

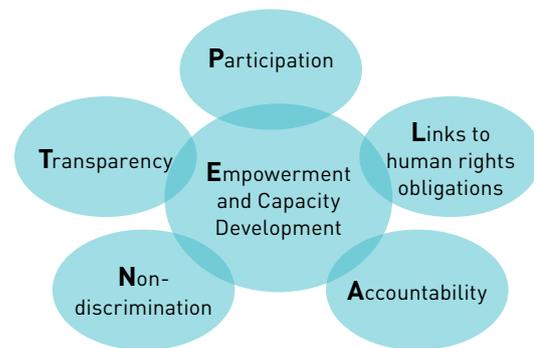
This Technical Note (TN) is part of a series of thematic TNs that aim to support Sida staff and partners to apply the human rights-based approach (HRBA). The TN begins with a short introduction to the HRBA and Sida's PLANET tool. It then explains how human rights norms and standards underpin the thematic area. The TN goes on to demonstrate how PLANET can guide staff in planning, assessing and monitoring of a contribution through a series of guiding questions and examples. Finally, it provides a simple model for empowerment and capacity development analysis and a list of additional resources to explore.

ABOUT HRBA AND PLANET

The HRBA builds on the norms and principles outlined in the Universal Declaration of Human Rights, and the subsequent legally binding UN treaties, which forms the basis for all development cooperation. Application of the HRBA contributes to effective development cooperation processes and sustainable development outcomes. It challenges unequal power relations and social exclusion that deny people their human rights and often keep them in poverty and oppression. Sweden is committed to the HRBA through the Swedish Policy for Global Development, the EU Consensus on Development agreement, and the UN common understanding of a HRBA.

The HRBA places people living in poverty and oppression (rights holders) at the centre. It is about:

- Empowering rights-holders to enable them to take action to address their situation and to claim their rights individually and collectively.
- Developing capacities and interests of duty-bearers to fulfil their obligations to respect, protect and fulfil human rights.



PLANET is a tool that guides staff on the practical application of the HRBA. It has six elements:

Participation = Do all stakeholders engage actively, in a way which allows rights-holders to contribute meaningfully and influence processes and outcomes?

Links to human rights obligations = How are relevant human rights standards and recommendations from human rights mechanisms identified and used to advance processes, outcomes and objectives?

Accountability = Who are the duty bearers on various levels, and do they have sufficient capacity and interest to be accountable to rights holders?

Non-discrimination = Are rights holders and the root causes of their lack of human rights identified and taken into account, particularly those most subjected to discrimination, marginalisation and vulnerability?

Empowerment and capacity development = How does the intervention contribute to the empowerment of rights holders to claim their rights, as well as capacity development of duty bearers to uphold their responsibilities and of other relevant stakeholders to contribute to positive outcomes?

Transparency = What measures are put in place to ensure that all stakeholders are able to access relevant information and knowledge regarding the contribution?

Learn more about HRBA and PLANET at [Human Rights Based Approach – rättighetsperspektiv | Sida](#) and [Thematic method support – human-rights-based-approach \(sida.se\)](#)

About 258 million children and youth are out of school (2018) – 59 million children of primary school age, 62 million of lower secondary school age and 138 million of upper secondary age. 8.2% of primary school age children does not go to primary school. The youth literacy rate (15-24) is of 91.73%, meaning 102 million youth lack basic literacy skills.¹

According to a 2019 UNHCR report², of the 7.1 million refugee children of school age, 3.7 million – more than half – do not go to school. Two thirds of children and adolescents who cannot read a simple sentence or manage a basic mathematics calculation are in the classroom.

Children and youth with disabilities continue to be disproportionately excluded from any form of education and those who do attend school usually receive a poorer quality education and fewer years of it. Precise data is not available, but United Nations agencies agree that at least one third of the children out of school have a disability.³

At least 463 million children worldwide, were unable to access remote learning during the Covid-19 school closures in 2020, mostly in developing countries.⁴

1 UNESCO, 2020. [What you need to know about the right to education](#). Paris.

2 UNHCR, 2019. [Refugee education in crisis: More than half of the world's school-age refugee children do not get an education](#). Genève.

