

**Human Rights Watch Submission**
**OHCHR call for inputs on ensuring quality education for peace and tolerance for every child**
**November 2024**

Human Rights Watch welcomes the opportunity to provide information to the Office of the High Commissioner for Human Rights (OHCHR) for its report on how to develop accessible, inclusive, equitable, and quality education for peace and tolerance for every child, to inform its report to the United Nations Human Rights Council in June/July 2025. This submission focuses on questions 1 and 6 of the call for inputs. It presents four different contexts to illustrate ways in which governments can opt to either advance or fully undermine efforts to promote inclusion and tolerance within their education systems.

Human Rights Watch acknowledges that many governments have adopted positive measures to protect the education of children who are discriminated against, stigmatized, or disproportionately excluded from schools, improving gender equality and inclusion in schools. We have often found that successful implementation of those measures depends on, among others, sufficient financial resources being allocated to drive implementation; clear binding policies and instructions for teachers and government and school officials; zero-tolerance against discrimination or stigma from the highest levels of government institutions; and continual monitoring of schools' adherence to legal or policy measures.

We have also documented important progress in governments' commitment to protecting schools, teachers, and students from attacks, and avoiding the military use of schools. In 2024, 120 states had endorsed the Safe Schools Declaration, signaling a global objective to strengthen protection of children and education in conflict contexts.[1]

Notwithstanding important progress globally, Human Rights Watch has often documented a multitude of ways in which governments have undermined, sometimes in extreme ways, education's important role in the promotion of inclusion, peace, and tolerance. Numerous governments have chosen to adopt laws and policies—or otherwise tolerate and encourage practices—that amplify or worsen historical inequalities, and drive racist, xenophobic, misogynistic, and anti-LGBTQ (lesbian, gay, bisexual, transgender, and

[1] Government of Norway, "The Safe Schools Declaration," last updated June 6, 2024, https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/safeschools_declaration/id2460245/ (accessed November 12, 2024).

queer) or gender discriminatory rhetoric with the aim of sowing divisions, and excluding, rendering invisible, or harming distinct groups of children and their communities.[2]

## Students who are Pregnant or Parenting: Increasing Inclusion through Legal and Policy Measures (Sierra Leone and the African Union)

For over a decade, Sierra Leone adhered to a policy that explicitly banned girls who became pregnant or have children from its schools as government policy, resulting in thousands of girls being forced to drop out of school prematurely. In December 2019, the Court of Justice of the Economic Community of West African States (ECOWAS) ruled that the ban was discriminatory and ordered the Sierra Leone government to revoke it.[3] On March 30, 2020, President Julius Maada Bio announced the immediate end to the government's school ban.[4]

In March 2021, in response to these developments, Sierra Leone adopted a National Policy on Radical Inclusion in Schools (often referred to as the "Radical Inclusion" policy) that reaffirms the right to education of adolescent girls who are pregnant or parenting.[5] The policy aims to remove "all infrastructural and systemic policy and practice impediments" to learning, with a particular focus on pregnant and parenting girls and children with disabilities, who are more likely to be out of school.[6] Purposeful, a Sierra Leone-based organization, has found that the legacy of the school ban on visibly pregnant girls in school, and the associated stigma that remains, continues to push girls out of school and deters them from returning.[7]

Sierra Leone's Basic and Senior Secondary Education Act, adopted in 2023, also references inclusive education and includes aspects of the "Radical Inclusion" policy. Article 19 of the act states: "Pregnant girls, parent learners, children from the poorest homes, rural areas and underserved communities shall be allowed to access, stay in, complete school and enjoy all the facilities provided in the school," and that

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[2] A list of Human Rights Watch reports providing evidence of these issues is listed in the Annex, for reference.

[3] Sabrina Mahtani, "Sierra Leone's ban of pregnant school girls outlawed in landmark ruling," *African Arguments*, January 27, 2020, https://africanarguments.org/2020/01/sierra-leone-ban-pregnant-school-girls-outlawed-landmark-ruling/ (accessed November 8, 2024).

[4] Human Rights Watch, "Sierra Leone: Schools Reopen for Pregnant Girls, Teen Moms," March 31, 2020, https://www.hrw.org/news/2020/03/31/sierra-leone-schools-reopen-pregnant-girls-teen-moms; "Africa: Rights Progress for Pregnant Students," September 29, 2021, https://www.hrw.org/news/2021/09/29/africa-rights-progress-pregnant-students.

