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Planning to Fulfil the Right to Education: Methodological Guidelines and Toolkit



Prepared by IIEP-UNESCO: Juana Barragán Díaz (Consultant); Amélie A. Gagnon
In collaboration with UNESCO Section of Education Policy: Rolla Moumne, Sharlene Bianchi (UNESCO ED/PLS/EDP)
With the support of: Delphine Dorsi (Right to Education Initiative); Sylvain Aubry (Global Initiative for Economic, Social, and Cultural Rights)
With constructive feedback from: Anna-Maria Tammi, Stuart James Cameron, Raphaëlle Martinez (Global Partnership for Education, GPE); Satoko Yano, Paula Razquin (UNESCO); Peter Colenso (Global Schools Forum, GSF)

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Connect with us

development@iiep.unesco.org

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International Institute for Educational Planning

7–9 rue Eugène Delacroix, 75116 Paris

info@iiep.unesco.org

www.iiep.unesco.org

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Contents

Introduction

What is the right to education?

What is the purpose of these Methodological Guidelines?

When should the Methodological Guidelines and Toolkit be used?

How are the Methodological Guidelines organized?

1. The Quick Tool (Prioritization Tool)

2. The Grid

3. The Analytical Framework

Annex. Key Concepts

References and Further Reading

[Click here to view the tools, which are also available to download at the start of each section.](#)

Introduction

Education is a fundamental human right that applies to all without any discrimination. It is one of the most powerful tools in empowering everyone to realize their full potential, promote individual and collective well-being, and build inclusive and peaceful societies in a sustainable way (RTEI, n.d.). The right to education (RTE) goes well beyond education, as it is the pillar for realizing other rights. It further goes beyond mere access to education, as it covers almost all aspects of education through the four principles in the **4As framework** (UNESCO, 2021):¹

- **Available.** Education is free, and there are adequate infrastructure and trained teachers able to support the delivery of education.
- **Accessible.** The education system is non-discriminatory and accessible to all, and positive steps are taken to include the most marginalized.
- **Acceptable.** The content of education is relevant, non-discriminatory and culturally appropriate, and of quality; schools are safe, and teachers are professional.
- **Adaptable.** Education evolves with the changing needs of society and challenges inequalities such as gender discrimination; education adapts to suit locally specific needs and contexts (RTEI, n.d.).

States have the mandate to plan for the delivery of education, and this mandate is strengthened by international agreements and education agendas. As such, States are the primary duty-bearers of the RTE: they have an obligation to respect, protect, and fulfil the RTE (RTEI, n.d.). Therefore, the key question is: *How do plan documents reflect national efforts put in place to fulfil the RTE?*

Educational planning is an essential link between the RTE principles States have committed to and the implementation thereof. It should ensure the alignment of current policies with States' obligations, and the development, monitoring, and review of norms and standards to enforce the RTE (UNESCO, 2021). Specifically, States must ensure that the RTE standard-setting instruments are correctly addressed by their educational planning documents, such as education sector plans (ESPs), transitional education plans (TEPs), and programming documents.

¹ The **4As framework** was developed by the first United Nations Special Rapporteur Katarina Tomaševski. For more information, please consult Tomaševski, K. 2001. *Right to Education Primers No. 3: Human Rights Obligations: Making Education Available, Accessible, Acceptable and Adaptable*. Gothenburg: Novum Grafiska AB.

However, the obstacles that States face with regard to their capacity to implement the RTE mean that today the RTE is still not secured for many children in and out of school (Adamson, Dorsi, and Sepúlveda Carmona, 2021). Building on its long-standing experience in educational planning, IIEP UNESCO strives to provide guidance through capacity building and technical assistance to ensure States comply with the RTE. These Methodological Guidelines and accompanying Toolkit are part of these efforts.

The Guidelines and Toolkit intend to offer practical guidance to ensure that the RTE is at the heart of and aligned with States' educational planning. They are built on the markers provided by the Abidjan Principles, which themselves constitute a comprehensive summary of existing international agreements on the RTE, and are designed to facilitate a comparison between these markers and educational planning documents.

What is the right to education?

Education has internationally been recognized as a human right since 1948, the year when the [Universal Declaration of Human Rights](#) (UDHR) stated that 'Everyone has the right to education' (art. 26 [1]). Since the proclamation of the UDHR, the RTE has been asserted in a multitude of legally binding and non-binding international treaties and documents.

Some of the international legally binding instruments are the 1960 [UNESCO Convention against Discrimination in Education](#); the 1966 [International Covenant on Economic, Social and Cultural Rights](#); the 1966 [International Covenant on Civil and Political Rights](#); the 1979 [Convention on the Elimination of All Forms of Discrimination against Women](#); the 1989 [Convention on the Rights of the Child](#); and the 2006 [Convention on the Rights of Persons with Disabilities](#), among many others. Non-binding instruments supporting the RTE must also be acknowledged, such as the United Nations Sustainable Development Goals and in particular SDG4, as well as the Education 2030 Framework for Action.

Such a wide variety of international documents and treaties spurred the necessity to create a new document aimed at compiling, analysing, and unpacking existing human rights laws. In response to this need, the [Abidjan Principles](#) were finalized in February 2019. The Principles do not create any new laws or obligations for States and other entities. However, they provide concrete guidance on the States' obligation to establish free, quality public education systems for all based on existing international documents and treaties, particularly in the context of the rapid expansion of private sector involvement in education.