3 International Disability Alliance, 2020. [What an inclusive, equitable, quality education means to us](#). March 2020 Report of the international disability alliance. Page 7. New York and Genève.

4 UNICEF, [Covid-10 and children](#). New York.

THE RIGHT TO EDUCATION AND LEARNING

The [Universal Declaration of Human Rights](#) (1948) affirms that education is a fundamental human right for everyone and this right was further detailed in the [Convention against Discrimination in Education](#) (1960).

To define what the right to education means in practice, the Committee on the Convention on Economic and Social Rights (ICESR) has issued the [General Comment 13 on the right to education](#) (1999). It establishes that to be a meaningful right, education in all its forms and at all levels shall exhibit four interrelated and essential features:

- **Available** – Education is free and there is 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 marginalised.
- **Acceptable** – The content of education is relevant, culturally appropriate, and of good 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.

Furthermore, General Comment 13 establishes that the main components of the Right to Education are for States to:

1. Provide free and compulsory primary education;
2. Make secondary education, in its different forms, including technical and vocational secondary education, generally available and accessible by every appropriate means, and in particular by the progressive introduction of free education;
3. Make higher education equally accessible on the basis of individual capacity, by every appropriate means, and in particular by the progressive introduction of free education;
4. Encourage or intensify fundamental education for individuals who have not received or completed primary education;
5. Set minimum standards to ensure quality of education;
6. Develop the system of schools at all levels, establish an adequate fellowship system, and continuously improve the material conditions of teaching staff;
7. Rule out discriminations at all levels of educational systems;
8. Guarantee freedom of choice

The right to education is also highlighted as a precondition for sustainable development in several international voluntary agreements. In these agreements quality of education is specifically stressed, most importantly:

- Agenda 2030, specifically [Goal 4](#) with its targets and indicators “*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all*”, and
- The [Incheon Declaration](#) which was adopted at the World Education Forum (WEF 2015). It constitutes the commitment of the education community in 184 countries to Education 2030 and the 2030 Agenda for Sustainable Development, recognizing the important role of education as a main driver of development. It reaffirms the commitment to non-discrimination ‘*all people, irrespective of sex, age, race, colour, ethnicity, language, religion, political or other opinion, national or social origin, property or birth, as well as persons with disabilities, migrants, indigenous peoples, and children and youth, especially those in vulnerable situations or other status, should have access to inclusive, equitable quality education and lifelong learning opportunities*’.

A human rights-based approach to education and learning uses both legal (see below) and voluntary commitments to justify and underpin its position in dialogue with partner governments and other donors and as a point of departure in programming. It analyses the reasons why girls, boys, women and men are not accessing education or reaching learning targets despite these commitments – and focus the support on addressing these barriers.

The barriers are often many and complex, such as lack of political priority, low expectations on the benefits of education, lack of accessible toilets and school buildings, discriminatory attitudes, inflexibility in organisation and curriculum, unsafe and long school roads, lack of competence and capacity of teachers and school authorities to meet the variation of learners needs etc. Girls, minority children, working children and children with disabilities are often the most excluded and disadvantaged in education.

APPLYING A PLANET TO EDUCATION AND SKILLS DEVELOPMENT

The PLANET letters can be applied in any order that works for the context. The outline below starts with identifying human rights deficits/violations and the usefulness of linking up with human rights commitments to inform programming and enhance outcomes (L). Then, it discusses how to identify the rights holders concerned, especially the most marginalized (N), how to identify and engage with duty bearers (A), how to ensure meaningful participation (P) and how to communicate and inform stakeholders to give them opportunities to engage (T). Finally, a tool is presented on how to identify possible change makers and their needs for empowerment and capacity development (E). This is also explained in [Using rights in practice | Right to Education Initiative \(right-to-education.org\)](#)

Linking to human rights commitments and core elements (L)

The right to education is ensured through legally binding international conventions and treaties that have been agreed on by UN member states. States that ratify them agree to respect, protect and fulfil these rights. The most important legally binding conventions outlining the right to education are the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). They each

have Committees that monitor compliance by states and issue general comments related to interpretations of the right to education. These reports and comments can be explored on [UN Human Rights](#). There is also a [Special Rapporteur on the right to education](#), that produces reports from country visits as well as general thematic reports.