[5] Sierra Leone Ministry of Basic and Senior Secondary Education, National Policy on Radical Inclusion in Schools, March 2021, https://features.hrw.org/features/african-union/files/Sierra%20Leone%20-%202021%20National%20Policy%20on%20Radical%20Inclusion%20in%20Schools.pdf.

[6] Ibid., p. 1.

[7] Purposeful, *The State of Out-of-School Girls in Sierra Leone: Findings Across Six Districts* (Freetown: Purposeful, 2021), https://wearepurposeful.org/wp-content/uploads/2021/10/out-of-school-girls.pdf (accessed November 8, 2024).

there should be "no discrimination between pupils in the matter of their admission to and treatment in educational institutions throughout Sierra Leone."[8]

As of 2022, at least 38 African Union countries have measures in place that protect the right to education for pregnant students and adolescent mothers to various degrees. Human Rights Watch found that comprehensive policies are a necessary step to encourage and support the education and academic progress of these students, and prevent punishment or implicit or explicit exclusion from school because of pregnancy. To improve retention and promote inclusive education systems, governments should adequately resource these policies to ensure school officials and teachers understand their obligations and have practical guidance to support adolescent girls.[9] Governments should also adopt social protection measures that provide adequate financial support and guarantee access to childcare and early childhood education.[10]

### Children Repatriated from Syria: Policies and Practices to Ensure the Adaptation and Inclusion of Children of Families Associated with ISIS (various countries)

Among the approximately 38,000 foreign nationals who were held in al-Hol and Roj camps holding the families and children of male Islamic State (ISIS) suspects in northeast Syria since 2019, more than 60 percent were children. Many of these children have spent their entire lives in the camps, and had a wide range of experiences in Syria and Iraq that may have affected their emotional, psychological, and physical well-being. Many younger children are too young to remember life under ISIS, but suffered horrific conditions in the camps, often with adverse health impacts. Most had no formal education.

Since 2019, approximately three dozen countries have repatriated or helped bring home some of their detained nationals from northeast Syria, including children and, in many cases, their mothers. Human Rights Watch conducted research to assess the conditions faced by children once they are repatriated and documented their experiences once they were enrolled in schools in their countries.[11]

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[8] Basic and Senior Secondary Education Act, 2023, art. 19(2) and (4).

[9] Human Rights Watch, "Across Africa, Many Young Mothers Face Education Barriers," August 30, 2022, https://www.hrw.org/news/2022/08/30/across-africa-many-young-mothers-face-education-barriers.

[10] Human Rights Watch, "Africa: Accelerate Free Education for All," June 15, 2024, https://www.hrw.org/news/2024/06/15/africa-accelerate-free-education-all.

[11] Countries with the most significant numbers of repatriations to date include: Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. Some countries, including Denmark, Finland, Germany, Kosovo, Sweden, Ukraine, and the United States, have repatriated most of their nationals. France, Australia, the United Kingdom, and Canada had repatriated some of their nationals. See Rights and Security International, "Global Repatriations Tracker," 2024, https://www.rightsandsecurity.org/action/resources/global-repatriations-tracker (accessed November 11, 2024).

Human Rights Watch found that, overall, repatriated children who attended school adjusted to schooling and recovered well.[12] Some older repatriated children struggled in school, given the learning loss they experienced due to the lack of schooling in camps, resulting in functional illiteracy and the challenge of catching up in classrooms with younger peers.[13]

Human Rights Watch found that measures that work best for children provide individualized, multidisciplinary rehabilitation and reintegration support for the children and their mothers, if they are not detained, and prioritize family unity (including extended family) whenever possible. Typically, reintegration has been coordinated by social welfare or child welfare authorities, including in one country, "return coordinators" to ensure youth welfare and school personnel are involved in an integrated way in supporting the reintegration of children.[14]

### Indigenous Students: Systemic Racism Undermining Education (Indonesia)

In the six provinces of West Papua, where a protracted internal armed conflict has been ongoing since 1965, Indigenous Papuans face significant education disparities and inequalities, due to a large extent to years of systemic racism, discrimination, and underinvestment in access to education of Indigenous Papuans.[15]