The Abidjan Principles were published after a [three-year participatory consultation and drafting process](#). The Principles were [signed by eminent experts](#) in education, international law, and human rights. Although the Principles are neither legally binding nor a country-led exercise, they have been recognized by several United Nations and regional human rights institutions and mandate holders working on the RTE, including the [European Committee of Social Rights](#) (2020); the African Commission on Human and Peoples' Rights (2019 and 2020); the Human Rights Council – United Nations General Assembly (2019 and 2020); the [Inter-American Commission on Human Rights](#) (2020); the [United Nations High Commissioner for Human Rights](#) (2019); and the [United Nations Special Rapporteur on the Right to Education](#) (2019), among others.

The Abidjan Principles are composed of [10 Overarching Principles and 97 Guiding Principles](#), which provide guidance on States' obligations to:

- Provide free, public education of the highest attainable quality.
- Regulate private involvement in education.
- Fund quality public education.

Since their publication and [recognition by several bodies](#), including the United Nations Human Rights Council in 2021, the Abidjan Principles have contributed to placing the RTE at the centre of global policy debates.

What is the purpose of these Methodological Guidelines?

The purpose of these Guidelines and Toolkit is to describe the different operational tools developed to help education stakeholders systematically collect and analyse the efforts put in place to ensure the RTE. These efforts should be central to every educational planning or programming document. The resulting analysis should also bring to light different and challenging policy gaps in education. The final goal is to mobilize all information and analyses gathered to nurture a constructive dialogue among key national stakeholders and to strengthen the RTE at national and local levels.

These Guidelines and Toolkit were originally conceived to support States in the planning process; thus, they are mostly directed at educational planners, managers, and decision-makers at the national level. However, the tools are flexible enough to be utilized by other relevant entities or partners at the national level (independent human rights institutions, ombudspersons, non-governmental organizations, etc.) and sub-national level, or organizations (United Nations agencies, development partners, civil society, etc.).

These Methodological Guidelines and Toolkit can and should be used to complement the UNESCO (2021) *Guidelines to Strengthen the Right to Education in National Frameworks*. The latter covers the RTE comprehensively and provides tools to examine and analyse the compatibility of national education legal and policy frameworks with international RTE standard-setting instruments. These Methodological Guidelines and their tools provide a new, different approach: addressing the RTE within a State's planning and programming documents while supporting educational stakeholders in understanding and analysing the compatibility of their planning (ESPs and TEPs) or programming documents with the international obligations and commitments synthesized by the Abidjan Principles.

The Abidjan Principles are not legally binding. Yet they have been mobilized throughout this project as a tool to show planners, decision-makers, and other relevant stakeholders the essential elements to acknowledge when creating or reviewing an educational planning or programming document to fulfil the RTE.

These guidelines and toolkit are also aligned with, and can be used to complement, the *Guidelines for Education Sector Plan Preparation* (IIEP-UNESCO and GPE, 2015); the *Guidelines for Transitional Education Plan Preparation* (IIEP-UNESCO and GPE, 2016); and the Education Sector Analysis Methodological Guidelines (volume 1, volume 2, and volume 3 [IIEP-UNESCO et al., 2021]). All complementary documents can be used together as a package to ensure that the RTE is effectively integrated and enforced comprehensively in the national framework.

When should the Methodological Guidelines and Toolkit be used?

The tools described in these Methodological Guidelines have been conceived for two purposes.

Purpose 1: When a *future* educational planning (or programming) document is being developed, the tools can be used as a checklist to ensure that the main RTE issues are addressed clearly and forcefully.

Purpose 2: When analysing an *existing* educational planning (or programming) document, educational planners, decision-makers, and other pertinent stakeholders can use the Toolkit to evaluate how the current documents support the implementation of the commitments and obligations related to the RTE. This assessment will generate a constructive dialogue among key stakeholders and facilitate the detection of key gaps and challenges to be addressed through annual plans and annual reviews (when possible), as well as the development of future educational planning or programming documents.

Note: The Guidelines and Toolkit adapt to all contexts, including emergencies and post-conflict, post-disaster scenarios. Since the need to respect the RTE and ensure public oversight over private actors is greater in such circumstances, the present tools are also adapted for reviewing an existing TEP or preparing a future one.

How are the Methodological Guidelines organized?

The Methodological Guidelines are organized into three parts, each corresponding to an operational tool:

1. Quick Tool (Prioritization Tool): The first part of the Methodological Guidelines introduces and explains the Quick Tool (Prioritization Tool), whose purpose is to provide stakeholders with a general overview of Key Issues regarding the RTE and spur prompt discussions about them based on their own context and needs. The Quick Tool works as a conversation starter, allowing educational planners and decision-makers to discuss and determine the degree of priority of each issue considering their particular context and goals. A summary document is produced automatically, providing educational stakeholders with a context-based analysis pathway to follow up throughout the rest of the tools. There are two versions of the Quick Tool: one for an upcoming planning document and one for an existing planning document.

2. The Grid: Part II of the Methodological Guidelines introduces and explains the second tool, namely the Grid. This tool has two versions as well depending on the intended use. One is for the preparation of an upcoming planning document (2a). In this case, the Grid serves as a checklist to ensure the main RTE issues are being addressed clearly and forcefully. The other version (2b) is a specific framework that facilitates the systematic collection of information from the existing planning document necessary for the analysis (Analytical Framework).

3. Analytical Framework: Part III of the Methodological Guidelines introduces and explains the third tool, the Analytical Framework, which is meant for existing planning or programming documents. This tool assesses how an existing document is aligned with the RTE, using Guiding Questions and the corresponding guiding benchmarks. The ensuing analysis is based on the information gathered through the Grid.

