID-19 pandemic restricted the movement of all persons, including children, around the world. The result, was a historic disruption to schools and educational providers, affecting more than 1.6 billion students and youth globally.²

While new practical solutions for distance-learning did emerge during this time, and in record speed, UNESCO warn that technological solutions alone were not, and indeed, are still not, sufficient to meet the wide reaching needs of many students.³

With the existence of digital divides, the lack of social and human dimensions to virtual learning, the proliferation of misinformation online, and the privatisation of education through distance-learning technologies; there is a growing concern that the right to education could fall by the wayside.

Yasmin Batliwala, MBE

Chief Executive

“[There is] a deep-rooted tendency to see technological solutions as a universal tool, suitable for all situations, an inevitable form of progress. This [highlights the] confusion between the tool and the solution.” - UNESCO, 2023

These changes emerge amidst rapid developments in artificial intelligence (AI) and a growing proliferation of misinformation online; necessitating greater digital literacy skills, particularly as access to education moves towards digital solutions while learner behaviours shift in tandem.

If the years to come are to contend with the challenges that COVID-19 posed to education, including the longer term impacts on the social and economic wellbeing of those affected; building back better will need to place quality learning outcomes at the forefront, and see special attention paid to eliminating gender disparities, ensuring digital proficiency, and securing equal access to education for vulnerable children. Specific to lawyers, are recent calls from the UN for legal guarantees and enforcement thereof, so that access to free and compulsory education can be made available for all.⁴



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The Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are a universal call to action to end poverty, protect the planet, and ensure that all people can enjoy peace and prosperity.

Also known as the Agenda 2030, the SDGs were agreed in 2015 by the UN General Assembly (Resolution 70/1). They were adopted by all UN Member States, and 2030 was set as the deadline for achieving them.

Compared to the Millennium Development Goals (MDGs),



which they succeed, the SDGs cover more ground, with wider ambitions to address inequalities, climate change, economic growth, decent jobs, cities, industrialization, oceans, ecosystems, energy, sustainable consumption and production, peace, and justice. The SDGs are also universal, applying to all countries, whereas the MDGs had only been intended for action in developing countries.

The 17 interdependent goals are broken down into 169 targets. At the global level, progress is monitored and reviewed using a set of 232 indicators. The Addis Ababa Action Agenda provides concrete policies and actions to further support the implementation of the 2030 Agenda. Each year, the UN Secretary General also publishes a report documenting progress towards the targets. In addition, the annual meetings of the High-level Political Forum on Sustainable Development (HLPF) continues to play a central role in reviewing global progress towards the SDGs.

At the national level, even though the SDGs are not legally binding, governments are expected to implement country-led sustainable development strategies, including resource mobilisation and financing strategies, and to develop their own national indicators to assist in monitoring progress made on the goals and targets.

SDG 17 stresses the importance of multi-stakeholder partnerships to achieve the goals. The mobilisation of governments, local authorities, civil society, and the private sector is needed to achieve this aim. Today, progress is being made in many places, but, overall, action to meet the SDGs is not yet advancing at the speed or scale required. This decade must therefore deliver rapid and ambitious action to meet the SDGs by 2030.

Key terms



SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

In the context of SDG 4, the key terms are defined as follows:

‘Inclusive’: According to the United Nations Educational, Scientific and Cultural Organisation (UNESCO), inclusive education means “each individual’s needs are taken into account and that all learners participate and achieve together... It promotes education systems that are based on gender equality, that respect diverse needs, abilities and characteristics and eliminate all forms of discrimination in the learning environment.”⁵

To do so, inclusive education “focuses on the inclusivity of the whole education system rather than trying to remove barriers one by one,”⁶ with particular attention paid to the needs of

indigenous learners, marginalized and vulnerable groups, and children with disabilities.

‘Equitable’: Inclusivity and equity are closely intertwined. In education, the term equity refers to the principle of fairness, which implies making sure that personal and social circumstances – for example gender, socio-economic status or ethnic origin – are not a barrier to accomplishing educational potential.⁷

‘Quality’: Quality education is “a dynamic concept that changes and evolves with time, as well as the social, economic, and environmental context.”⁸ Although it is impossible to define universal standards of quality education

for every culture and every person at any moment, UNESCO and the United Nations International Children's Fund (UNICEF) have developed two commonly used indicators. These are: first, the effectiveness of education in achieving cognitive development and; second, the ability of education to "promote creative and emotional development, supporting the objectives of peace, citizenship and security, fostering equality and passing global and local cultural values down to future generations."⁹

The Education 2030 Framework For Action requires "foundational skills of literacy and numeracy as well as analytical, problem-solving and other high-level cognitive,

interpersonal and social skills" to be delivered by "well-qualified, trained, adequately remunerated and motivated teachers" in "safe, healthy, gender-responsive, inclusive and adequately resourced environments."¹⁰

'Lifelong Learning': Lifelong learning is "not bound to a specific age (childhood and adolescence), but continues throughout life."¹¹ Hence, learning should be available for every age and gender; in all contexts (family, school, community, workplace, etc.); cover all levels (school to higher education); and be delivered through formal and non-formal channels to cover out-of-school learners.¹²



Overview of the targets

Made up of 10 targets, SDG 4 recognises the fundamental importance of access to quality education. This aim has always been at the heart of the SDG agenda, given the role of education in shaping values that are supportive of sustainable development. Consequently, there are a number of targets explicitly focused on education throughout the SDG framework, including SDGs 3.7, 8.6, 12.8 and 13.3.

“Education is the most powerful catalytic force to advance the 2030 Agenda in its entirety.” - UNESCO, 2022

SDG 4 builds on the targets set by previous goals, including MDG 2 in pursuit of universal primary education by 2015, and the Dakar Framework for Action on Education for All (EFA), which among other aims, focused on eliminating gender disparity at all levels of education by 2015.¹³ Similarly, the language of SDG 4 aims to ensure access to all levels of education and learning for all, irrespective of age, gender, ethnicity, disability or other circumstance.

Before the SDG Agenda, substantial progress had been made in certain areas relating to the right to education. For instance, the proportion of children enrolled in pre-primary education programmes increased from 33% in 1999 to 50% in 2011.¹⁴ Similarly, the primary school net enrolment ratio in least developed countries (LDCs) rose to 80.77% in 2018, compared to 60.4% in 2000.¹⁵

However, UNESCO admitted in 2015, that “for all this progress, 15 years of monitoring show[ed] sobering results” with not a single one of the MDG or EFA targets having been met by any of the countries that provided data.¹⁶

The positive, albeit too slow, evolution of global education sets the context for the significant challenges that awaited SDG 4; even prior to the wide-scale disruptions caused by COVID-19. These challenges were highlighted during the 2015 technical review of the draft SDGs. Here it was noted, for example, that the target of achieving universal secondary education by 2030 seemed unrealistic given that upper secondary gross enrolment was only 32% in sub-Saharan Africa in 2012.¹⁷

Unlike the MDGs therefore, SDG 4 needed to go beyond mere enrolment rates of students, and look to the educational system as a whole. By placing an emphasis on educational outcomes as a stronger metrics for ensuring access to *quality* education, SDG 4 looks to the need for greater public investment in the entire educational infrastructure, including *inter alia*, available learning materials, teachers, schools and technology.¹⁸

Following COVID-19, this need for added investment is further magnified. With one third of all students left without access to remote learning during the pandemic, the long-term impacts of school closures are still yet to be felt. Indeed, it is expected that the future prospects of many primary-school-aged children have now been impeded, with up to 72 million (the most vulnerable in particular) now at risk of being pushed into poverty.¹⁹ However, political commitments to build back better offer an opportunity to place education and learning outcomes back at the forefront.

The following breakdown of SDG 4 targets provide an insight into the current global situation on education; highlighting some of the ways in which the educational sector can build back better, while also revealing the pressures and challenges facing the global education sector today.

TARGET 4-1

By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

The indicators for this target include: the proportion of children and young people achieving at least a minimum proficiency level in reading and mathematics; and completion rates within primary, lower-secondary and upper-secondary education.

The global primary school net enrolment rate was 89.4% in 2018²⁰ and 66.27% for secondary schools²¹ with little progress made in the decade before, reflecting pockets of exclusion and hard-to-reach populations. Since then, it is estimated that 251 million children and youth were out of school in 2023, marking a meagre 1% improvement since 2015.²²

It is now estimated that only 58% of primary school students and 64% of lower secondary school students achieve the

minimum proficiency level in reading. In comparison, proficiency levels in mathematics are much lower at 44% (primary school) and 51% (lower secondary school).²³

Promisingly, completion rates have improved marginally, rising from 85% (2015) to 88% (2023) among primary school users, 74% (2015) to 79% (2023) among lower secondary school users, and 53% (2015) to 59% (2023) among upper secondary school users.²⁴

However, it is also noted that there remain data challenges with reporting, particularly in conflict affected settings and scenarios of natural disaster where the out-of-school population is likely to be much higher.²⁵ As such, there is an ongoing need to improve the data collection and estimation methods used for SDG 4.1 to take better account of crisis situations. To do this, UNESCO is calling for stronger interdepartmental collaboration within governments as well as between government and humanitarian agencies.²⁶

TARGET 4-2

By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

Two indicators are used to measure success for this target. The first indicator covers the proportion of under 5-year-olds who are developmentally on track in health, learning and psychosocial well-being.

