Call for submissions for Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child

Purpose: Call for submissions for the preparation of the first session of the Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child

Background

On 10 July 2024, the Human Rights Council adopted **resolution 56/5**, in which it decided to establish an open-ended intergovernmental working group of the Human Rights Council with the mandate of exploring the possibility of, elaborating and submitting to the Human Rights Council a draft optional protocol to the Convention on the Rights of the Child with the aim to:

a. Explicitly recognize that the right to education includes early childhood care and education;
b. Explicitly state that, with a view to achieving the right to education, States shall:
    a. Make public pre-primary education available free to all, beginning with at least one year;
    b. Make public secondary education available free to all;
c. Recall that States shall promote and encourage international cooperation in matters relating to education;
d. Consider a provision that would allow for States parties to the Convention on the Rights of the Child to incorporate all reporting on their obligations under the optional protocol into their reports submitted under article 44 of the Convention, eliminating the need for an initial or other separate reports.

Key questions and types of input/comments sought

In order to inform the preparations of the first session of the Working Group, the Office of the United Nations High Commissioner for Human Rights has prepared a call for submissions for stakeholders.

The Office of the United Nations High Commissioner for Human Rights invites all interested States, civil society organizations, international and regional organizations, national human rights institutions, academics and others, to provide written inputs to the following questions. Respondents are requested to limit their comments to a maximum of 5 pages. Additional supporting materials, such as reports, academic studies, and other types of background materials may be annexed to the submission.

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.

Despite commitments under international law, several legal, policy, and practical barriers persist that undermine children's rights to free, quality pre-primary education—particularly for marginalised groups, including children with disabilities, girls, and those in conflict-affected or rural areas.

- Lack of inclusive legal frameworks and enforcement: Many countries have not fully enshrined the right to inclusive pre-primary education into national law, or implementation remains weak. As outlined by HI, the lack of data disaggregated by gender and disability contributes to blind spots in policymaking and programming
- Lack of cross sector coordination: early childhood development often falls under multiple ministries (education, health, social protection), leading to gaps, duplication, or unclear accountability
- Discriminatory social norms and stigma: Children with disabilities—especially girls—are often perceived as incapable of learning or seen as burdens, leading to their exclusion from pre-primary education. Families may internalize this stigma and refrain from enrolling them.
- Inaccessible environments and geographic exclusion: Schools often lack basic accessibility features, including adapted materials, infrastructure, and adequately trained educators, making it physically and pedagogically impossible for some children to participate. Even where legal commitments exist, pre-primary services are often not available, particularly in remote, rural, or conflict-affected areas, resulting in the exclusion of entire communities.
- Insufficient investment: Pre-primary education systems are underfunded, with a particular lack of resources for inclusive services and early interventions essential to support children with developmental delays and disabilities.

The consequences are severe: children are deprived of early cognitive and emotional development, and the education gap that starts early often widens throughout life. These barriers directly violate the child's right to education (CRC Article 28) and equality (CRPD Article 24), undermining their full participation in society.

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.

Access to secondary education is critical for breaking cycles of poverty and exclusion, yet adolescents with disabilities—especially girls—face compounded discrimination.

- Economic exclusion: Families facing poverty may prioritize sons or children without disabilities, perceiving them as better long-term investments. Girls with disabilities are often seen as dependent and less likely to generate income, leading to school dropouts .
- Violence and insecurity: Girls with disabilities face an elevated risk of sexual and gender-based violence, both within and outside the school setting. Fearing for their safety, some

families choose to keep them at home, thus violating their right to education and protection.
- Transition and dropout risks: Adolescents with disabilities are disproportionately affected during transitions between primary and secondary school, often due to a lack of support, accessible environments, and inclusive curricula.
- Inadequate inclusive teacher training: Teachers often lack training to accommodate different learning needs, leading to disengagement and exclusion of students with disabilities. This is intensified in conflict or post-crisis contexts where educational systems are already fragile.

These barriers impede the realization of multiple rights, including those to education, health, and protection, and contradict SDG 4's commitment to inclusive, equitable quality education for all.

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?

HI advocates for integrated, multisectoral financing approaches that go beyond education budgets:

- Inclusion in health and social protection schemes: As seen in Colombia, access to rehabilitation and assistive devices through public welfare schemes has enabled children and youth with disabilities to participate in education.
- Cross-sector financing (education + health): Financing inclusive education through a mix of education and health budgets—particularly when covering rehabilitation and assistive technologies—can ensure continuity of learning and participation.
- Community-based mechanisms: In conflict-affected settings, HI promotes mobile outreach, community-based rehabilitation (CBR), and local peer support models, which are cost-effective and tailored to marginalized populations.
- Public-private partnerships and international cooperation: Collaboration with UN agencies and donors, such as Luxembourg's support for HI's inclusive education work, has led to the development of sustainable models and the scaling of inclusive practices in countries like Senegal and Nepal.

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.

While implementation varies, HI has documented several promising practices and steps supported or implemented by governments in collaboration with civil society and international partners:

- Legal reforms and inclusive strategies: For instance, Colombia's National Care-Giving System (Law 2281, 2023) and support for peer-to-peer caregiver networks reflect a progressive step toward recognizing the intersection of caregiving, disability, and education access.

- National disability-inclusive education policies: Countries like Nepal and Rwanda have developed disability-inclusive education frameworks with HI's support, focused on inclusive teacher training and adapted materials.
- Integration of education and rehabilitation: WHO's 2023 Resolution on "Strengthening rehabilitation in health systems" urges Member States to integrate rehabilitation into education systems, an approach HI supports through cross-sectoral programs.
- International collaboration and advocacy: Governments have increasingly endorsed international frameworks such as the CRPD and the EWIPA Political Declaration, indicating a growing political will to uphold inclusive education and victim assistance as rights-based priorities.