Stakeholders using the Analytical Framework are encouraged to include notes for discussion and thus facilitate the thinking process and dialogue among educational planners, decision-makers, and others on concerns and challenges; this will also help clarify certain issues. The idea is, therefore, to create a space of dialogue among the main stakeholders to ensure a better alignment between the existing planning or programming documents and the international standard-setting instruments protecting the RTE.

Table 1 summarizes the paths to follow depending on whether the planning document is upcoming or existing (blue shading indicates the steps to be followed).

Table 1. How to use the toolkit

Toolkit components	Future planning or programming document	Existing planning or programming document
1. Quick Tool	√	√
2. The Grid	√	√
3. Analytical Framework		√
Purpose of the tools	The tools can be used as a checklist to ensure that the main RTE issues are addressed clearly and forcefully.	The tools can be used to evaluate how current documents implement commitments related to the RTE, generate a constructive dialogue, and facilitate the detection of key gaps and challenges.

[Click here to view the tools, which are also available to download at the start of each section.](#)

1. The Quick Tool (Prioritization Tool)

The Quick Tool (Prioritization Tool) aims to spur a discussion among education stakeholders around Key Issues that should be addressed by any educational planning or programming document designed to respect, protect, and fulfil the RTE. The Key Issues relate to one of the three overall themes, namely: (a) public education; (b) private education and public-private partnerships; and (c) international treaties and the Abidjan Principles.

Each Key Issue is inspired by one of the 10 Overarching Principles of the [Abidjan Principles](#) and the corresponding Guiding Principles. Of the 10 Overarching Principles and 97 Guiding Principles included in the Abidjan Principles, only the most relevant for educational planning or programming were included in the Quick Tool.

The Quick Tool helps educational stakeholders decide the degree of priority for each issue; thus, it determines the pathway to follow in the next tools, based on needs and context. Therefore, there are two versions of the Quick Tool, depending on the intended use.

1a. Future educational planning or programming document

In the case of a future educational planning or programming document, the Quick Tool allows educational planners and decision-makers to establish the level of priority for each issue based on the State's context and goals. A summary is produced automatically, providing an adapted pathway to follow through to the next tool, the Grid.

How to use: Analyse each Key Issue (1) and determine whether it should be treated as a high, medium, or low priority by clicking the corresponding Prioritization checkbox (2). This prioritization will create a specific pathway to follow throughout the rest of the tools. A Summary of Priorities will appear in a separate Results tab (3). Use the Comments section (4) to explain the rationale behind each decision. Relevant aspects discussed by stakeholders during the prioritization process could be noted here too.

Figure 1. Future educational planning or programming document

Planning to Fulfil the Right to Education: Quick Tool for a <i>future</i> planning document								
Prioritise the following issues from high to low priority for the preparation of the upcoming planning or programming document. This prioritisation will determine the path to follow throughout the rest of the tools. (Please choose only one option for each issue.)								
Theme	#	OP	GP	Key Issues	Prioritisation			Comments
					High Priority	Medium Priority	Low Priority	
PUBLIC EDUCATION								
	1	2	29	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to <u>ensure everyone's right to public education</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	2	2	30	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to <u>continuously raise the quality of public education at all levels</u> .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	3	2	31, 32	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to ensure that <u>public education is inclusive and accommodates the unique traits of different groups in society</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	4	2	32	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to <u>ensure accountability in public education</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5	2	32	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to ensure that the <u>public education governance system is participatory</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	6	2	32	The planning document will adequately cover the strategies or measures put in place or planned by the Ministry of Education to <u>ensure accountability in public education</u> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Introduction Quick Tool - Future planning Quick Tool - Existing planning Results

1b. Existing planning or programming document

In the case of an existing educational planning document, the Quick Tool allows educational planners and decision-makers to prioritize the Key Issues. The rationale behind the prioritization should not relate to the priority given by the educational planning document itself to the Key Issues. Instead, the prioritization should relate to the order in which the education stakeholders wish to analyse the planning document itself to evaluate the extent to which and how the Key Issues were addressed to fulfil the RTE. Issues with higher priority should be analysed first.

How to use: Analyse each Key Issue (1) and determine whether it should be treated as a high, medium, or low priority by clicking the corresponding Prioritization checkbox (2). This prioritization will create a specific pathway to follow when analysing the existing planning document through the next two tools. A Summary box will appear in a separate Results tab (3). If a Key Issue does not appear in the planning document, No/Missing should be checked (4). This calls for deeper reflection from stakeholders, who should explain in the Comments section (5) why that Key Issue was not addressed in the planning document. The Comments section should also be used to explain the rationale behind each decision and to record other relevant ideas discussed during the prioritization process.

Figure 2. Existing planning or programming document

Planning to Fulfil the Right to Education: Quick Tool for an <i>existing</i> planning document									
Indicate the level of priority for each of the following issues. This will determine the path to follow throughout the rest of the tools. (If the Key Issue was not addressed in the educational planning document check the box No/Missing. Please choose only one option for each issue.)									
Theme	#	OP	GP	Key Issues	Prioritisation				Comments
					High Priority	Medium Priority	Low Priority	No/Missing	
	3	2	31, 32	The planning document adequately covers the strategies or measures put in place or planned by the Ministry of Education to ensure that <u>public education is inclusive and accommodates the unique traits of different groups in society.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	4	2	32	The planning document adequately covers the strategies or measures put in place or planned by the Ministry of Education to <u>ensure accountability in public education.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	5	2	32	The planning document adequately covers the strategies or measures put in place or planned by the Ministry of Education to ensure that the <u>public education governance system is participatory.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	6	2	32	The planning document adequately covers the strategies or measures put in place or planned by the Ministry of Education to <u>ensure transparency in public education.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	7	2	39, 40, 41	The planning document adequately covers the strategies or measures put in place or planned by the Ministry of Education to <u>ensure the realisation of the right to education</u> whenever a <u>public educational institution accepts private resources</u> (including voluntary ones).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
PRIVATE EDUCATION & PUBLIC AND PRIVATE PARTNERSHIPS (PPPs)									
<div> <div>+</div> <div>Introduction</div> <div>Quick Tool - Future planning</div> <div>Quick Tool - Existing planning</div> <div>Results</div> <div>+</div> </div>									

It is always recommended to perform an in-depth, comprehensive analysis of all the Key Issues throughout the tools when possible. However, in the exceptional case of very *limited time and resources*, education stakeholders could choose to focus only on high-and medium-priority Key Issues.