Both provinces have extraordinarily high levels of illiteracy among Indigenous Papuans compared to other parts of Indonesia. Papua—the more remote and easternmost—has the lowest literacy rate of any province nationwide. Schools in West Papua also face high levels of absenteeism among teachers. Indigenous Papuans are also exposed to heavy militarization of schools. Indonesian soldiers teach in some schools in West Papua, especially in areas with ongoing security operations. The military's website states that these soldiers are "teaching nationalism and love of the [Indonesian] homeland for Papuan children." Indigenous Papuan students face racism and discrimination in schools, with reports of students being reprimanded publicly by their non-Papuan teachers and called pejorative terms. Indonesian soldiers also intimidate Papuan children.[16]

Training and recruiting greater numbers of Indigenous Papuan teachers among university graduates, and placing them in schools throughout these six provinces, could contribute to reducing tensions, by

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[12] See "Schooling," in "The Lives of Returned Children" section, in Human Rights Watch, "*My Son is Just Another Kid": Experiences of Children Repatriated from Camps for ISIS Suspects and Their Families in Northeast Syria* (New York: Human Rights Watch, 2022), https://www.hrw.org/report/2022/11/21/my-son-just-another-kid/experiences-children-repatriated-camps-isis-suspects-and.

[13] Ibid.

[14] See "Approaches to Reintegration," in "Background" section, Human Rights Watch, *"My Son is Just Another Kid."*

[15] Human Rights Watch, *"If It's Not Racism, What Is It?": Discrimination and Other Abuses Against Papuans in Indonesia* (New York: Human Rights Watch, 2024), https://www.hrw.org/sites/default/files/media_2024/09/indonesia0924web.pdf.

[16] Ibid.

ensuring inclusion and respect for local customs and tailoring schooling to the Papuan context. However, Human Rights Watch found that a longstanding mindset in the Indonesian military leadership that Papuan teachers may promote the rights of Indigenous Papuans to self-determination within schools, coupled with a lack of adequate investment in Papua's education system and systemic racism within government, block such efforts.[17]

### Black and LGBTQ Students: Censorship and Bans that Undermine Rights in Schools (United States)

Many states in the United States lack protective measures to ensure LGBTQ students do not face physical and psychological violence, bullying, exclusion, and discrimination in school.[18] In a growing number of states, measures introduced seek to undermine the rights of Black students.[19]

For example, since 2021, the state of Florida has adopted a range of negative measures to create an environment of censorship and discrimination in classrooms that harms education for all Florida students, but is especially hostile in its impact on Black and LGBTQ students.[20] It has issued laws and policies that censor and distort the curriculum and educational environment of K-12 (kindergarten to high school) classrooms, imposing a curriculum riddled by harmful gaps and inaccurate information that reinforce discrimination and harassment. Human Rights Watch found that Florida's discriminatory legal framework has fueled censorship of information about Black history and curtailed meaningful and informed classroom discussions of racism. One law has resulted in hundreds of books by LGBTQ and Black authors being removed from Florida's library shelves.

Florida's efforts to censor undermine students' ability to access accurate information, participate in age-appropriate discussions, develop critical thinking skills, and prepare to engage with a changing society. Governments should condemn laws that limit or obstruct factually accurate teaching and age-appropriate teaching about race, sexual orientation, and gender identity, including the history of slavery and its legacies. They should also adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity in schools, and ensure access to comprehensive sexuality education.

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[17] Ibid.

[18] Human Rights Watch, *"Like Walking Through a Hailstorm": Discrimination Against LGBT Youth in US Schools* (New York: Human Rights Watch, 2016), https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools.

[19] Human Rights Watch, "US: School Censorship Violates Basic Human Rights," May 3, 2023, https://www.hrw.org/news/2023/05/03/us-school-censorship-violates-basic-human-rights.

[20] See Human Rights Watch, *"Why Do They Hate Us So Much?": Discriminatory Censorship Laws Harm Education in Florida* (New York: Human Rights Watch, 2024), https://www.hrw.org/report/2024/06/19/why-do-they-hate-us-so-much/discriminatory-censorship-laws-harm-education-florida.

