CARDUS

**MEMORANDUM**

**TO:** Working Group on an optional protocol to the Convention on the Rights of the Child, Office of the United Nations High Commissioner for Human Rights

**FROM:** Joanna DeJong VanHof, Program Director, Education
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**DATE:** May 16, 2025

**SUBJECT: Submissions for Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child**

**WHO WE ARE**

Cardus is a non-partisan think tank dedicated to clarifying and strengthening, through research and dialogue, the ways in which society's institutions can work together for the common good. Cardus Education exists to cultivate education for the common good and to convene education leaders through original research and policy studies on educational pluralism, excellence in education, and graduate outcomes, particularly in Canada and the United States.

**ISSUE**

The Office of the United Nations High Commissioner for Human Rights is seeking submissions related to the Human Rights Council's resolution 56/5 adopted on July 10, 2024.[1] The consultation is studying the potential of explicitly recognizing that the right to education include early childhood care and education, and that states should make public pre-primary education free to all (starting with a minimum of one year of pre-primary education) and that public secondary education also be made free to all.[2]

**POSITION**

Cardus's position, informed primarily by research in the Canadian context, contests the preference for state-delivered public education. Our research has found that independent schools are necessary partners in delivering high quality education. Diverse models of delivery that facilitate educational pluralism help contribute to the common good of societies.

**RESPONSES AND CONSIDERATIONS**

1) **What are the main barriers to public pre-primary education available free to all in law, policy, and practice in your country and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.**

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[1] United Nations General Assembly. "Resolution adopted by the Human Rights Council on 10 July 2024 – Resolution 56/5." July 2024. https://docs.un.org/A/HRC/RES/56/5.

[2] United Nations Human Rights Office of the High Commissioner. "Call for submissions for Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child." Accessed May 2025. https://www.ohchr.org/en/calls-for-input/2025/call-submissions-open-ended-intergovernmental-working-group-optional-protocol.

Any considerations on providing care and education for children must prioritize increasing the capacity of parents to raise their own children and to make decisions in their best interest. The Working Group should clarify what it means by the term "pre-primary education" and define the age when pre-primary care begins. Further, the Working Group should clarify what it means by the term "public." We recommend that the accessibility of education be defined to include non-state delivery models such as independent schools, charter schools, and homeschooling. Such a definition would recognize that the education of all citizens in member states, regardless of the delivery model, has an intrinsically public component because the formation of good citizens contributes to the common good. With respect to the role of independent schools in particular, our research has shown that:

> [O]n almost every measure, independent school attendance enhances civic outcomes. International comparisons of students' civic knowledge and engagement show plural educational systems also perform well. Policymakers can have confidence that expanding access to independent schools and ensuring their quality is likely to enhance the civic capabilities of young people and can lead to a more civically integrated and politically engaged public.[3]

**2) What are the main barriers to public secondary education available free to all in law, policy, and practice in your country and what is their impact on the rights of the child? Please consider the specific situation of marginalized children and those in vulnerable situations in your response.**

Several Canadian jurisdictions fund independent schools to varying degrees. As noted above, these schools should be viewed as partners in the delivery of education, contributing to an understanding of public education that would also include publicly-funded but independently-delivered education. Cardus's research on the independent school landscapes of provincial governments in Canada demonstrate the vibrancy of independent education that serves the diverse needs of students. The province of Alberta offers partial public funding for a variety of schooling options. Funded independent schools in the sector serve over 36,000 students in 129 schools based on our 2024 report. The vast majority of these schools focus on a religious affiliation or provide special emphasis in their pedagogy, such as specialized programming for students with special needs.[4] By comparison, the province of Ontario does not provide any funding for independent schooling. Even so, Ontario (with a larger total population than Alberta) has over 1,400 independent schools based on our 2022 report.[5]

Cardus research also measures the life outcomes of graduates of secondary independent schools in its Cardus Education Survey. Its findings demonstrate that students in independent schools, whether non-religious, Catholic, home schooled, or Protestant, have strong outcomes across a range of areas, including civic engagement, life satisfaction, educational attainment and economic prosperity.[6] These

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[3] Berner, Ashley Rogers. Key Points from "Good Schools, Good Citizens: Do Independent Schools Contribute to Civic Formation?" Cardus, 2021. https://www.cardus.ca/research/education/reports/good-schools-good-citizens/.