Note: Throughout all the tools, the Overarching Principles are referred to as OP, and the Guiding Principles as GP.

2. The Grid

Once the educational stakeholders have completed the Quick Tool, they will have an organized analysis pathway to follow through the Grid based on their priorities. Each Key Issue is translated into a Guiding Question in the Grid.

The goal of each Guiding Question is to help relevant stakeholders systematically enquire and collect the efforts planned or put in place by the State to ensure the RTE. They also are conversation starters meant to generate a constructive dialogue between relevant stakeholders. Thus, those Guiding Questions are not to be answered through a yes/no format.

Depending on the intended use, there are two versions of the Grid.

2a. Future educational planning or programming document

[Download the tool](#)

In the case of a future educational planning document, the Grid offers an in-depth checklist to verify whether the main RTE issues will be addressed. This will also help educational planners and decision-makers identify missing features.

How to use: Based on each Guiding Question (1), the white cells (2) provide further questions about the information to be included in the planning document. Answer 'yes', 'partially', or 'no' to each question. Additional questions can be added (3) to the end of the list of the questions already provided. Use the Comments section (4) to add thoughts and explanations to the answers, for instance:

- If the answer is 'yes', provide details about how that specific issue will be addressed in the planning document, explain the strategy, and describe the related challenges.
- If the answer is 'partially', explain why that specific issue and information will be addressed only partly; this could be, for instance, because of a lack of funds or lack of evidence and data.
- If the answer is 'no', pay additional attention to that particular issue and explain why it is omitted in the planning document. It is key to add a solid explanation in the Comments section. For instance, explain why this is the case, justify a negative answer, and confirm whether something else will be planned or included in the educational planning document to tackle that issue. The arguments should boost discussions among key stakeholders.

Figure 3. Future educational planning or programming document

Planning to Fulfil the Right to Education: The Grid (version for a future planning document)						
PUBLIC EDUCATION						
#	OP	GP	Guiding Question	Absolute Outcome Benchmark		
1	2	29	Will the planning document adequately cover the strategies or measures put in place or planned by the Ministry of Education to ensure everyone's right to public education?	Everyone has access to a public school.		
Recommended Diagnostic Elements			Will the planning document include this information?		Comments	
			Yes	Partially		No
Data on public education coverage			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Data on attendance public/private education			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Data on out-of-school children			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Data on public resources allocated to education			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Data on share of household education expenditures			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Add your own:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Add your own:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Add your own:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Recommended State initiatives			Will the planning document include this initiative?		Comments	
			Yes	Partially		No
Prioritise the progressive provision of free, quality, public pre-primary education (GP 17a)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Prioritise the provision of free, quality, public primary education (GP 17b)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Prioritise the progressive provision of free, quality, public secondary education for all (GP 17b)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Prioritise access to education for youth and adults who require it, especially those who did not reach sufficient proficiency levels for full and effective participation in their societies and the labour			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Ensure compulsory education for at least nine years (GP 17e)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Specify the proposed means and a time frame to achieve the realisation of the right to education at all levels and for all ages (GP 21a)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
If the provision of free, quality public education for all is not possible due to a lack of resources, publicly demonstrate that every effort was made to use all available resources for this purpose (GP)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please fill out
Add your own:			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2b. Existing planning or programming document




[Download the tool](#)

In the case of an existing educational planning document, the Grid helps educational planners, managers, and decision-makers to take stock of the actions planned and highlight whether these actions meet the requirements of international treaties compiled and unpacked by the Abidjan Principles.

How to use: Use the white cells to insert the ESP information (1). Use the coloured cells (2) as a reference for the type of information to be filled in. In some instances, the educational planning document may not include specific information related to certain aspects of the Guiding Questions. In this case, the corresponding white cells may have to be left empty. This situation should get special attention when completing the Analytical Framework (Part III) and, particularly, in the discussions with key stakeholders.

Figure 4. Existing educational planning document

Planning to Fulfil the Right to Education: The Grid (version for an existing planning document)