Only recently, in March 2019, the Inter-Agency and Expert Group on SDG Indicators agreed on a methodology to assess early childhood development. However, until this

methodology is generally adopted, achievements for target 4.2 are assessed through the UNICEF Early Childhood Development Index (ECDI). Based on ten questions, the ECDI covers the physical state, social-emotional development, learning approaches and literacy-numeracy skills of children.

The availability of country-specific data against the ECDI is currently quite low, with only 84 countries providing data. On average, two thirds of children in these countries are considered to be 'developmentally on track' with no differences based on sex but stark differences based on region.²⁷

The second indicator covers the participation rate of children, one year below the official primary entry age, in organised

learning. Here the global participation rate has remained stagnant at around 75% for the past decade. However notable improvements have been made in priority regions, namely: Northern Africa and Western Asia and sub-Saharan Africa.²⁸

Of note, is the availability of free pre-primary education; with only one third of countries estimated to have compulsory pre-primary education, and only 50% providing legal provisions for at least one year of funding.²⁹ To improve progress against SDG 4.2 therefore, and rebuild education systems post-pandemic,



By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

This target calls for equal access to lifelong learning beyond compulsory education. It encompasses formal and non-formal education for youth and adults, including for both work and non-work purposes.

Current figures from 106 countries reveal that only 3% of adults participate in formal and non-formal education and training, with context-specific gender disparities emerging. For example, in high income countries this includes 100 women to 73 men, however in low-income countries these trends reverse, with only 50 women to 100 men.³⁰

In contrast, more than 50% of the global youth aged 15–24 is thought to engage in learning activities, with rates ranging from 45% in sub-Saharan Africa to 64% in Europe and Northern America.³¹

The need to rethink and accelerate lifelong learning has been emphasised by UNESCO as key to managing some of

one area of opportunity is in the development of new national laws and policies to encourage free pre-primary education.

“Without legal guarantees, pre-primary education often remains financially inaccessible to low-income families, especially in regions dominated by private education.” – UN SDG Report, 2025

the global transitions taking place today. This includes, for example, reskilling and upskilling workers to better navigate an increasingly digital world, as well as looking to higher education to support shifts to low-carbon economies.³²

In an effort to prioritise lifelong learning within international and national agendas, the UN has voiced recent calls to establish a universal right to lifelong learning.³³ This is, in part, attributed to the need to help individuals overcome the interruptions caused to learning by the COVID-19 pandemic. In particular, it is feared that these interruptions could become permanent, particularly for women and girls, unless greater access to learning is provided within national education systems.

In addition, UNESCO highlights challenges with supply, including legal barriers that hinder higher education providers from developing lifelong learning packages within increasingly complex external environments. For example, it is noted that approximately 40% of countries do not recognize institutional autonomy by law limiting the ability for higher education institutions to make effective decisions around budgeting, staffing, teaching and research.³⁴

“I would urge formal recognition of a universal entitlement to lifelong learning and reskilling, translated into practice through legislation...” - António Guterres, UN Secretary General

TARGET 4-4



By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

The indicator for this target focuses on information and communications technology (ICT) skills, looking beyond literacy and numeracy, and towards skills that are highly important for connectivity in today's digital world. This target therefore invites States to offer ICT education inside and outside of school.

To measure the proportion of youth and adults mastering ICT skills, individuals are asked through household surveys whether they have carried out specific digital activities in the last three months. These activities cover five key categories of digital skill, namely: communication/collaboration; problem solving; safety; content creation; and information/data literacy. Unfortunately, however, data captured against this indicator is very uneven, with much higher coverage in high-income countries.³⁵

In response to technological advancements, rapid uptake of new technologies and emerging challenges concerning AI, cybersecurity and the dangers of misinformation, this indicator has since been updated to reflect wider digital skills. New activities have therefore been added for assessment, including smartphone use, aptitude in understanding the reliability of digital information, and competence with security settings (e.g.: passwords and privacy).³⁶

In all scenarios large divides emerge, most notably between high-income and middle-income countries, as well as some gender-based variations. For example, it is estimated that 80% of adults in high-income countries can send an email with an attachment, as compared with only 32% in middle-income countries.³⁷



TARGET 4-5



By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations.

The indicator for this target involves comparing education indices for different groups. For instance, female/male, urban/rural, richest/poorest, as well as other factors that could impact an individual's access to quality education, such as disability status.

Here the greatest challenge for achieving equitable education appears to be disparities in wealth and the urban/rural divide. For example, according to the Global Education Monitoring Report 2019, rural students in low- and middle-income countries were 50% less likely to complete upper secondary education as compared to urban students.³⁸ These inequalities have since remained, reflected in most recent findings that richer children are five times more likely to complete upper secondary education.³⁹

With respect to gender, the outlook appears more positive with gender parity having been achieved at a global scale

for both school participation and completion rates. That said, disparities do emerge at a regional level. For example, sub-Saharan Africa continues to see the greatest disadvantages for female learners.⁴⁰ In addition, data gaps in gender reporting may be contributing to a false narrative.⁴¹

These concerns around narrative replicate in the indicators themselves. This is because despite the SDG Agenda pledging to 'leave no one behind' and SDG 4.5 calling for equal access to education for all children, it is concerning that the indicators used to measure progress are silent on some of the most important factors of discrimination; especially race and ethnicity, which have historically barred many children from accessing quality education.⁴² The links between racial inequalities and unequal access to quality education therefore must take priority if the disparities in education that persist today are to be addressed.

In doing so, it is prudent to consider UNESCO's recommendations that "laws and policies set the framework for achieving inclusion in education," offering a specific way in which lawyers may actively contribute.⁴³

TARGET 4-6



By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

The indicator for this target looks to the proportion of the population that has achieved proficiency in functional literacy and numeracy, understood by both age group and gender.

Promisingly, global literacy rates have improved over the last two decades, with youth and adult literacy levels now standing at 93% and 88% respectively; albeit it is estimated that 754 million adults remained illiterate in 2024, 63% of which were women.⁴⁴

To reach those communities still underserved, UNESCO highlights the value of family literacy programmes and additional support measures for immigrant and multilingual communities.⁴⁵

TARGET 4.7

By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

This target seeks to ensure that all learners are equipped with the knowledge and competencies needed to make the SDGs a reality. Here the role of education in the achievement of sustainable development is explicitly recognised, along with the importance of education to raise awareness of global issues, including (inter alia) human rights, gender equality and global citizenship. In doing so, SDG 4.7 is a key enabler for all other SDG goals and targets in its ambitions to build capacity and inspire solutions towards a more sustainable future.

However, SDG 4.7 is also arguably the most challenging target to interpret and measure, as the outcome-oriented

wording makes it hard to quantify or define globally. At present therefore, the indicator for this target describes the circumstances required for sustainable development, human rights and global citizenship education by measuring the extent to which each are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment.

In order to assess this, the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (the 'Recommendation') is used to measure the success of SDG 4.7.⁴⁶

As of 2023, the Recommendation was revised to improve the reporting process, including efforts to address "the global rise in disinformation, misinformation, hate speech and online harassment... [alongside] environmental degradation, climate change, biodiversity loss, and desertification."⁴⁷ While many of these changes are yet to materialise in the reality of reporting measures, steps have been taken for assessing the extent to which 'green content' has been mainstreamed.⁴⁸

TARGET 4.A

Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all.

The indicator for this target looks to the proportion of schools offering basic services for educational and learning needs. This is with the view to strengthening the resources available to the education sector, so as to create a more inclusive and conducive learning environment.

While access to basic amenities within schools, including electricity, drinking water and internet connectivity have improved in recent years, 20% of primary schools worldwide still lack basic infrastructure in this respect.⁴⁹

In addition, it is quickly becoming clear that what constitutes 'basic services' in creating an effective learning environment, is changing. Amidst rising geopolitical conflict, this includes a need for schools to build greater resilience to ensure that their facilities remain safe; with 2022-2023 having witnessed approximately 3,000 attacks on educational facilities to the

detriment of school and university infrastructure. Similarly, the impacts of natural disasters have seen 5 million people impacted by school closures in the last two decades owing to extreme weather events, necessitating changes to building standards and practices.⁵⁰

At the same time, the global cost of living crisis and ongoing food shortages have inspired fresh calls for a new thematic indicator under SDG 4.a to measure access to school meals under the World Food Programme.⁵¹



TARGET 4.B **By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries.**

SDG 4.b looks to international cooperation and cross-border exchange as a means to enhance access to higher



TARGET 4.C **By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States.**

The indicator for this target looks at the proportion of teachers with minimum required qualifications across countries. In doing so, SDG 4.c. encourages capacity building

Of final note, is the ongoing problem with bullying in schools; particularly cyberbullying in the wake of social media and algorithm-driven image content.⁵² With the advent of easily accessible deep fake imagery and AI content generation, it is expected that these challenges will only worsen with time unless appropriate legal, regulatory and policy safeguards are put in place.

education and improve learning outcomes by expanding the opportunities available to those from developing nations.