UNESCO has a normative role in relation to the right to education and supports States to establish solid national legal and policy frameworks ([UNESCO, Country profiles, ratification of instruments and monitoring status of the right to education](#)). This create the foundation and conditions for the delivery and sustainability of quality education. In turn, governments must be held accountable to fulfil their legal and political obligations ([UNESCO, Right to Education – State obligations and responsibilities](#)) to provide good quality education for all and to implement and monitor education policies and strategies more effectively ([UNESCO, Support education policies, planning and financing](#)).

Making use of the above websites and reports to inform yourself about existing commitments and frameworks will help in identifying gaps in systems, structures and capacities that should inform design and monitoring of contributions. Also, check the country reporting on the SDG 4 and look specifically for disaggregated data on girls, children with disabilities, children in migration and minority/indigenous groups. When working in conflict areas, the [Geneva Convention](#) (1949) is an important tool as it speaks about the right to education in conflicts and the right of education staff to be protected. It has been ratified in 174 states.

Guiding questions:

- Have the UN and SDG country and thematic reports been used to inform the context analysis and the design of the contribution?
- Has the right to education for all children been recognised in the constitution, bill of rights or national legislation? If so, can it be used to strengthen dialogue and programming? If not, how can that be addressed?
- Is there a national education strategy based on these analyses and on internationally recognised standards for education, which is used to guide the contribution? If not, what could be done about it?

Non-discrimination (N)

Education must be available and accessible to all without discrimination. Discrimination is continuing because of low levels of empowerment of rights holders to claim educational rights (children and their care givers), rejection by the school system (due to e.g. rights holders inability to pay school fees, disability, legal status, ethnicity etc), high dropout levels (due to e.g. inflexibility of education system and poor support to teachers). To address discrimination, interventions need to identify the most marginalised rights holders to empower them and ensure that all educational data is disaggregated to enable monitoring of outcomes for these groups. Support to education systems should always focus on inclusion of those who are most at risk of being left behind (e.g. girls, refugees/migrants/IDPs, children with disabilities, persons with disabilities, LGBTI persons, ethnic minorities etc.) to ensure that they are included and reached.

Guiding questions:

- Have the most marginalised and at-risk populations been identified and explicitly targeted by the contribution? If not, what could be done?
- Is the Ministry of Education responsible for education of all children? If not, does the contribution address this – or at least refrain from supporting segregated solutions?
- Are there disaggregated targets, budgets and monitoring indicators (e.g. gender, disability, and others according to context)?
- Is disaggregated data on school and out-of-school population available, by gender, disability and grade?
- Is non-discriminatory legislation, policies and resource allocation in place?
- Are physical, structural and attitudinal barriers addressed? Can teaching methods, organisation and curricula be adapted according to needs of learners?
- Are negative attitudes, stigma and prejudice addressed? Governments must take deliberate measures and allocate resources to challenge actions and structures within the education sector that lead to stigma and discrimination of certain groups.

Accountability (A)

Governments have obligations to provide education for all, and mechanisms must be put in place to hold them accountable. The existence of a comprehensive national plan for inclusive education, qualified education staff and teachers, a functioning system for needs/disability assessment, sufficient support to schools and teachers to meet the variable needs of students – and accessible/safe schools and toilets are all components that need to be assessed and monitored. It is not sufficient that students are attending school, they also need to develop knowledge and skills (which is the whole point of education). Therefore, the quality of education has become an increasingly important aspect to monitor. Similarly, retention and completion rates have become more important than enrolment rates to monitor.

Guiding questions:

- Are the duty bearers at various levels identified along with their obligations (outlined under L above)?
- To what extent do duty bearers have the capacity (authority, administrative framework, knowledge, resources) and interest to fulfil these obligations? What are the key gaps?
- Is there national legislation that guarantees the right to education for everyone without discrimination?
- Do politicians, educational authorities at national and district levels, school leaders and teachers, and guardians have awareness, knowledge, capacity and resources to respond to educational rights?
- Is teacher training of sufficient quality? Does it include both subject knowledge and pedagogical methods and learning approaches? Are books and internet connections available and up-to date?
- Are there performance indicators in place that allow monitoring of progress in ensuring access to quality education and skills development?
- Are there complaint mechanisms for students and care givers? Can they access free legal aid to challenge discrimination?