PUBLIC EDUCATION								
#	GP	Guiding Question	Absolute Outcome	Diagnostic Elements	State initiatives included in the planning document			
1	29	Does the planning document adequately cover the strategies or measures put in place or planned by the Ministry of Education to ensure everyone's right to public education?	Everyone has access to a public school.	<ul style="list-style-type: none">-Data on public education coverage-Data on attendance public/private education-Data on out-of-school children-Data on public resources allocated to education-Data on share of household education expenditures-Other	<ul style="list-style-type: none">-Progressive realisation of the right to free, quality, public education (GP 17 and 21)-Time frame, indicators, targets and benchmarks (GP 21a)-Compulsory education (9 years) (GP 17e)-Definition and practical implications of free education-Measures to alleviate schooling expenses-School/classroom construction and rehabilitation-Other	<ul style="list-style-type: none">-Measures ensuring an effective and impartial monitoring system (GP 83)-Measures ensuring the monitoring system has resources allocated (financial, human and other) (GP 83)-Measures ensuring regular monitoring (GP 81)-Measures ensuring the monitoring results are public (GP 82)-Other	<ul style="list-style-type: none">-Measures are discriminatory-Measures aim at eliminating all forms of discrimination (GP 24)-Measures prioritise marginalised and vulnerable groups-Measures are gender-sensitive, responsive to the needs of girls and women and transformative for all (GP 21d)-Other	<ul style="list-style-type: none">-Measures are fully costed and budgeted (GP 21a)-Budget allocated to education in the planning/programming document-Share of education budget compared to total government budget-Insurance that the maximum available resources do not fall below the level required by domestic or international funding commitments (such as the percentage of the GDP set in development goals) (GP 15)-Other
				Add related information from your planning document in the cells below.	Add related information from your planning document in the cells below.	Add comments in the cells below.	Add related information from your planning document in the cells below.	Add related information from your planning document in the cells below.
				1		2		

To facilitate the task, the Grid requires (for forthcoming planning documents) or collects (for existing planning documents) two types of information:

- The Diagnostic Elements (3) highlight the *state of the situation* as reflected in the planning document in relation to the Guiding Question being addressed. For instance, this section can be linked to the information provided by the education sector analysis, usually included at the beginning of an ESP.
- The State Initiatives (4) gather information on the *measures, actions, strategies, and policies* included in the planning document to address the issues related to the Guiding Questions.

Various examples of information are provided for each of these two categories. These examples are non-exhaustive, as the Grid is meant to be tailored to each specific context. Thus, stakeholders using the tool can add any pertinent issue not included in the list of examples but related to their own educational planning or programming documents and the Guiding Question at hand.

In addition to these two main categories, there are three cross-cutting subjects (5):

- Obligations related to monitoring, 
- Obligations related to discrimination (negative and positive), 
- Obligations related to budgeting, 

These cross-cutting subjects should be kept in mind while filling out the Grid and taking stock of the actions and strategies included, or to be included, in the educational planning or programming document.

The process ends here for countries currently developing an educational planning or programming document.

Countries with existing educational planning or programming documents should carry on to Part III, the Analytical Framework tool.

Note 1: Please remember the icons for the cross-cutting subjects as they will be used in the tools when referring to cross-cutting subjects. To learn more about these, please consult the [Key Concepts in the Annex](#).

Note 2: The Key Issues from the Quick Tool are translated into corresponding Guiding Questions in the Grid. They are identified by the same number (under the # column). Keep in mind that the sequence of analysis in the Grid depends solely on the pathway defined by the Quick Tool, and not on the logical sequence of the numbers themselves.

3. The Analytical Framework

This tool only applies to countries with existing educational planning or programming documents.

This is the project's final step, to be completed after the Quick Tool and the Grid have been completed, following the pathway defined by the Quick Tool.

The Analytical Framework has been designed to guide stakeholders during the analysis of the extent to which an existing educational planning or programming document fulfils the RTE. It aims to bring different policy gaps in education to light and harvest ideas for improvement in specific areas. The framework, composed of a series of categories and a method of analysis, eases the evaluation of the efforts proposed by the existing planning document and its compliance with international treaties' requirements reflected by the Abidjan Principles. Therefore, the framework should serve as a basis for constructive dialogue among key national education stakeholders, which should bring changes and thus strengthen the RTE at a national and/or local level.

The Analytical Framework builds upon the Guiding Questions. For each question, an analysis of immediate obligations (Section 1) and priority objectives (Section 2) must be carried out.

- Immediate obligations are actions that all States must take, no matter the situation or the resources available. Immediate obligations concern the aspects that require full action to make the RTE a reality (for more information, consult [Annex. Key Concepts](#)).
- Priority objectives are actions that the State should accomplish at the very least. They are the minimum essential levels of the RTE. Whenever a State fails to meet them, it must demonstrate publicly that every effort was made and all resources at its disposal were used to meet the priority objectives (for more information, consult [Annex. Key Concepts](#)).

The analysis is facilitated by a table that breaks down each Guiding Question into multiple benchmarks (see *Figure 5*). For each benchmark (represented by a question), one of three responses is required in the allotted column (1):

- Y (Yes) means that the benchmark has been included and is recognized in the educational planning document.
- P (Partially) means that the benchmark has been partially included and recognized in the educational planning document.
- M (Missing) means that the benchmark has not been included in the educational planning document; the information is unavailable and thus there cannot be a conclusion on whether the benchmark is recognized.

Figure 5. Guiding Question broken down into multiple benchmarks

Guiding Question 4: Does the planning document adequately cover the strategies or measures put in place or planned by the Ministry of Education to ensure accountability in public education (OP 2; GP 32)?

The lack of accountability may adversely affect the realisation of the right to free, quality, public education (GP 42), and more generally, the implementation of all planned strategies. It is key to verify whether the planning document covers the implementation or reinforcement of strategies, mechanisms, and procedures that ensure the existence of an accountable education system (GP 32).




Section 1. Immediate obligations

Aspects to consider for the analysis related to the Abidjan Principles	Y/P/M	Comments ²
Does the planning document set forth measures to ensure accountability, considering that in its absence, the realisation of the right to free, quality, public education may be adversely affected (GP 42)?	¹	
Does the planning document put in place a regular, impartial, effective, and adequately resourced monitoring system to ensure the accountability of public education and the plan's implementation (GP 81)?		

Notes for discussion ³

Each answer should be accompanied by pertinent and concise comments (2) based on the information captured in the Grid and the educational planning document under review. These comments should allow the analysis to go beyond a yes/no approach by describing the presence or absence of the benchmark.