The indicator for this target measures the volume of official development assistance flows for scholarships. In 2022, this amounted to USD 4.6 billion, an increase of 31% since 2015. However, as the years preceding this were greatly impacted by COVID-19, a deficit remains.⁵³

The largest recipients during this time were France and Germany, with non-State donors actively playing a larger role in scholarship funding, including in regions such as sub-Saharan Africa and South Asia.⁵⁴

through international cooperation and cross-border exchange.

The need for international cooperation emerges in light of the significant regional and country disparities that exist amongst the global teaching workforce. For example, in 2023, Sub-Saharan Africa had the lowest percentages of trained teachers at all levels: pre-primary (60%), primary (69%) and secondary education (61%). In contrast Central Asia had

the highest proportion of trained teachers for pre-primary (88%) and secondary education (93%), while the number of qualified teachers in primary education was highest in Europe and North America (94%).⁵⁵

In the absence of international metrics or minimum standards on teacher qualifications, it is difficult to assess just what these figures mean in practice. For example, while half of all

countries require a bachelor's degree to teach at the primary school level, 17% of countries in Sub-Saharan Africa only require a lower secondary certificate to do so.⁵⁶

Promisingly however, policy trends have recognised the importance of continuing professional development within the education sector, with 53% of countries requiring as much from primary and secondary school teachers.⁵⁷



Key actions lawyers can take

The final section of this chapter provides more details on how the international legal community can engage in efforts to achieve SDG 4. However, the following short summary

describes some of the key actions lawyers can take to contribute to the sustainable development agenda to realise the right to quality education for all.

Learn and educate

There is substantial research examining the extent to which the right to education has been achieved around the world, including resources that specifically analyse progress towards SDG 4. Lawyers would do well to build their knowledge of the policy and programmatic efforts to promote the right to education at all levels.

This includes identifying gaps in legislative frameworks, as frequently identified by UNESCO, along with regulatory and policy safeguards as avenues for reform. In an increasingly digital world, the use of AI and digital platforms for access to education and information may also be key areas where lawyers can support.

Integrate

As employers, law firms are required to take steps to eradicate any discrimination towards employees, particularly during the employment process. Beyond meeting the minimum legal requirements, the legal sector should lead by example in taking a proactive, inclusive approach to

people development, and work to foster a more diverse workforce. Towards this aim, law firms can join a variety of schemes that promote social mobility within the sector and provide opportunity for lifelong learning to help upskill their employees for the betterment of staff as well as the firm.

Act

The legal sector plays an important role in promoting a human rights-based approach to education. Lawyers should work to hold States accountable for their obligation to respect, protect and fulfil the right to education, as recognised in numerous international and regional treaties.

Lawyers can also contribute to the achievement of SDG 4 by engaging in public legal education initiatives to increase

the general public's awareness of their rights; help people make better decisions regarding everyday legal issues; and improve their ability to access legal advice and justice.

More broadly, law firms, corporate legal departments, judiciaries and barrister's chambers can partner with A4ID to provide pro bono legal advice to organisations advocating for the right to education worldwide.

Elements of the international legal framework

Universal Declaration on Human Rights

Adopted by the UN General Assembly: 10 December 1948

The Universal Declaration on Human Rights (UDHR) is a landmark declaration in the articulation and advancement of fundamental human rights and freedoms.

In thirty articles, the UDHR sets forth a series of civil, political, economic, social and cultural rights. Although it was not intended to create legally binding obligations, the UDHR presents a common standard of achievement with many of its provisions widely regarded as customary international law. Moreover, many of its provisions were later adopted in binding

international human rights instruments.

The UDHR is the first international legal instrument to recognise, under Article 26, the right of all individuals to education. In particular, it asserts the right to free, compulsory elementary level education; generally available technical and professional education; equal access to higher education based on merit; and parents' rights to choose their children's education.

The purpose of education is defined broadly as pursuing "the full development of human personality."

UNESCO Convention against Discrimination in Education

Adopted by the UNESCO General Conference: 14 December 1960

Entered into force: 22 May 1962

Status of ratification (as of January 2026): 111 Parties

The Convention against Discrimination in Education (CADE) was the first internationally binding instrument focusing on education, and is acknowledged by UNESCO's Executive Board as a key pillar for the EFA process.⁵⁸

Under CADE, all persons, regardless of race, ethnicity, gender, class, age, disability, religion, political leanings or any other circumstance or opinion, have the right to access and receive an equal standard of education at any level. The UNESCO Committee on Convention and Recommendations monitors

the implementation of CADE and investigates complaints. States must therefore submit periodic reports concerning their national policies to the Committee.⁵⁹

Article 4 of CADE directs its State Parties to ensure that primary education is free of charge and compulsory; that secondary education is generally available and accessible to everyone; and that tertiary education is equally accessible to all based on individual capacity.

Discriminatory policies concerning education must be abolished and national policies establishing free, compulsory primary education must be implemented. States are also obliged to offer equal educational opportunities and ensure freedom from discrimination in admission to educational institutions.

The CADE further requires States to make provisions for teacher training, ensure equivalent standards of education throughout all public educational institutions, and to promote the education of individuals who missed out on primary education.

Article 5 sets out the aims of education, the freedom of parents to choose their children's education – particularly their moral and religious education – and acknowledges the rights of minorities to carry on their own educational activities.

International Covenant on Economic, Social and Cultural Rights

Adopted by the UN General Assembly: 16 December 1966

Entered into force: 3 January 1976

Status of ratification (as of January 2026): 173 Parties

The International Covenant on Economic, Social and Cultural Rights (ICESCR) affirms a series of human rights and encourages social progress. Legally binding on a large number of States, it indicates a wide consensus on economic, social and cultural human rights. However, a number of States have signed but not ratified the ICESCR, notably Cuba, Malaysia, Saudi Arabia, and the United States.

Article 2 of the ICESCR reflects a 'progressive realisation principle', imposing a duty on a State Party to "take steps... to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means."

Inspired by CADE, Article 13 of the ICESCR is the most comprehensive article on the right to education, recognising a universal right to education and parents' rights over their children's education. It sets out five steps for achieving this, namely the need for:

- i. Free, compulsory primary education;
- ii. Generally available and accessible secondary education, through the progressive introduction of free education;
- iii. Equal access to higher education on the basis of capacity;

- iv. The encouragement of fundamental education for those who have not received primary education; and
- v. The development of school systems.

Article 14 of the ICESCR requires State Parties to formulate a plan for the implementation of compulsory, free primary education.

The Committee on Economic, Social and Cultural Rights (CESCR), established in 1985, monitors implementation and compliance with the ICESCR. States are required to submit periodic reports to the Committee on how the rights guaranteed by the Covenant are implemented. The Committee then examines each report and addresses its concerns and recommendations to the State Party in the form of 'concluding observations.'

The Committee also publishes its interpretation of the provisions of the Covenant, known as general comments. Of particular relevance for SDG 4, are General Comment No.11 on Article 14, which covers plans of action for primary education,⁶⁰ and General Comment No.13, which focuses on the right to education.⁶¹

In 2009, an Optional Protocol to the Covenant was adopted giving the Committee on Economic, Social and Cultural Rights the ability to receive and consider individual communications from persons claiming to have had their rights under the Covenant violated. The Optional Protocol entered into force in 2013, but has been ratified by only 31 parties to date.

Convention on the Elimination of all Forms of Discrimination against Women

Adopted by the UN General Assembly: 18 December 1979

Entered into force: 3 September 1981

Status of ratification (as of January 2026): 189 Parties

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines what constitutes discrimination against women and sets forth an agenda to end it. As with some other human rights instruments, a Committee is in place to monitor compliance with the Convention.

Article 10 guarantees women's rights to education, promotes gender equality at every educational level, and seeks to eliminate gender stereotypes from all forms of education.

The right to education enshrined under Article 10 is based on five core principles:

- i. Elimination of all forms of discrimination to ensure that women and girls receive equal opportunity to men and boys to the same quality and type of education, and

have the same potential to benefit from such education.

- ii. Extending education beyond primary and secondary education. An expansive framework is adopted to include all levels of education from pre-school through to the tertiary level in academic and technical-vocational fields, as well as sports and physical education and continuing education.
- iii. Improving the availability, accessibility, acceptability, and adaptability of education to women and girls in urban, as well as in rural areas, and to all disadvantaged groups.
- iv. Implementing primary measures, including the elimination of stereotypical concepts of the roles of men and women in society, that are supported with a number of related, complementary measures that are designed to enhance the right of women and girls to education and to make free choices in fields of study and careers to be pursued.
- v. Promoting the right of women and girls to education that facilitates the enjoyment of rights in their personal and family life, as well as in their political and public life.⁶²

Convention on the Rights of the Child

Adopted by the UN General Assembly: 20 November 1989

Entered into force: 2 September 1990

Status of ratification (as of January 2026): 196 Parties

The United Nations Convention on the Rights of the Child (CRC) is an international human rights treaty that sets forth the civil, political, economic, social, health and cultural rights of children. It defines a child as any human being under the age of 18, unless the age of majority is attained earlier under

national legislation. Compliance is monitored by the UN Committee on the Rights of the Child, with the CRC being the most widely ratified international human rights treaty. Notably, the United States is the only country that has signed, but not ratified, this Convention.

