

Right to education (Article 13)

Article 13 of the International Covenant on Economic, Social and Cultural Rights requires the Government to take steps to recognise the right of everyone to education including:

- Free and compulsory primary education;
- Secondary education (including technical and vocational) will be made generally available and accessible to all;
- Higher education will be made equally accessible to all on the basis of capacity;
- Fundamental education shall be encouraged or intensified as far as possible for people who have not received or completed primary education;
- System of schools at all levels will be developed and pursued and material conditions of teaching staff will continue to be improved.

In relation to secondary and higher level education the State is required to progressively introduce free education.

Article 13 also allows for parents or guardians to choose private schools for their children in line with their religious or moral convictions.

[General Comment No.13 of CESCR](#) on the right to education explicitly provides that ‘education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds’. In terms of religious freedom, the Committee ‘notes that public education that includes instruction in a particular religion or belief is inconsistent with Article 13(3) unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians’.



Discussion points on the right to education:*

- Access to education for certain groups including Travellers, migrants, persons with disabilities;
- Special needs education resources;
- Language supports for migrant children;
- Patronage and pluralism;
- Adult literacy;
- Access to third level education.

*This is not an exhaustive list but these issues have arisen through other consultations or through desk research.

Questions for FLAC Consultation on Economic, Social and Cultural Rights

Accessing the Right and Available Remedies

- Is information available on how you can access the right?
- Are there any government or state bodies or supports available to help you access the right?
- Do you feel that the process or procedure for you to assert the right is transparent?
- Do you feel that all of the different elements of the right are respected, protected and fulfilled in the way intended by the Committee?
- If you feel that the right is not being respected, do you know if there is a remedy available to you or who to contact?

Vulnerable Groups

- Are there any particular groups of people who face specific discrimination when trying to access a particular right or who are more likely to be affected by the lack of access to the right?
- If so, please give a short outline of the group and describe the nature of the discrimination they face and how this impacts on them.

Government Action

- What steps has the Government taken to progress this right?

In law:

- Have any specific laws been introduced to support better enjoyment of this right?
- Have any specific laws been introduced which impact negatively on the enjoyment of this right?

In policy:

- Has the Government introduced any policy which supports or promotes the better enjoyment of this right?
- Has the Government introduced any policy which negatively impacts on the enjoyment of this right? Please give details.

In budgetary decision-making:

- Has the Government introduced any budgetary measures to support, promote or improve the enjoyment of this right?
- Has the Government introduced any budgetary measures which negatively impact on the enjoyment of this right?
- Has there been any change, positive or negative, in how this right is enjoyed since the economic downturn?
- Do you feel these changes have been reasonable?

Additional information

Do you have any other information or issues that you wish to raise which have not been covered already?