## Annex: List of Selected Human Rights Watch publications

### Girls/Gender Inequality in Education

*"Schools are Failing Boys Too": The Taliban's Impact on Boys' Education in Afghanistan* (New York: Human Rights Watch, 2023), https://www.hrw.org/report/2023/12/06/schools-are-failing-boys-too/talibans-impact-boys-education-afghanistan.

"Taliban's Attack on Girls' Education Harming Afghanistan's Future," September 17, 2024, https://www.hrw.org/news/2024/09/17/talibans-attack-girls-education-harming-afghanistans-future.

"Sierra Leone: Center Girls' Voices in Education Reforms," May 8, 2023, https://www.hrw.org/news/2023/05/08/sierra-leone-center-girls-voices-education-reforms (jointly published with Purposeful).

A Brighter Future: Empowering Pregnant Girls and Adolescent Mothers to Stay in School, Education Access across the African Union: A Human Rights Watch Index, 2022, https://www.hrw.org/video-photos/interactive/2022/08/29/brighter-future-empowering-pregnant-girls-and-adolescent.

### LGBT Students and Young People

*"Like Walking Through a Hailstorm": Discrimination Against LGBT Youth in US Schools* (New York: Human Rights Watch, 2016), https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools.

*"I Thought of Myself as Defective": Neglecting the Rights of LGBT Youth in South Korean Schools* (New York: Human Rights Watch, 2021), https://www.hrw.org/report/2021/09/14/i-thought-myself-defective/neglecting-rights-lgbt-youth-south-korean-schools.

*"I Became Scared, This Was Their Goal": Efforts to Ban Gender and Sexuality Education in Brazil* (New York: Human Rights Watch, 2022), https://www.hrw.org/report/2022/05/12/i-became-scared-was-their-goal/efforts-ban-gender-and-sexuality-education-brazil.

*"Why Do They Hate Us So Much?": Discriminatory Censorship Laws Harm Education in Florida* (New York: Human Rights Watch, 2024), https://www.hrw.org/report/2024/06/19/why-do-they-hate-us-so-much/discriminatory-censorship-laws-harm-education-florida.

"How They Defend the Freedom to Learn," Interactive Feature, July 2024, https://www.hrw.org/feature/2024/07/18/how-they-defend-the-freedom-to-learn/stories-and-a-blueprint-from-florida.

## Refugee and Migrant Children

Michelle Randhawa (Human Rights Watch), "Stop Politicizing Education for Lebanon's Refugee Children," August 28, 2024, https://www.hrw.org/news/2024/08/28/stop-politicizing-education-lebanons-refugee-children.

*"Are We Not Human?": Denial of Education for Rohingya Refugee Children in Bangladesh* (New York: Human Rights Watch, 2019), https://www.hrw.org/report/2019/12/03/are-we-not-human/denial-education-rohingya-refugee-children-bangladesh.

## Children with Albinism

"From Cradle to Grave: Discrimination and Barriers to Education for Persons with Albinism in Tete Province, Mozambique," Interactive Feature, June 2019, https://www.hrw.org/video-photos/interactive/2019/06/13/cradle-grave.

"'It Felt Like A Punishment': Growing up with Albinism in Tanzania," February 2019, https://www.hrw.org/news/2019/02/09/it-felt-punishment-growing-albinism-tanzania.

## School Censorship/Racial Injustice

"Racial Discrimination in the United States," Human Rights Watch and American Civil Liberties Union Joint Submission Regarding the United States' Record Under the International Convention on the Elimination of All Forms of Racial Discrimination, August 8, 2022, https://www.hrw.org/report/2022/08/08/racial-discrimination-united-states/human-rights-watch/aclu-joint-submission.

## Attacks on Education and Military Use of Schools

"Attacks on Education in War Surge Globally," June 20, 2024, https://www.hrw.org/news/2024/06/20/attacks-education-war-surge-globally

"Ukraine: Forced Russified Education Under Occupation," June 20, 2024, https://www.hrw.org/news/2024/06/20/ukraine-forced-russified-education-under-occupation.

*"Tanks on the Playground": Attacks on Schools and Military Use of Schools in Ukraine* (New York: Human Rights Watch, 2023), https://www.hrw.org/report/2023/11/09/tanks-playground/attacks-schools-and-military-use-schools-ukraine.