Article 28, on the right to education, requires Member States to provide free compulsory primary education for all children, and to develop accessible and free secondary education and accessible higher education based on capacity. It indicates

that discipline in schools should respect children's dignity and governments are encouraged to make sure that school administrators revise their policies and cease practices involving physical or mental violence, abuse or neglect.⁶³

Article 28 also encourages international cooperation on educational matters, with a view to sharing modern teaching methods and addressing the needs of developing countries.

Article 29, on the aims of education, further requires States to provide a *broad* education. This means that States should not only direct education towards the development of children's mental and physical talents, but teach respect for human rights, the natural environment and the child's parents and culture.⁶⁴

Convention on the Rights of Persons with Disabilities

Adopted by the UN General Assembly: 13 December 2006

Entered into force: 3 May 2008

Status of ratification (as of January 2026): 193 Parties

The Convention on the Rights of Persons with Disabilities (CRPD) is a UN treaty that promotes and protects the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities.

Article 24 of the CRPD affirms the rights of people with disabilities to an education without discrimination. States

are obliged to provide an inclusive education system, which includes quality and free primary and secondary education to persons with disabilities in their communities, as well as accommodation and support to promote academic and social development.

Although the priority of Article 24 is clearly on inclusion and providing reasonable accommodation of the individual's requirements, some States, such as the UK, have ratified the CRPD with reservations allowing parallel education systems that provide education of some disabled children in specialist schools.⁶⁵

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted by the UN General Assembly: 21 December 1965

Entered into force: 4 January 1969

Status of ratification (as of January 2026): 182 Parties

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) ensures that State Parties prohibit and eliminate racial discrimination in all its forms, and that

everyone is able to enjoy human rights without discrimination related to race, sex, language or religion.

Article 5 (v) guarantees the right to education and training without distinction as to race, colour, national or ethnic origin.

In addition, Article 7 urges State Parties to adopt measures, especially in the fields of teaching and education, to combat prejudices which lead to racial discrimination.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990, ICRMW)

Adopted by the UN General Assembly: 18 December 1990

Entered into force: 1 July 2003

Status of ratification (as of January 2026): 60 Parties

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) sets out standards for the treatment, welfare and human rights of documented and undocumented migrant workers, as well as the obligations and responsibilities of sending and receiving States. Compared to the other UN human rights instruments,

this Convention achieved a much lower rate of ratification.

Most of the ratifying States are in Western and Northern African countries as well as across Latin America; regions where migrants traditionally come from. However, thus far, none of the Western European countries, the United States, Australia or Canada has signed or ratified the Convention.

Article 12 (4), 30, 43, and 45 address rights related to education and ensure that migrant workers and their family members have access to education and enjoy the same quality of treatment of employment, as nationals of the State.



Soft law and declarations

Education 2030: Incheon Declaration and Framework for Action for the Implementation of SDG 4

The Incheon Declaration was adopted in May 2015 at the World Education Forum held in Incheon, South Korea, by over 1,600 participants from 160 countries.⁶⁶ The Declaration reaffirms the World Declaration for Education for All from 1990, which established six goals to meet the learning needs of all children, youth and adults by 2015.⁶⁷

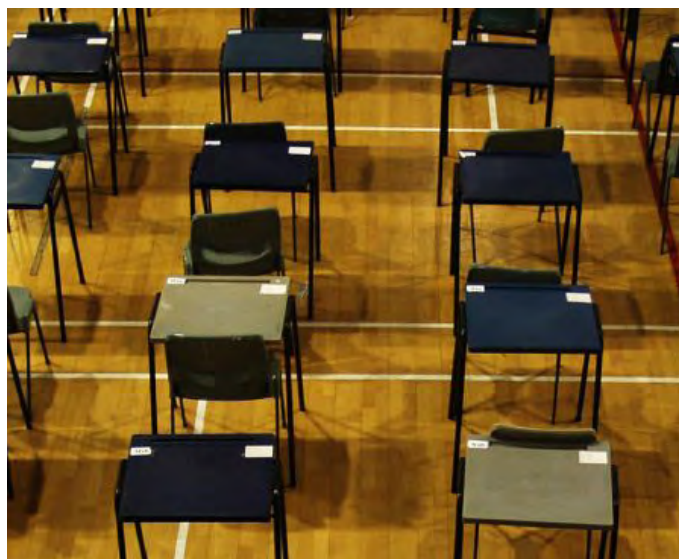
The Incheon Declaration highlights the commitment of the education community to SDG 4 and the key role of education as a driver for development. More specifically, it calls for 12 years of free, publicly funded, equitable quality primary and secondary education, of which at least nine years are compulsory.

Besides committing to gender equality, inclusive, equitable and quality education, and lifelong learning opportunities, the Incheon Declaration also calls for “developing more inclusive, responsive and resilient education systems to meet the needs of children, youth and adults in areas affected by conflicts, violence, natural disasters and pandemics.” To reach these goals, the Declaration encourages increased educational funding (of at least 4-6% of GDP and/or at least 15-20% of total public expenditure), and reaffirms that governments are primarily responsible for the implementation of the agenda.

The Incheon Declaration is associated with the Framework for Action for the Implementation of SDG 4, adopted in November 2015 in Paris. This Framework for Action describes how the commitment made in Incheon can be implemented at national, regional and global levels.

In order to mobilise countries to work towards SDG 4 and its targets, the Framework of Action suggests ways for the implementation, coordination, financing and monitoring of Education 2030. For example, it recommends the development of “effective monitoring and accountability mechanisms, adapted to national priorities, in consultation with civil societies” in and around education, and insists that data needs to be made freely accessible to all.

To address the need for stronger leadership and coordination, the Framework for Action institutes the UNESCO ‘Education 2030 Steering Committee’, which supports Member States and partners in achieving the education agenda by providing guidance, reviews and recommendations.⁶⁸



Abidjan Principles

The Abidjan Principles were adopted in Côte d'Ivoire in February 2019 by 55 experts on the right to education, following a three-year process bringing together a range of stakeholders from around the world.

The principles offer guidelines on the human rights obligations of States to provide public education and to regulate private involvement in education. Within a year, the Principles were recognised and adopted by numerous international and regional human rights institutions, including the UN Human Rights Council, the African Commission on Human and People's Rights, and the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights of the Inter-American Commission on Human Rights.

As of 2023, 5 phases of commentary have been published setting out the legal reasoning behind each of the 97 Guiding Principles.⁶⁹ Thematically speaking, these principles cover:

- The obligation of States to provide quality public education and to regulate private involvement in education.

- The financing of education.
- The role of public-private partnerships and the role of donors and international actors in the provision of education.
- Monitoring accountability in upholding the Principles.
- Monitoring the implementation of the Principles themselves.

The Abidjan Principles reaffirm existing obligations of States in guaranteeing the right to education as prescribed under human rights law and do not create any new legally binding obligations for States. Consequently, States do not need to adopt the Abidjan Principles to be bound by them. Rather, they provide guidance to States on how to implement the right to education, especially in light of the increasing involvement of private actors within education.

In a post COVID landscape where the privatisation of education systems through distance-learning providers and technology has been noted,⁷⁰ these principles are ever more relevant to achieving the targets of SDG 4.

UN Special Rapporteur on the Right to Education's reports

Since April 1998, a United Nations Special Rapporteur on the Right to Education has held a mandate from the Commission on Human Rights to examine and report on the status of the right to education around the world.⁷¹

In the fulfilment of this mandate, the Special Rapporteur undertakes country visits; responds to individual complaints concerning violations of the right to education in particular

countries; communicates with governments, civil society and other relevant actors to identify solutions for the implementation of the right to education; and submits annual reports to the Human Rights Council and to the General Assembly. Thematic reports cover issues such as the justiciability of the right to education, the right to education for refugees, the role of non-formal education, and the role of public-private partnerships within education delivery.

Regional legal and policy frameworks

African Union

African Charter on Human and Peoples' Rights (1981)

The African Charter on Human and Peoples' Rights (ACHPR) is an international human rights instrument, which was designed for the promotion and protection of human rights and basic freedoms in the African continent.

The African Commission on Human and People's Rights, established in 1987, is responsible for the oversight and

interpretation of the ACHPR.

Article 17.1 of the ACHPR states that every individual shall have the right to education. Similarly, the African Charter on the Rights and Welfare of the Child (1990) enshrines this right for children, with Article 11 stating that every child shall have the right to an education.

African Youth Charter (2006)

With youth constituting about 40% of the African population, their participation and involvement in education is crucial for the development of the continent.

The African Youth Charter (AYC) is a policy framework developed by the African Union (AU) to prescribe responsibilities to AU Member States for the development of youth.

Article 13 of the AYC on Education and Skills Development states that "every young person shall have the right to education of good quality."

Here it is stressed that "the value of multiple forms of education, including formal, non-formal, informal, distance learning and lifelong learning, to meet the diverse needs of young people shall be embraced."