In addition, the three cross-cutting issues should be always kept in mind throughout the analysis:

- Obligations related to monitoring, 
- Obligations related to discrimination (negative and positive), 
- Obligations related to budgeting, 

If a problem concerning the cross-cutting issues arises during the analysis, the corresponding icon should be added at the beginning of the corresponding remark. This aims to quickly identify the information related to those cross-cutting subjects in the analysis.

In the Notes for Discussion sub-section (3), users are encouraged to write questions or remarks requiring clarification and discussion with the appropriate stakeholders. Questions asked here aim to bring a deeper understanding of the educational planning document and the efforts and strategies included. The goal is to enable a constructive dialogue with key stakeholders, leading to concrete changes supporting the RTE.

Annex. Key Concepts

The following explanations are meant to provide a clear understanding of key concepts used throughout the tools. These concepts are essential when referring to the right to education (RTE):

1. Immediate obligations
2. Priority objectives
3. Retrogressive measures
4. Obligations related to monitoring (cross-cutting issue)
5. Obligations related to discrimination (negative and positive) (cross-cutting issue)
6. Obligations related to budgeting (cross-cutting issue)

Note: To complement this section and for an overall understanding of the RTE, please consult the first part of the UNESCO (2021) Guidelines to Strengthen the Right to Education in National Frameworks. Please also consult the resources in the [References and Further Reading](#) section of this publication.

1. Immediate obligations

Immediate obligations are those which all States must fulfil using all resources at their disposal, even in times of public emergency and armed conflict. They concern the aspects that require full action to make the RTE a reality:

- They aim to ensure that the RTE is ‘exercised free from both de jure discrimination (exists in legal and policy frameworks) and de facto discrimination (exists in reality)’ (UNESCO, 2021: 20).
- They include States’ ‘deliberate, concrete and targeted steps towards the full realization of the right to education by all appropriate means’ (UNESCO, 2021: 21). This requires, at a minimum, monitoring the extent of the realization of the RTE, as well as the design of strategies and programmes targeting the issues hindering the enjoyment of this fundamental right (CESCR, 1999).

The Abidjan Principles (2019) recognize that many dimensions of the RTE require immediate action by the State, including (but not limited to):

- Developing a detailed national education strategy for the realization of the RTE at all levels and for all ages (Guiding Principle 21).
- Eliminating discrimination as rapidly as possible, even when it has not been directly caused by the State (Guiding Principle 27).
- Ensuring that there is reasonable accommodation in education for individuals’ different capabilities relating to one or more prohibited grounds of discrimination (Guiding Principle 28).
- Ensuring that no individual is excluded from any public educational institution based on the inability to pay (Guiding Principle 36).
- Addressing ineffective governance, lack of transparency, lack of accountability, and corruption, as these issues adversely affect the realization of the right to free, quality public education (Guiding Principle 42).

2. Priority objectives

States have the obligation to prioritize the fulfilment of at least the minimum essential levels of the RTE, including the core, ‘most basic form of education’ (CESCR, 1999: para. 57). More precisely, the Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 13 (1999: para. 57), states:

... this core includes an obligation: to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; to ensure that education

conforms to the objectives set out in article 13 (1); to provide primary education for all in accordance with article 13(2)(a); to adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education; and to ensure free choice of education without interference from the State or third parties, subject to conformity with ‘minimum educational standards’ (art. 13[3] and [4])

Whenever a State fails to meet the core obligations, it must ‘publicly demonstrate that every effort has been made to use all resources that are at its disposal in an effort to meet’ those core obligations as a matter of priority (Guiding Principle 18) with ‘resources’ including both domestic and international ones. Indeed, to fully realize the RTE, States must seek international assistance and cooperation (Abidjan Principles, 2019: GP 38; CESCR, 1999: para. 56). However, this obligation does not absolve them from taking domestic action.

3. Retrogressive measures

Retrogressive measures are measures taken by States that limit, restrict, or downgrade existing levels of enjoyment of the RTE, for example, ‘introducing school fees in secondary education when it had formerly been free of charge or an unjustified reduction of public expenditure on education’ (Right to Education Initiative, 2015). To ensure the fulfilment of the RTE, States should not take deliberate steps backwards on existing guarantees of this fundamental right.

Guiding Principle 45 of the Abidjan Principles (2019) states:

There is a strong presumption that retrogressive measures taken in relation to the right to public education are impermissible. If, in exceptional circumstances, retrogressive measures are taken, the State has the burden of proving that any such measure is in accordance with applicable human rights law and standards. Any such measure:

- a. should be temporary by nature and in effect, and limited to the duration of the crisis causing the situation of fiscal constraint;
- b. should be necessary and proportionate, in that the adoption of any other policy alternatives or the failure to act would be more detrimental to the enjoyment of economic, social and cultural rights, with the possibility of taking any alternative measures comprehensively examined;
- c. should be reasonable;
- d. should not be directly or indirectly discriminatory;
- e. should accord particular attention to the rights of vulnerable, disadvantaged, and marginalized individuals and groups, including their right to free, quality, public education, and ensure that they are not disproportionately affected. Children must be the last affected by such measures;
- f. should identify the minimum core content of the right to public education and other affected economic, social and cultural rights, and ensure the protection of this core content at all times;
- g. should involve full and effective participation of affected groups, including children and other learners, in examining the proposed measures and alternatives;
- h. should be subject to meaningful review procedures at the national level.