Participation (P)

International treaties state that women, men, girls, boys and non-binary persons have a right to participate in decision-making that affects them. This includes the education system at all levels as well as the students (and their care givers), who have a right to participate meaningfully in decisions regarding their education.

Guiding questions:

- What mechanisms are in place to facilitate dialogue between students, care givers and the education system? To what extent are rights holders, especially from marginalised groups, able to take part in planning, monitoring and influence policy and processes in education and skills development?
- Do teachers and school leaders have ability to initiate participatory processes?
- Are participatory methods developed for teaching and learning with respect to class-room size, gender, ethnicity/language, disability etc?

Transparency (T)

In order for individuals and organisations to hold states' accountable – information on education policies, plans and budgets must be made available to the public as well as information on available services and how to access these.

Guiding questions:

- Is information regarding educational policies, priorities and budgets communicated to the public via accessible formats and channels?
- Is there adequate monitoring of how resources are distributed throughout the education system, from central to local level (anti-corruption)?
- Are learners and their guardians informed about their educational rights and available options? Are they able to engage in dialogue with the education system and to make use of complaints mechanisms?

Empowerment and capacity development (E)

Strategically selecting whom to engage with a vital element of HRBA. A stakeholder analysis helps to assess what power, capacity and interest different stakeholders have to contribute to the realisation of the desired outcomes. This is often done in the multi-dimensional poverty analysis (MDPA), but also needs to be specific to each contribution.

In order to complete a stakeholder analysis, there is a need to identify all relevant stakeholders that could support or work against the desired outcome/s. The rights holders were identified in the section on non-discrimination and the duty bearers in the section on accountability. Other stakeholders can be UN agencies, CSOs (Civil Society Organisations), (most importantly Organisations of Persons with Disabilities, Child Rights Organisations), religious leaders, bilateral donors, businesses, and in fragile contexts humanitarian actors, etc.

Mapping questions:

- Who are the most important stakeholders?
- Are they rights holders (RH), duty bearers (DB), or others (including UN agencies, CSOs, religious leaders, bilateral donors, humanitarian actors, etc.)?
- What is their current power or capacity to improve human right/s?
- What is their current interest in improving the human right/s?

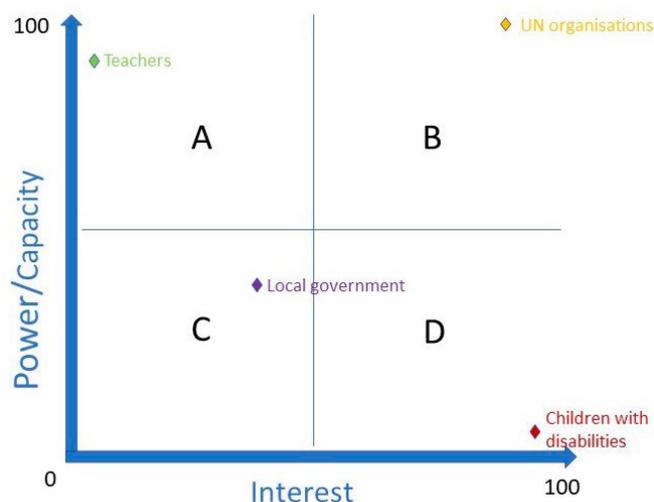
In order to facilitate the overview of each stakeholder, you can make an assessment of their current power and capacity to engage as well as their willingness and interest to improve the issue. You can facilitate the assessment by rating this for each stakeholder, using a scale of 1=negative/nonexistent to 100=very high (or any other scale that is more practical).

Table 1: The below is an example of a stakeholder analysis relating to a contribution in Tanzania (partly fictive).