Association of Southeast Asian Nations

ASEAN Human Rights Declaration (2012)

With the Universal Declaration of Human Rights as a reference point, the Association of Southeast Asian Nations (ASEAN) adopted its own primary human rights declaration in 2012. This embodies the commitment of all ten ASEAN governments to safeguard human rights and the fundamental freedoms of their 600+ million citizens.

Article 31 of the ASEAN Human Rights Declaration (AHRD) states that, “every person has the right to education.” In upholding this right, it is expected that “primary education shall be compulsory and made freely available to all. Secondary education in its different forms shall be available and accessible to all through every appropriate means. Technical and vocational education shall be made generally

available and higher education shall be equally accessible to all on the basis of merit.”

The AHRD emphasises that, “education shall be directed to the full development of the human personality and the sense of his or her dignity.” Here the role of education in furthering human rights and fundamental freedoms is also emphasised.

With respect to the aims of education, the AHRD states: “education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.”

European Union

European Convention of Human Rights (1953)

Ratified by all 46 Member States of the Council of Europe, the European Convention of Human Rights obliges its State Parties to guarantee the civil and political rights of those within its jurisdiction.

The Convention is complemented by Protocols that expand the rights that are protected and/or amend the framework of the Convention. Ratified by all Members of the Council of Europe, except Monaco and Switzerland, Protocol 1 contains three different rights, including the right to education.

The first sentence of Article 2 of Protocol 1 states that, “No person shall be denied the right to education.” The negative wording of this article means that there is no positive obligation for States to create a public education system or to subsidise private schools. These areas are left to State discretion. However, States cannot deny an individual from accessing any of the educational institutions they have chosen to set up or authorise.

The Convention establishes an international enforcement mechanism to guarantee observance of the civil and political

rights undertaken by State Parties. The European Court of Human Rights, established in 1959 in Strasbourg, monitors the respect for human rights by State Parties. Over the

years, the Court has developed an extensive caselaw on the duties of States to guarantee the right to education and the permissible restrictions to this right.²²

European Social Charter (1996)

The European Social Charter complements the ECHR, setting out fundamental social and economic rights and freedoms, including the right to education from primary to higher levels as well as the right to vocational training.

The overall purpose of the Charter is to guarantee an accessible and effective primary education, secondary education and vocational training system, as well as secure equal access to higher education.

Article 7 (the right of children and young persons to protection) specifically states that, “persons who are still subject to compulsory education shall not be employed as this would deprive them of the full benefit of education.”

All 46 Council of Europe Member States have signed the Charter, with 42 fully ratifying it. The European Committee of Social Rights monitors compliance with the ESC through two mechanisms: a Collective Complaints Procedure and national reporting.

Charter of Fundamental Rights of the European Union (2009)

Following the Lisbon Treaty’s entry into force in 2009, the Fundamental Rights Charter obtained the same legal value as European Union treaties.

Article 14 enshrines the right to education, proclaiming that, “everyone has the right to education and to have access to vocational and continuing training.” It also refers to the principle of free compulsory education.

As it is phrased, this principle implies that every child should have the possibility of attending an establishment that offers free education, but it does not require all establishments to provide free education in and of itself. It also leaves space for circumstances in which education providers require payment, provided that the government takes additional action to provide financial compensation.



The Americas

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1988)

The Protocol of San Salvador is an optional, additional protocol to the American Convention on Human Rights to ensure economic, social and cultural rights. It has been signed by 19 States and ratified by 16 States, including Argentina, Brazil, Colombia and Mexico.

Article 13 protects everyone's right to education, including free primary education and the encouragement of basic

education for individuals who have not received or completed the whole cycle of primary instruction.

According to the Protocol of San Salvador education "should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace."⁷³ Since 2007, a functional Working Group examines the periodic reports of the State Parties on the basis of progress indicators.⁷⁴



Examples of relevant national legislation

Finland

The Basic Education Act (1998)

Education in Finland is governed by the Basic Education Act (the Act),⁷⁵ which provides for basic education and compulsory schooling. Students in Finland are therefore provided free education from 7 years old (when school starts) to university level.

Under the Act, all students are provided with free school meals, resources, and materials throughout the entirety of their education. In addition, the Act provides for pre-primary education, education for immigrants, and voluntary additional basic education.

The primary objectives of the Act are as follows:

- i. Education shall be governed by a unified national core curriculum in accordance with the Act.
- ii. Education shall be provided according to the pupil's age and capabilities, so as to promote healthy growth and development in the pupil; and
- iii. Those providing education shall cooperate with the pupil's parents/carers.

The Basic Education Decree (1998)

Other related legislation includes Finland's Basic Education Decree, which covers teaching and working time, evaluation and assessment, and pupils' legal rights. Additionally, the Teachers' Education Act encompasses vocational teacher education.⁷⁶

The results of Finland's comprehensive legislative programme on access to education are considerable. The PISA tests (OECD Programme for International Study Assessment) ranked Finland as one of the world's best performers in maths and science.

A large part of this success can be attributed to the legislation

around teaching that has contributed to raising the profile of teaching as a prestigious career. For example, requirements for teachers to have Master's degrees for full time employment demonstrates the skills of workers as highly qualified professionals.

It is also worth noting that the emphasis in the Finnish education system appears to be on quality rather than quantity, a clear alignment with the aims and targets of SDG 4. Finnish students get the best results and yet do the least number of hours per week in the Global North. In addition, they do not sit mandatory exams until 17-19 years of age.⁷⁷

Ecuador

In Ecuador, the right to education is protected by the constitution of 2008, encapsulated in Article 26 where it is declared an “unavoidable and mandatory duty of the State.”

Article 27 adds that education shall be “participatory, compulsory, democratic, inclusive and diverse.” As a result, the public budget for education has increased, leading to higher numbers accessing primary and secondary education.

In addition to guaranteeing the rights of pregnant and breast-feeding women to education (Article 43), the Constitution also specifically recognises the rights of persons with disabilities to an education that “develops their potential and skills for their integration and participation in equal

conditions” (Article 47).

In order to provide access to education for students with disabilities, Inclusive Education Support Units have been set up in every district, which provide quality care and service.⁷⁸ In addition national policies such as the ‘National Development Plan 2017-2021: A Lifetime,’ promote inclusive and accessible education for people with disabilities.⁷⁹

The New Organic Law on Intercultural Education (31 March 2011), states that education is compulsory at primary and secondary levels. In addition, the Code on Childhood and Adolescence (2003) grants free public education at all stages.⁸⁰

New Zealand

The New Zealand Human Rights Act of 1993 states that it is unlawful to refuse to admit a student on the basis of their nationality or citizenship. Furthermore, primary and secondary education is free and compulsory, including for individuals who are unlawfully living in New Zealand.

New Zealand has supported the education of refugees by providing funding, resources and expertise for schools that work with refugees.⁸¹ To support refugees and asylum seekers in their right to access free education, the Ministry of Education employs a national refugee coordinator and associated regional coordinators.

The wider Refugee Resettlement Strategy includes education to improve self-sufficiency, social integration, and independence among refugees. Besides a six-week education

orientation, refugees receive health check-ups, trauma counselling, and practical information about life in New Zealand.

As a result of these laws and policies, the proportion of refugee school-leavers achieving Level 2 in the National Certificate of Education Achievement increased from 68% in 2011 to 90.1% in 2016.⁸²

“Everyone should be able to get the education they need and deserve. Why? Because education is a public good.” - Jacinda Ardern, Former Prime Minister

Brazil

The Constitution of Brazil specifically guarantees the political, cultural, educational and linguistic rights of indigenous peoples.⁸³ Basic education for children between 4 and 17 years is compulsory and free.⁸⁴

With the *Institutional Introduction to Teaching Scholarship Program*, Brazil awarded 3,800 scholarships to fund training of rural and indigenous teachers. Another Brazilian programme offered scholarships for undergraduate students to improve initial training for teachers in readiness for work in indigenous and rural schools.⁸⁵

Besides preparing teachers for indigenous contexts and supporting indigenous teachers, there have also been efforts

to provide multilingual intercultural education. This has included the consideration of indigenous' linguistic rights, for instance, the production of textbooks and learning material in different indigenous languages.⁸⁶

With the financial aid of the '*Bolsa Permanência*' programme, social inequalities between graduate students are also minimised. This programme provides financial aid to graduate-level students in situations of socio-economic vulnerability to enable them to remain at university. Indigenous students are therefore guaranteed to receive at least double the financial assistance compared to the amount received by other students.⁸⁷



Insights for the legal profession

a) Examples of relevant cases and legal proceedings

Colombia

Sentencia C-376/10, Claim of unconstitutionality against Article 183 of the General Education Law (Constitutional Court of Colombia)

This case⁸⁸ involved a coalition of civil society organisations, supported by a team at Cornell Law School, who filed a claim before the Constitutional Court challenging Article 183 of the General Education Law (Law No. 115 of 1994). The law in question allowed the government to impose fees for primary education, and had seen almost 70-80% of public institutions charging fees, which for many individuals constituted a significant proportion of their income.