4. Obligations related to monitoring (cross-cutting issue)

All planning and programming documents must include an adequate monitoring framework to ensure effective implementation of planned strategies and understand the extent of realization (or non-realization) of the RTE (CESCR, 1999). As specified by Guiding Principles 81–87 of the Abidjan Principles (2019), States should put an effective, impartial, and adequately resourced monitoring system in place (Guiding Principle 83) to allow for regular

monitoring of compliance with the RTE (Guiding Principle 81). Guiding Principle 85 states that ‘monitoring systems should also gather data to assess the impact of private instructional educational institutions on the enjoyment of the RTE’ (Abidjan Principles, 2019).

The assessment should measure not only the systemic effect of these institutions over the short and long term but also their impact on the realization of human rights. Moreover, monitoring and enforcement mechanisms should be used to ensure that private actors involved in education comply with the applicable standards and regulations and meet their responsibility to respect the RTE (Abidjan Principles, 2019: GP 84). Monitoring results must be publicly available and lead to improvements in laws, policies, and practices in cases where gaps in compliance have been identified (Abidjan Principles, 2019: GP 82, GP 86c). Furthermore, the results must be applied towards the improvement and development of policies and regulations to ensure that the involvement of private instructional educational institutions supports and does not nullify or impair the realization of the RTE (Abidjan Principles, 2019: GP 87).

5. Obligations related to discrimination (negative and positive) (cross-cutting issue)

CESCR (2009: para. 7) defines discrimination as ‘any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights. Discrimination also includes incitement to discriminate and harassment’.

States have an obligation to act immediately to eliminate any discrimination (de jure or de facto), irrespective of the available resources and whether the State has caused it or not (Abidjan Principles 2019: GP 27). De jure refers to formal discrimination in legal and policy frameworks, whereas de facto or substantive discrimination is ‘experienced in practice’ (UNESCO, 2021: 83).

Guiding Principle 24 of the Abidjan Principles (2019) states:

States must eliminate all forms of discrimination in the enjoyment of the right to education on grounds such as: age; birth; caste; colour; descent; disability; documentation; ethnicity; civil, family or career status; gender identity; health status, or genetic or other predisposition toward illness; language; migration status; national or social origin; nationality; political or other opinion; parental status; pregnancy; property; race; religion; sex; sexual orientation; socio-economic disadvantage; statelessness; or other status. The obligation to prohibit all forms of discrimination includes direct and indirect discrimination, harassment and denial of reasonable accommodation, as well as multiple, intersectional, associative, and perceptive discrimination.

The Abidjan Principles (2019) further express, among other obligations, that:

- ‘States must ensure that their laws, policies, or practices do not directly or indirectly discriminate in education’ (Guiding Principle 25).
- States must also address any situation that creates systemic disparities of educational opportunity or outcomes for some groups in society, as well as any situation that leads to segregation in the education system that is discriminatory on any prohibited ground (Guiding Principle 25).
- States must identify and prevent discriminatory practices; protect individuals from discrimination from third parties; ensure equal access to quality inclusive education; and organize their education system, including public and private institutions, so as to prevent discrimination and ensure equality (Guiding Principle 26).
- States must ensure that the monitoring systems in place identify any discrimination. When discrimination exists in education, States must ensure its elimination as rapidly as possible (Guiding Principles 27 and 81).

- Minimum education standards must protect children and other learners from all forms of discrimination in the enjoyment of their RTE. Particular attention must be paid to vulnerable, marginalized, and disadvantaged groups in society. Conditions of enrolment, admission, and learning must not be directly or indirectly discriminatory (Guiding Principle 55).
- Private instructional educational institutions must meet substantive, procedural, and operational requirements, emphasizing obligations related to non-discrimination, equality, and non-segregation (Guiding Principles 65–72).
- States must not fund or support, directly or indirectly, any private instructional educational institution which ‘abuses the rights to equality and non-discrimination, including by being selective; or expelling or sorting learners, whether directly or indirectly, on the basis of the socio-economic disadvantage, whether of the learner, family, or community, gender, disability, or any other prohibited ground’ (Guiding Principle 73).

In certain situations, positive action is necessary to redress de facto discrimination in education. However, in case special measures are in place, they should always be ‘reasonable, objective and proportional’ (CESCR, 2009: para. 9). Furthermore, such measures should always be temporary to ensure that they do not lead to the maintenance of unequal or separate standards for different groups, and that they are not continued after the objectives for which they were taken have been achieved (CESCR, 1999: para. 32).

6. Obligations related to budgeting (cross-cutting issue)

As Guiding Principle 15 of the Abidjan Principles expressed, ‘States must allocate the maximum of their available resources towards ensuring free, quality education, which must be continuously improved. The maximum available resources should not fall below the level required by domestic or international education funding commitments, such as the percentage of gross domestic product set in development goals’. Available resources include domestic resources and those that may be mobilized through international assistance and cooperation (Abidjan Principles, 2019: GP 16). States must make sure that their domestic budgetary laws or policies are sufficiently specific and concrete, and they must also fully cost and fund the identified priorities to maintain and improve public education (Abidjan Principles, 2019: GP 35).

Based on international benchmarks, States should commit at least 4 to 6 per cent of their gross domestic product and/or at least 15 to 20 per cent of their total public expenditure to ensure the fulfilment of the RTE (UNESCO and Right to Education Initiative, 2019). Other international benchmarks recommend a reasonable allocation of budgets; for instance, the Global Partnership for Education benchmark states that basic education (primary and lower secondary) should receive at least 45 per cent of education spending (UNESCO and Right to Education Initiative, 2019).