Outcome: Children with disabilities in Tanzania have access to quality basic education in inclusive settings			
Who are the stakeholders?	Are they rights holders (RH), duty bearers (DB), or other?	What is their current power or capacity to influence outcomes?	What is their current interest in improving the outcomes?
Children with disabilities	RH	10	95
Guardians of children with disabilities	RH	20	80
Private and NGO education service providers XYZ	Other	30	90
Ministry of Education	DB	80	50
District education authorities	DB	40	40
Teachers	DB	95	5
UNESCO and UNICEF country offices (World Bank?)	Other	100	85
Parliamentarians	Other	45	20
National disability organisations	RH	20	30

Contributions do not usually engage with all stakeholders. A selection of stakeholders to engage with can be made by plotting stakeholders in a graph like the one below to assess how much power/capacity they have to influence or fulfil human rights outcomes – and how much interest (political will, commitment etc.) they have in these human rights outcomes.

Graph 1: The graph below mirror some of the values from table 1.



Guiding questions:

- Could empowerment of key rights holders advance outcomes? How does the contribution build capacity of the poorer households and marginalised children and their families so that they know how, where and when they can demand/complain concerning their rights to education?
- Could capacity development of key duty bearers advance outcomes? How does the contribution build capacity of the education authorities and teachers to plan, deliver and monitor education services?
- Could capacity development of other stakeholders contribute to enhanced outcomes? How does the contribution envisage to build such capacities?
- Could the above stakeholders’ interest in advancing the outcome be enhanced? How?
- Is there an analysis of the potential for doing harm, through the contribution, as it may affect power relations and capacities in society?

Working with HRBA entails contributing to changes in stakeholders’ powers, capacities and interests in a way that advances outcomes. Such changes are referred to as “transformative”. The contribution needs to clearly describe how it will support or influence the key stakeholders to move towards increased power, capacity or interest. A broad toolbox is needed to

select the best ways to influence the power/capacity and interest of stakeholders. Remember that it is not always knowledge/awareness that is lacking (which is usually addressed with trainings). You need to consider a range of support measures.

- Incentives and resources
- Facilitation of networking and increased participation of certain stakeholders
- Using legal frameworks, or links between the contribution and existing human rights recommendations
- Facilitation of transparency and accountability for certain stakeholders

Finally, it cannot be over-emphasized that there are risks of doing harm when working to change power, capacity and interest dynamics. Identifying those risks and including key stakeholders with knowledge and experience on conflict prevention and mitigation in the context from the very start can make a difference.

Example: Dialogue with Sida on application of HRBA has helped Swedish Afghanistan Committee to move from a focus on humanitarian service provision to engagement in longer term development support and societal change. This has included identification and capacity analysis of rights-holders and duty-bearers and reviewing SCA planning, implementation and monitoring and evaluation tools through a rights lens. It has also included establishing advocacy networks at the local, national and international level and facilitation of grassroots and policy advocacy.

The new strategy 2018-2021 was developed based on consultations and discussions with a large number of representatives of SCA's target groups. Local village councils, teachers' associations, village savings and loan associations (VSLAs), associations for people with disabilities and other groups have shared their experiences and described their priorities. One clear message is that the violence must stop; that ending the war is crucial. But the groups were equally clear on the fact that this must not take place at the expense of the rights that people have gained over the past two decades.

An important part of SCA's identity and rights-based work is zero tolerance of corruption, as part of the emphasis on transparency and accountability. Following Taliban take over on August 15, 2021, a right-based approach to education is more important than ever to ensure boys' and girls' equal access to education. To engage in dialogue with the Taliban regime on non-discrimination, SCA has as one initiative consulted a group of religious scholars to further develop its advocacy work for human rights in an Islamic context.



Photo from a school supported by SCA in Yrskin, Warsaj-district in Takhar, Afghanistan Photo: Kajsa Waaghals.

Example: A new inclusive education (IE) policy has been developed based on HRBA at the Inclusive Education Unit (IE) at the Ministry of Education and Vocational Training (MOEVT) with support from Sida. The process has taken several years including reviewing the education policy. During this time, Global Partnership for Education (GPE I and II) has made funding available to Tanzania which 10% has been allocated to Zanzibar. Since the Zanzibar Education Sector Plan II (ZEDP II) prioritised IE, it has been one of the components which 20% of the GPE funding has been allocated. Activities implemented have been focusing on both capacity development of duty bearers and empowerment of rights holders.