“Prior to this decision, Colombia was the only country in the Latin America region without free primary education.” - Right to Education Project

The Constitutional Court found that this provision was in violation of the Colombian Constitution and international human rights treaties, especially in light of the fact that Colombia had ratified the Convention on the Rights of the Child, which obliges all signatories to make primary education free and compulsory to all.⁸⁹

The decision affirmed the fundamental nature of the right to free primary education, thus securing this right for 12 million children.⁹⁰



Hungary

Segregation of Roma children in Hungarian schools has been an ongoing problem, with many Roma children being placed in schools for children with special educational needs despite their individual needs or abilities. This persists notwithstanding the introduction of the 2004 Equal Treatment Act, which forbade segregation in the school system.

In response to these practices, the Hungarian NGO, Chance for Children Foundation (CFCF), brought multiple cases of strategic litigation aiming to end segregation and provide equal educational rights to Roma children.

In 2010, strategic litigation brought by CFCF, with pro bono support from Allen & Overy, saw the Hungarian Supreme Court award damages to five children who were segregated by the school authorities in Miskolc (Hungary's third-largest city). The five children were awarded 100,000 forints (US\$320)

each, which was approximately three times the monthly earnings of many Roma families.

The Supreme Court recognised the act of segregation as against the law and noted the potential damage it might have caused to the childrens' education. This milestone ruling was intended to not only impact these five children and their families, but to also benefit as many as 150,000 Roma students in Hungary.⁹¹

However, it is important to recognise that Hungary is not alone in systemic discrimination of Roma students – this is a widespread problem across Eastern Europe – and, despite some judicial successes, discriminatory practices and attitudes persist.⁹² In light of these widespread challenges, strategic litigation therefore offers an avenue for reform beyond the Hungarian jurisdiction.



South Africa

Minister of Basic Education v. Basic Education for All (20793/2014) (2015) ZASCA 198

In this case,⁹³ the voluntary organisation, Basic Education for All (BEA), brought a challenge against the Department of Basic Education (DBE) and the Limpopo Department of Education (LDOE) over their failure to ensure school pupils in Limpopo had access to textbooks. The case was brought by BEA, along with 22 members of school governing bodies and the South African Human Rights Commission.

The Court ruled that the DBE and LDOE had violated the rights to education, dignity and equality under the Constitution. BEA's litigation combined with its persistent media campaign meant that, at the end of 2012, almost all students in Limpopo had received their textbooks. The situation continued to improve in 2013 and 2014, with systems supporting more efficient textbook delivery.⁹⁴

Tripartite steering committee and Another v. Minister of basic education and Others (1830/2015) (2015) ZAECGHC 67

In this case,⁹⁵ the Department of Education had rejected a number of applications for school transport, despite a policy adopted by the South African government in 2003, which stated that school transport was to be provided by the provincial government. In June 2015, the Legal Resources Centre sought a court order on behalf of the schools whose applications had been rejected.

The High Court held that the right to 'basic education' also includes the means necessary for pupils to access that

education. If access to schools is "hindered by distance and an inability to afford the costs of transport, the State is obliged to provide transport" in order to fulfil the constitutional right to basic education. The basic right to education was deemed to be 'meaningless' unless learners had access to transport to and from school.

As a result of this decision, the South African government provided transport to all 172 students.

India

The right to free and compulsory education was recognised in India's Constitution in 2002, following decisions by the Supreme Court (*Mohini Jain v. Union of India* [1992] and *Unni*

Krishnan, J.P. v. State of Andhra Pradesh [1993]), which ruled that the right to education was an integral part of the right to life.

Environmental & Consumer Protection Foundation v. Delhi Administration & Others (2012) **INSC 584**

The lack of adequate sanitation and infrastructure in schools throughout India is suspected to be a key factor for low enrolment rates and the high number of dropouts, especially for girls.

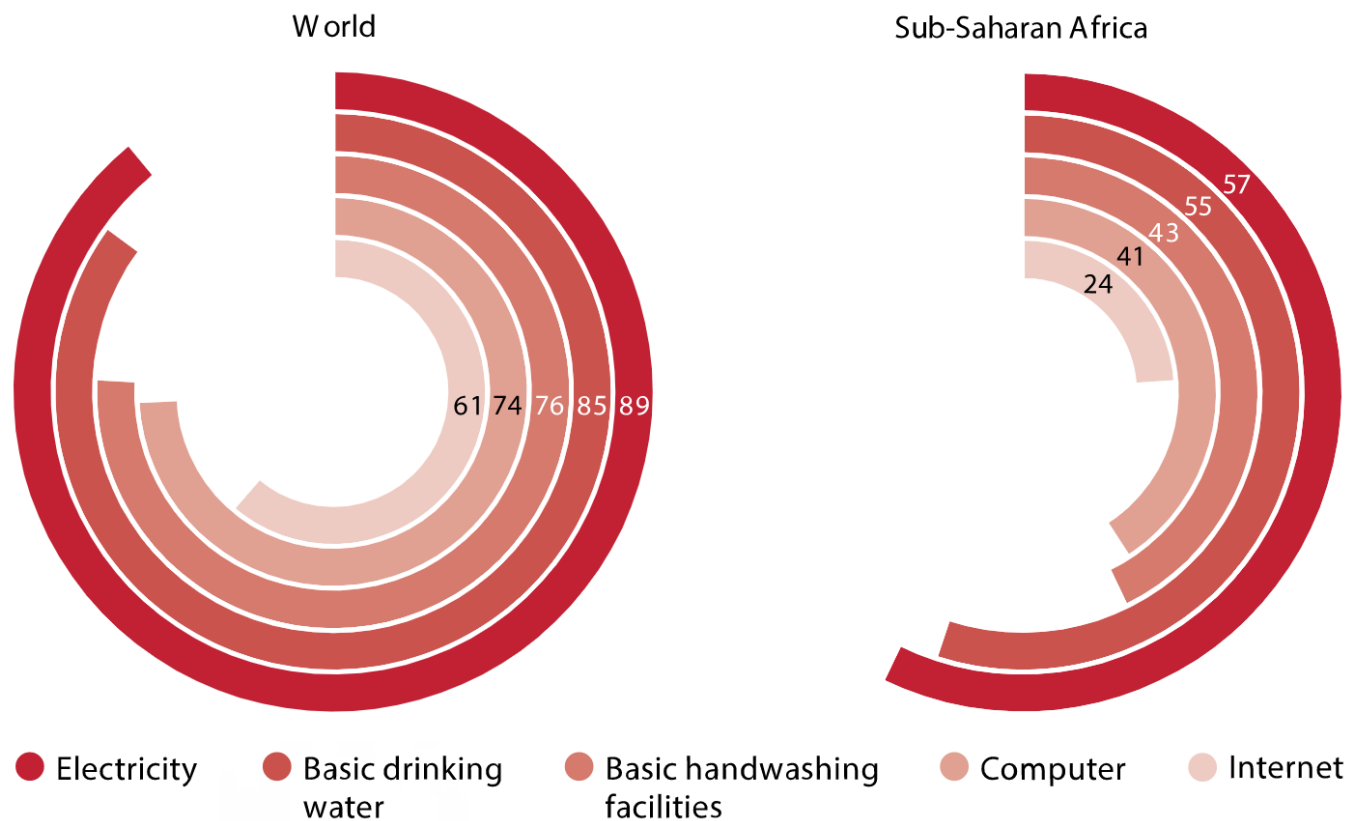
An Indian charity filed this case in 2004,⁹⁶ based on Article 21A of the Indian Constitution, which provides free and compulsory education to all 6 to 14-year-olds. They argued that the right to education was not implemented and the

poor facilities impeded children's access to education.

The Supreme Court held "that the right to education cannot be enjoyed unless basic infrastructure is provided." Hence, the Court decided that all schools needed to have toilet facilities, drinking water, sufficient classrooms and adequate teaching staff. By ensuring adequate infrastructure in schools, the decision confirmed that education must be conducted in a "safe and clean learning environment."