Despite the importance of the above expenditure benchmarks, it is also essential to look beyond the amount being spent, namely beyond the efforts done by the State in allocating resources to ensure the RTE. It is indeed important to consider how equitable, transparent, and participatory the resource allocation process is (Right to Education Initiative, n.d.). For instance, States must ensure that the resources allocated to education are equitably shared, thus guaranteeing the RTE for all, particularly the most marginalized. Sharp disparities in spending policies that result in differing qualities of education and opportunities for people living in different geographic locations may constitute discrimination (CESCR, 1999: para. 35).

Finally, States should not only allocate adequate financial and other resources for the realization of the RTE as effectively and expeditiously as possible, but they must also ‘ensure that any reallocation or expenditure of their education budgets to areas other than the direct provision of free, quality, public education does not impair the delivery of such education’ (Abidjan Principles, 2019: GP 34).

References

Abidjan Principles. 2019. *Guiding Principles on the Human Rights Obligations of States to Provide Public Education and to Regulate Private Involvement in Education*. https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES_+ENGLISH_August2021.pdf.

Adamson, F.; Dorsi, D.; Sepúlveda Carmona, M. 2021. 'Chapter 10: Strengthening the implementation of the Abidjan Principles'. In: F. Adamson; S. Aubry; M. De Koning; D. Dorsi (eds), *Realizing the Abidjan Principles on the Right to Education: Human Rights, Public Education, and the Role of Private Actors in Education*. NORRAG Series on International Education and Development. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing. <https://doi.org/10.4337/9781839106033.00020>.

CESCR (UN Committee on Economic, Social and Cultural Rights). 1999. *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*. www.refworld.org/docid/4538838c22.html.

----. 2009. *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (Art. 2, Para. 2 of the International Covenant on Economic, Social and Cultural Rights)*. <https://www.refworld.org/docid/4a60961f2.html>.

Right to Education Initiative. 2015. 'Glossary: Retrogressive measures', Right to Education Initiative. Last accessed 17 August 2022: www.right-to-education.org/monitoring/content/glossary-retrogressive-measures.

----. n.d. 'Monitor', Right to Education Initiative. Last accessed 17 August 2022: www.right-to-education.org/page/monitor.

----. n.d. 'Understanding education as a right', Right to Education Initiative. Last accessed 11 August 2022. www.right-to-education.org/page/understanding-education-right.

UNESCO. 2021. *Guidelines to Strengthen the Right to Education in National Frameworks*. Paris: UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000375352/PDF/375352eng.pdf.multi>.

UNESCO; Right to Education Initiative. 2019. *Right to Education Handbook*. Paris: UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000366556/PDF/366556eng.pdf.multi>.

Note: For the full list of resources used in these Methodological Guidelines, please consult the dedicated Zotero page.

Further reading

For detailed information on the RTE, as well as on international treaties and documents, consult:

UNESCO. 2021. 'Section 1: What is the right to education?' and 'Annex II: International standard-setting instruments related to the right to education': UNESCO. 2021. *Guidelines to Strengthen the Right to Education in National Frameworks*. Paris: UNESCO.

For more information on the Abidjan Principles, consult:

Abidjan Principles. 2019. *Guiding Principles on the Human Rights Obligations of States to Provide Public Education and to Regulate Private Involvement in Education*.

For more information on the development of the Abidjan Principles, consult the book:

Adamson, F.; Aubry, S.; De Koning, M.; Dorsi, D. (eds). 2021. *Realizing the Abidjan Principles on the Right to Education: Human Rights, Public Education, and the Role of Private Actors in Education*. NORRAG Series on International Education and Development. Cheltenham, UK; Northampton, MA: Edward Elgar Publishing.

For more information concerning the UNESCO Guidelines, consult:

UNESCO. 2021. *Guidelines to Strengthen the Right to Education in National Frameworks*. Paris: UNESCO.

For more information concerning the tools for educational planning, consult:

IIEP-UNESCO; GPE. 2015. *Guidelines for Education Sector Plan Preparation*. Paris: IIEP-UNESCO; Washington, DC: GPE.

----. 2016. *Guidelines for Transitional Education Plan Preparation*. Paris: IIEP-UNESCO; Washington, DC: GPE.

For more information concerning the tools for education sector analysis, consult:

IIEP-UNESCO; UNICEF; GPE; UK Foreign, Commonwealth & Development Office. 2021. *Education Sector Analysis Methodological Guidelines. Vol. 3: Thematic Analyses*. Paris: IIEP-UNESCO; New York, NY: UNICEF; Washington, DC: GPE; London: UK Foreign, Commonwealth & Development Office.

IIEP-UNESCO; World Bank; UNICEF. 2014a. *Education Sector Analysis Methodological Guidelines. Vol. 1: Sector-Wide Analysis, with Emphasis on Primary and Secondary Education*. Paris: IIEP-UNESCO; Washington, DC: World Bank; New York, NY: UNICEF.

----. 2014b. *Education Sector Analysis Methodological Guidelines. Vol. 2: Sub-Sector Specific Analyses*. Paris: IIEP-UNESCO; Washington, DC: World Bank; New York, NY: UNICEF.

For Latin American countries, these guidelines and corresponding tools can and should be used as a complement to IIEP-UNESCO Buenos Aires' *Education Sector Analysis Handbook for Monitoring the Right to Education in Latin America*. This manual, only available in Spanish, aims to facilitate the preparation of education sector diagnoses through a human rights-based approach. For more information, consult:

IIEP-UNESCO Buenos Aires. 2020. *Manual de Análisis Del Sector Educativo Para Monitorear El Cumplimiento Del Derecho a La Educación En América Latina*. Buenos Aires: IIEP-UNESCO.

Click here to view the tools, which are also available to download at the start of each section.



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