[4] Hunt, David and Joanna DeJong VanHof. "Exploring Alberta's Independent School Landscape: Diversity, Growth, and Trends." Cardus, 2024. https://www.cardus.ca/research/education/research-report/exploring-albertas-independent-school-landscape.

[5] Hunt, David, Joanna DeJong VanHof and Jenisa Los. "Naturally Diverse: The Landscape of Independent Schools in Ontario." Cardus, 2022. https://www.cardus.ca/research/education/research-report/naturally-diverse/.

[6] Swaner, Lynn E., Albert Cheng, and Jonathan Eckert. "School-Sector Influence on Graduate Outcomes and Flourishing: Findings from the 2023 Cardus Education Survey." Cardus, 2024.

studies demonstrate that both with and without public funding or extensive regulation, independent schools in the primary and secondary sectors are key institutions that serve parents and children. Government should facilitate expanded access to these institutions for low-income and vulnerable populations, particularly in the province of Ontario, where cost barriers remain.

**3) What are examples of innovative and sustainable financial mechanisms to support the full and effective implementation of public pre-primary and secondary education available free to all children in your country?**

Pluralist systems of education can be defined as systems in which the government funds and regulates schools, but does not deliver the education.[7] Three pillars of educational pluralism, as defined by Cardus, are the availability of educational options that are acceptable to diverse family needs and values, the accessibility of these options through government funding, especially for minority and low-income communities, and the accountability for these options, which must allow for their adaptability and quality to be maintained.[8] Systems of education in which state-delivered public education is the only available option fail to recognize and respect the diverse range of pedagogical, cultural, and religious approaches to education that all contribute to the common good. Increased access to educational choice is rooted in advocacy by and for historically disadvantaged populations, as Cardus has documented.[9]

Additionally, Cardus research has found, in provinces such as Alberta, that those who choose to send their children to independent schools tend to have income below the average middle-class income levels.[10] The Working Group should ensure that it safeguards and structures its declarations on the right to education to explicitly identify that the right to a "public" pre-primary and secondary education is inclusive of all forms of education that educate the public, and that contribute to the social and economic outcomes of that country.

**4) What steps is the Government taking to remove barriers and make public pre-primary and secondary education available free to all, including through the allocation of adequate resources and cross-sectoral and international cooperation? Please provide examples of specific laws and regulations, measures, policies, and programmes.**

In Canada, accessibility to educational options varies considerably across provincial jurisdictions. Five provinces provide at least some financial access to non-state delivery of education in independent

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https://www.cardus.ca/research/education/reports/school-sector-influence-on-graduate-outcomes-and-flourishing/; Cardus. "2018 US Cardus Education Survey: The Ties that Bind." 2019. https://cardus.ca/research/education/research-report/2018-us-cardus-education-survey-the-ties-that-bind/.

[7] Berner, Ashley Rogers. *Pluralism and American Public Education: No One Way to School.* New York: Palgrave MacMillan, 2017.

[8] DeJong VanHof, Joanna. "Three Pillars of Educational Pluralism." Cardus, 2025 (publication forthcoming).

[9] Berner, Ashley. "The Progressive Case for Educational Pluralism." Cardus, 2024. https://www.cardus.ca/research/education/perspectives-paper/the-progressive-case-for-educational-pluralism/.

[10] Hunt, David and Leistra, Rachel. "Who Chooses Alberta Independent Schools and Why." Cardus, 2020. https://www.cardus.ca/research/education/research-report/who-chooses-alberta-independent-schools-and-why/.

schools. As the Working Group deliberates further on increasing access to primary and secondary education, the models of public funding for a variety of schooling options across Canada deserves further study. Noteworthy are the funding approaches in the provinces of Alberta[11] and British Columbia[12] that provide tiered funding for independent schools with various levels of accreditation and oversight.

[11] Government of Alberta. "Private schools." Accessed May 2025. https://www.alberta.ca/private-schools.

[12] Government of British Columbia. "Independent school funding." 2024. https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/program-management/independent-schools/funding.