Proportion of upper secondary schools with access to basic school resources



Source: United Nations, Department of Economic and Social Affairs, Statistics Division (2020). SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all [online]. Available at: <https://unstats.un.org/sdgs/report/2020/goal-04/>

Uganda

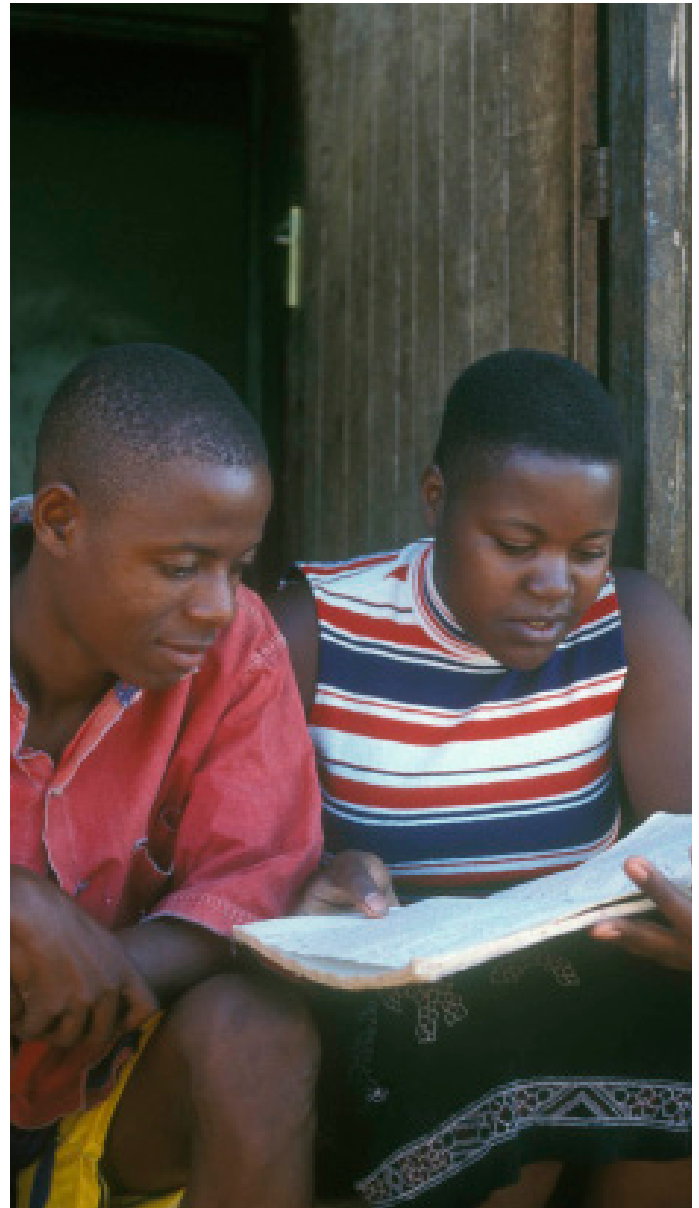
In 2007, the government of Uganda introduced the Universal Secondary Education (USE) programme. Seven years later, 943 government grant aided schools and 852 public-private partnership schools (PPPs) implemented the USE programme.

A Ugandan NGO, Initiative for Social and Economic Rights (ISER), found that the government paid less money for children attending PPP schools than for children enrolled in government aided school, which resulted in the violation of the right to education for children in PPP schools. Besides limited financing, the ISER also discovered that many teachers in PPP schools were unqualified and that high non-tuition fees limited access to education for disadvantaged children, especially girls, children with disabilities and children from low-income families.

Based on this research, the ISER filed this case in the High Court of Uganda in 2016, claiming against the government policy on financing for USE.⁹⁷ The ISER argued that the education provided by PPP schools infringed children's right to quality education, as well as equality and freedom from discrimination guaranteed under the constitution.

The High Court of Uganda concluded that the government has a responsibility to ensure "equity for all children" by regulating the education provided by private institutions. The High Court ordered the government to "seek guidance from the Abidjan Principles" and to "take all effective measures to restore universal access to free, quality, public education."⁹⁸

Besides reassuring the primary responsibility of States to provide education and the need to effectively regulate private involvement in the provision of education, the judgment is important because it is the first time that a court has referred to the Abidjan Principles in making its final conclusions.



b) Legal context and challenges

The above elements of international law prove that the right to education is a legally binding obligation for States. At a base minimum, these international and regional treaties recognise that States are legally bound to uphold and fulfil this right.

In addition to legal obligations however, there is also a political obligation for States, through SDG 4, to provide inclusive and equitable quality education *for all*. With the adoption of the 2030 Agenda in 2015, the international community has committed to achieve SDG 4 as an integral part of achieving sustainable development.⁹⁹

However, even though States have politically committed to this in principle, there are still many challenges to guaranteeing quality education for all. Many of these challenges focus on the availability, accessibility and adaptability of education systems to provide quality learning outcomes for all parts of the population, including with respect to opportunities for vocational and life-long learning.

Below are a handful of key areas in which targeted legislative and policy action could better support the realisation of SDG 4 ambitions.

Impact of the COVID-19 Pandemic

One of the major challenges of recent years has been the impact of COVID-19 on education systems, pedagogical practices and educational delivery.

During the pandemic, in the midst of national lockdowns and concerns over the spread of disease, schools were closed, on average, for 40% of the year. In low- and lower-middle-income countries this figure was significantly higher.¹⁰⁰

The result of these disruptions not only led to significant learning losses, but also widened inequalities as distance learning often required students to independently source additional resources and technology. Even now, the impact of these disruptions are not yet fully known, but are expected to have negatively impacted the future prospects and employability of students around the world.¹⁰¹ Consequently, it is thought that the current generation of learners could stand to lose as much as \$17 trillion dollars in lifetime earnings.¹⁰²

This is particularly true for most low-income countries who were unable to facilitate remote learning for students due to limitations in technological and teaching capacities. For example, UNESCO notes that pre-pandemic levels of literacy comprehension were already low in low- and middle- income countries prior to the pandemic. Here, more than 50% of 10-year-olds were unable to read or comprehend a simple story. Since the pandemic however, that figure has risen to as high as 70%, illustrating the reality of these learning losses.¹⁰³

“Building on innovations deployed during the pandemic, we must see a global shift in the way education is delivered, and how students learn.” - UNESCO, 2022

It is therefore clear that for all countries, low- and middle-income in particular, there is a need for additional funding to strengthen capacities within the education system. Trends in education financing demonstrated that many governments across the world responded to the pandemic by allocating additional funding to education; however UNESCO urges that this must be maintained in the longer term to make up for lost learning.¹⁰⁴

In supporting recovery and strengthening capacities, UNICEF, UNESCO and the World Bank prioritise the following five key actions for education recovery, otherwise known as 'RAPID'. These are:

1. Reach: that education should be able to reach every child and retain them in school,

2. Assess: that an understanding of current learning levels is needed to better direct learning towards recovery,

3. Prioritise: that the most important skills and knowledge required for a student at each grade should be prioritised, including foundational literacy, numeracy and basic social-emotional competencies.

4. Increase: that countries should focus on catching up on learning that had been missed during the pandemic, including social and emotional skills.

5. Develop: that more investment into the education system is needed to provide for psychosocial health and well-being including WASH measures and school meals.¹⁰⁵

Marginalised groups

Marginalised groups are often left behind by national educational policies, denying many people their right to education. This impacts several groups including:

Women and Girls

Despite legal instruments promoting equality between women and men across the world, gender discrimination still impacts on access to inclusive and quality education. For example, some countries require wives to obtain their husbands' permission in order to get a job, hindering access to education and vocational training.

Child marriages also keep girls out of school temporarily or indefinitely, and the lack of adequate sanitary facilities prevents girls from attending school during menstruation. In addition, gender stereotyping, including imposing domestic responsibilities such as cleaning or water fetching

on women and girls, can have a negative impact on school performance.¹⁰⁶ All this is to say that until women's rights are addressed more generally, discrimination on the grounds of gender will remain an obstacle to universal education.

Persons with disabilities

Although many States have enacted legislation to ensure equal access to education for persons with disabilities, societal attitudes, lack of understanding and lack of awareness mean that discrimination may still persist.

Barriers for children with disabilities include, for example, unsuitable learning materials and physically inaccessible school buildings, as well as exclusion and segregation from mainstream school settings.¹⁰⁷ Even when children with disabilities attend school, they are less likely to complete it or transition to secondary school.¹⁰⁸

A recent Human Rights Watch Report about inclusive education in Iran, found that despite there being an estimated 1.5 million children of school age with disabilities, only 150,000 were enrolled in school during 2018-2019.¹⁰⁹ This was because of practices within the education system which determine whether a child is considered 'educable' or not through mandatory government testing. Here children with an IQ between 50 and 70 are required to attend a segregated 'special' school, while those with an IQ below 50 are denied education altogether.¹¹⁰

Refugees and Migrants

The numbers of refugees and internally displaced people across the world has increased. As of mid-2025, an estimated 117.3 million people have been displaced from their homes due to conflicts, violence or human rights violations.¹¹¹ Only 67% of refugee children were enrolled in primary school in 2025, dropping to 37% for secondary education.¹¹² Whilst the protection of internally displaced people is

encompassed within international human rights law and humanitarian law, in particular the UN Guiding Principles on Internal Displacement (1998), access to quality education is not guaranteed or indeed considered a priority. In many countries, it is left to charities to provide resources for education, such as books, structural facilities and transport.

Indigenous persons

Although indigenous people represent only about 6.2% of the world's population, they constitute around 18.2% of those living in extreme poverty.¹¹³ According to Minority Rights Group International, minority and indigenous children make up the majority of children who are out of school globally.¹¹⁴ They are also commonly deprived of access to quality education that is relevant and responsive to their specific contexts and needs. This includes a lack of access to teaching material and mother-tongue based education, as well as poor infrastructures to travel to school in rural areas.¹¹⁵

For-profit schools

The increasing privatisation of education across the world, particularly the development of for-profit private schools in low and middle-income countries, is a major challenge to the implementation of SDG 4.

Research shows that for-profit systems increase segregation

and disparities, and undermine access to quality free education.¹¹⁶ In the wake of the COVID-19 pandemic, these concerns are even graver as a rise in education technology products and distance-learning solutions risk dominating the market, and risk doing so at a pace that effective regulation will be unable to keep up with.¹¹⁷

Financing education

In order to achieve SDG 4, States must have financial resources, either through national systems or international aid, to implement the right to education.

