

Resolution adopted at the 30th International Democratic Education Conference 2023 in Nepal (at the General Meeting held on 19th October 2023)

We, the attendees of the 30th International Democratic Education Conference 2023:

Whereas we have observed that a number of countries have legislated, or are proposing to legislate, laws on “compulsory education” where “compulsory” means that parents / guardians must cause the child to regularly attend a school, even if such attendance is not in the best interests of the child;

Whereas we have observed that Prof. Cassin, who originally inserted the word ‘compulsory’ into the draft text of the Universal Declaration of Human Rights, said that the word should be interpreted to mean that “*no one (neither the State, nor the family) could prevent the child from receiving elementary education and that the idea of coercion was in no way implied*”;¹

Whereas that intent was reinforced by the General Comment No. 11 of the Committee on Economic, Social and Cultural Rights which states that “*The element of compulsion serves to highlight the fact that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to whether the child should have access to primary education*”;²

Whereas we recall the concern of the UN Committee on the Rights of the Child on the “*continuing authoritarianism, discrimination, disrespect and violence which characterize the reality of many schools and classrooms*”;³

We resolve to respectfully call upon the Committee to make explicit that in the UN Convention on the Rights of the Child the word “compulsory” as used in Article 28. 1 (a) “*Make primary education compulsory and available free to all*” is to be understood only as a guarantee of access to education, not as forcing the child to attend a school in violation of the best interest of the child.

¹ UN ECOSOC, Commission on Human Rights: Third Session, Summary Record of the Sixty-Eighth Meeting, New York, 14 June 1948, p. 3; E/CN.4/SR.68, <https://undocs.org/en/E/CN.4/SR.68>

² UN ECOSOC, Committee on Economic, Social and Cultural Rights: General Comment 11, Plans of action for primary education, 10 May 1999, No. 6; E/C.12/1999/4, <https://undocs.org/en/E/C.12/1999/4>

³ UN CRC, Committee on the Rights of the Child: General Comment 12, The right of the child to be heard, 20 July 2009, No. 105; CRC/C/GC/12, <https://undocs.org/en/CRC/C/GC/12>