Duty bearers have been supported through the development of IE modules with partnership from Norway (NORAD). Sida support included activities related to training of teachers for identification of children with disabilities; teaching pedagogy using newly developed modules; teacher's awareness to identify disabilities in children, and teacher professional standards including IE (Inspectorate Unit). Sida's newly signed bilateral support to Zanzibar with Result Based Approach, has included the IE Policy approval and 5 years operations plan for the Policy as two Disbursement Linked Indicators. These are directly a push to duty bearers to have a policy that guides the direction into which IE is moving.

Rights holders have been empowered through Save the Children awareness raising around the rights of children both in Tanzania Mainland and Zanzibar during the Day of the African Child, the Day of a girl child as well as children participation in Media dialogues, sports and games, essay competitions around influencing leaders to make sure that every child regardless of any obstacles have access to health, protection and inclusive education. Also local communities have an increased awareness of sending children with disability to schools. Save the Children's new strategy has given inclusive education an even more prominent focus hence leveraging the previous work.

USEFUL LINKS AND REFERENCES

Eldis, Is an online information service providing free access to relevant, up-to-date and diverse research on international development issues. <http://www.eldis.org/go/topics/resource-guides/education>

[Global Partnership for Education, GPE Transforms Education Systems.](#)

HRBA Portal. A Human Rights-Based Approach to Programming. www.hrbaportal.org

International Committee of the Red Cross (1949). [The Geneva Conventions and their Commentaries \(icrc.org\)](#)

International Disability Alliance (2020), What an inclusive, equitable, quality education means to us. March 2020 Report of the international disability alliance. [What an Inclusive, Equitable, Quality Education Means \(internationaldisabilityalliance.org\)](#)

Right to Education (1999), CESCR General Comment 13: The right to Education (Article 13). [CESCR General Comment 13: The Right to Education \(Article 13\) | Right to Education Initiative \(right-to-education.org\)](#)



Photo from Kisiwandui primary school, Zanzibar, Tanzania, supported by GPE Photo: Theresia Moyo.

Right to Education (RTE), The Right to Education Project. [Right to Education Initiative | \(right-to-education.org\)](#) promotes mobilisation and accountability on the right to education and builds bridges between the disciplines of human rights, education and development.

Right to Education (RTE), Education is not a privilege. It is a human right: [Understanding education as a right | Right to Education Initiative \(right-to-education.org\)](#)

UN (1948), [Universal Declaration of Human Rights | United Nations](#)

UN (1960), Convention against Discrimination in Education. [OHCHR | Convention against Discrimination in Education](#)

UN (2015), Sustainable Development Goals. [THE 17 GOALS | Sustainable Development \(un.org\)](#)

UN (2015), Sustainable Development Goal 4. [Goal 4 | Department of Economic and Social Affairs \(un.org\)](#)

UN, Special Rapporteur on the right to education. [OHCHR | Special Rapporteur on the right to education](#)

UNESCO (2020), What you need to know about the right to education. [What you need to know about the right to education \(unesco.org\)](#) The right to education is established by two means - normative international instruments and political commitments by governments. A solid international framework of conventions and treaties exist to protect the right to education and States that sign up to them agree to respect, protect and fulfil this right.

UNESCO (2015), Incheon Declaration – Education 2030: Towards inclusive and equitable quality education and lifelong learning for all. [Incheon Declaration - Education 2030: Towards inclusive and equitable quality education and lifelong learning for all – UNESCO IITE](#): All people, irrespective of sex, age, race, colour, ethnicity, language, religion, political or other opinion, national or social origin, property or birth, as well as persons with disabilities, migrants, indigenous peoples, and children and youth, especially those in vulnerable situations or other status, should have access to inclusive, equitable quality education and lifelong learning opportunities’.

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UNICEF, Covid-10 and children. [COVID-19 and children - UNICEF DATA](#)

UNICEF, Inclusive education. [Inclusive education | UNICEF](#)