The Framework for Action, published after the Incheon World Education Forum in 2015, recommends that 4-6% of GDP should be allocated to education.¹¹⁸ This would include

spending on building schools, funding and training teachers, providing learning materials, and implementing fair and quality education.

However during the pandemic, despite initiatives and funding to support access to education, the overall level of spending as a percentage of GDP declined in all country income groups, except low-income countries.¹¹⁹

In a post-pandemic world, additional financing will be needed to address learning losses, with calls made for greater investment in human capital.¹²⁰

In some cases, factors such as corruption in government and tax evasion act as barriers to the achievement of SDG 4 as they restrict vital financial resources.

Quality Education

The right to education is not only the right to access education, but also the right to receive an education of good quality. The aims of education go far beyond acquiring numeracy and literacy skills and should include “life skills such as the ability to make well-balanced decisions, critical thinking, creative talents, and other abilities, which give children the tools needed to pursue their options in life.”¹²¹

Although the right to education is enshrined in numerous international agreements and is recognised in Constitutions across the world, obstacles remain in considering the right to education as the subject of litigation. It is not enough to have the right to education effectively implemented at the national level, there is also a need for enforcement mechanisms that ensure access to legal recourse.¹²² The justiciability of economic, social and cultural rights, as opposed to civil and political rights, has been controversial. However, today, it is generally accepted that all human rights are indivisible, interdependent, and interrelated.¹²³

In particular, the right to education has been subject to litigation across many jurisdictions at national, regional and international levels. This has led the UN Special Rapporteur on the right to education to affirm that “the general question

of whether economic, social and cultural rights are justiciable does not apply to the right to education.”¹²⁴

Nevertheless, even when the right to education is considered justiciable, there remain barriers to accessing justice, namely:¹²⁵

- Awareness – across the world few people are fully conscious of the entitlements they are granted under the right to education and this is especially true for disadvantaged groups. When States have not included the right to education in national legislation, local lawyers may be unaware of regional or international legal obligations to this effect.
- Cultural barriers - people, particularly from vulnerable groups, may be unwilling to take violations of their rights to (quasi)-judicial mechanisms for various reasons, including limited language skills, fear of reprisals, or cultural constraints.
- Litigation costs – legal fees may have a deterrent effect, especially for disadvantaged groups.

c) So, what can lawyers do?

This section highlights several avenues through which the legal community can build its understanding of the SDGs in general, and of SDG 4. The ideas put forward here are intended to kickstart a conversation about the role of the legal community in the realisation of the SDGs.

At the same time, A4ID's SDG Legal Initiative will continue to push this global conversation forward and create pathways of opportunity for lawyers, the development community, and academics to become an active part of the sustainability solution.

Learn and educate

Lawyers can enhance their understanding of the right to education, along with the policy and programmatic efforts to promote it, at local, national, regional and international levels.

Substantial research and analysis is available, including resources with a special focus on SDG 4. Important sources of information include international development agencies, particularly UNESCO. This includes useful insights on emerging challenges and new transformations in education where the expertise of lawyers may be relevant for State authorities in regulating and developing the education sector. For example, the role of AI within education models and training, including within vocational training for legal professionals and the judiciary, is now a key area of focus for UNESCO.¹²⁶

Additionally, the Right to Education Initiative (RTE), a global human rights organisation focusing on the right to education, provides legal analysis, tools and guides to help understand and effectively use human rights mechanisms to claim and enforce the right to education.¹²⁷ Moreover, the reports of the UN Special Rapporteur on the right to education is of particular interest to lawyers in understanding the scope and application of this right.¹²⁸

Law firms and individual lawyers can also get involved in activities to raise awareness on the right to education in the legal community, such as publishing research papers and organising events (including legal clinics, seminars, panel presentations and international roundtables).

At a firm level, managing and senior partners responsible for strategic decisions should review and familiarise themselves with SDG 4 targets - particularly those concerned with life-long learning and vocational training. This includes looking at investment in, and opportunities for, the development of staff, as well as considering how entry routes into the firm promote social mobility and inclusion of those with diverse educational backgrounds.

“Knowledge is power. Information is liberating. Education is the premise of progress in every society, in every family.” - Kofi Annan, Former Secretary-General of the United Nations

Integrate

Law firms and lawyers are expected to act in a way that encourages equality, diversity and inclusion. Beyond the minimum legal requirements to remove potential discrimination, a proactive, inclusive approach to employment and people development adds value to an organisation. It is also increasingly recognised as a commercial asset. Recruiting a diverse workforce – including people who may face disadvantage because of their socio-economic background – maximises the chances of getting the best people for each role.

Law firms can join schemes that promote social mobility. For example, PRIME is an alliance of UK law firms committed to improving access to the legal profession, through offering work experience to young people from less privileged backgrounds, who might otherwise not have the opportunity

to access careers in law.¹²⁹ Pathways to Law is another organisation which supports academically-able students from non-privileged backgrounds in their final years of secondary school, who are interested in a career in law.

Law firms should adopt a lifelong learning approach to training their employees on technical and soft professional skills. Target 4.7 seeks to ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including on sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development. These topics – and the specific role of the law and lawyers in achieving sustainable development – should be incorporated into internal training programmes.

Act

Many law firms are working to make their pro bono work more strategic, collaborative and sustainable. By aligning their work with the SDGs, lawyers can be confident that they are taking practical steps towards a comprehensive and inclusive roadmap for sustainable development. This can help firms to establish and develop collaborative, cross-sector partnerships with other organisations that are working towards the same goals.

Developing a pro bono strategy with clearly identified goals enables firms to assess the effectiveness of pro bono work over time and therefore increase its impact. The SDG framework offers law firms the opportunity to effectively

measure and demonstrate their positive impact towards globally recognised goals. There is wide recognition that pro bono work, which is focused on progressing long-term goals and implemented in partnership with relevant organisations will lead to more sustainable results than ad hoc pro bono assistance.

The SDGs thus present a compelling opportunity for law firms, corporate legal departments and other lawyers to expand their pro bono legal activities domestically and abroad. In regard to SDG 4, law firms and lawyers can expand their pro bono work in several ways, including:

Awareness raising

Education is recognised as a human right in numerous international and regional treaties. The legal sector has an important role in promoting a human rights-based approach to education, holding States accountable for their obligation

to respect, protect and fulfil the right to education. Lawyers can disseminate knowledge on the right to education to students, parents, teachers and school administrators.

Supporting change towards quality education for all domestically

The legal sector can contribute to the development of an education system where no child's educational success is limited by their socio-economic background. In the UK, for instance, law firms could join organisations such as the Fair Education Alliance (FEA), set up in partnership with Teach First, to combine expertise across sectors in tackling social

mobility and the educational achievement gap.¹³⁰

Some law firms are already actively working on this, supporting struggling schools to improve their standards and offerings, as well as helping organisations that deliver English and skills training for refugees.

Public legal education

SDG 4 seeks to promote education throughout the course of life. Strengthening legal literacy in the general population, with a special attention to vulnerable groups, is part of this effort and also contributes to improving access to justice (SDG 16).

Firms and lawyers can engage in public legal education (PLE) initiatives to increase the general public's ability to

understand legal issues. PLE also helps the public to increase awareness of their rights, make better decisions involving everyday legal issues, and understand how to get legal support and access to justice.

Concretely, PLE activities include trainings and workshops on legal issues, with a special focus on disadvantaged groups such as people in poverty, prisons, and asylum seekers.

Supporting those who work to realise the right to education globally

Law firms can provide pro bono advice to international organisations and NGOs to support their projects and initiatives to realise the right to education for all around the world.

For many years, A4ID has led the way in facilitating this

engagement. Working in partnership when delivering pro bono legal support is crucial to ensure that the intervention is adapted to the local context and responsive to actual community needs, making them more effective.

Pro Bono legal expertise is particularly valuable when

international organisations and NGOs are directly engaged or support the following activities:

- **Drafting legislation and regulations:** Law firms can help with drafting new legislation and regulations which facilitates SDG 4, for example, the introduction of new laws to make primary education compulsory and freely available for all, or the introduction of new regulations to ensure safe use of digital e-learning solutions.
- **Legal research:** Legal research can support international organisations, charities and NGOs to better understand where gaps and possible solutions in securing the right to education might lie. For example, A4ID's Legal Partners Allen & Overy, DLA Piper, Onyango and Company Advocates, Orrick, and White & Case previously assisted the Right to Education Initiative with analysing national laws, policies and guidelines regarding the right to

education of migrant groups in 14 jurisdictions. Their findings contributed to a UNESCO publication focused on enforcing the right to education for refugees.¹³¹

- **Seeking remedies when there are violations of the right to education:** Law firms can assist NGOs in investigating, preparing reports and litigating cases where the right to education of individuals or communities have been violated. For example, success stories such as Allen & Overy LLP's pro bono support to the Hungarian NGO, Chance for Children Foundation, demonstrate the critical role that civil society can play in leveraging strategic litigation for SDG 4.

Working collaboratively, A4ID has produced further resources to guide law firms seeking to align their pro bono practice with the SDGs including SDG 4.¹³²



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