

Mandate of the Special Rapporteur on the right to education

Curriculum, pedagogy and assessment at the service of the right to education

Call for Contributions

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This contribution is to be understood as an independent submission on the author's behalf. The content of this contribution does not necessarily reflect the position of the organisations with which the author is associated.

Introduction

I am grateful for the opportunity to contribute to the discussion on the extent to which curricula, pedagogy, and assessments serve the right to education.

I believe that curricula and assessments can serve the right to education under one necessary condition: that they are not imposed. In the vast majority of schools, this necessary condition is not met. Imposed curricula only serve the right to education by chance, when the interests of the students actually coincide with the content of the curriculum. In the majority of cases, imposed curricula violate not only the right to education, but also other human rights. In fact, the current implementation of curricula and assessments in most schools worldwide is not compatible with human rights. The aim of this contribution is to substantiate this claim.

I will begin with the question of what was originally meant by ‘compulsory education’. Every now and then, I focus on the specific situation in Germany. However, the fundamental arguments apply worldwide.

Compulsory school attendance in Germany

Curricula, pedagogy and assessments, at least for grades 1-10, take place predominantly within the framework of schools. In Germany, this is the only legal option for the education of children and young people aged 6 to 16. Homeschooling is not permitted in Germany. Compulsory education in Germany is understood as compulsory school attendance.

This is reflected in (and manifested by) the incorrect and misleading official German translation of Article 26 (1) sentence 3 of the Universal Declaration of Human Rights (UDHR). While the original English text states: “*Elementary education shall be compulsory*” the German translation reads “*Der Grundschulunterricht ist obligatorisch.*” Translated back into English this gives “*Primary school classes are compulsory.*”

The originally broad concept of education is narrowed down to school and further restricted to classroom teaching. And that is exactly what prevails in Germany: the idea that education can only take place in schools, that learning happens in classes and that compulsory school attendance is supposedly covered by the Universal Declaration of Human Rights.

Compulsory education worldwide

With regard to compulsory education, both the Universal Declaration of Human Rights (Art. 26) and the Convention on the Rights of the Child (Art. 28) stipulate that ‘elementary education’ (UDHR) respectively ‘primary education’ (CRC) should be made ‘compulsory’.

Many countries either derive ‘compulsory schooling’ from this or consider their national laws on ‘compulsory schooling’ to be legitimised by human rights. But this is a misunderstanding.

If one reads the minutes of the debates that led to this wording in Article 26 of the UDHR, it becomes clear that the authors intended the wording “*Elementary education shall be compulsory*” 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

This quote carries particular weight, because it comes from French professor Cassin, who was the first to introduce the word ‘compulsory’ into the debate. Prof. Cassin played a key role in drafting the Universal Declaration of Human Rights and was later awarded the Nobel Peace Prize for his work.

The introduction of the word ‘compulsory’ was controversial, as the following excerpts from the same minutes illustrate:

“Mrs. MEHTA (India) objected to the use of the word ‘compulsory’ in a Declaration of Rights.”

Some have sought an alternative formulation:

“Mr. AZKOUL (Lebanon) offered a compromise amendment which he tentatively drafted as follows: ‘Parents have the right to control their children's education, but cannot prevent them from receiving education.’”

and justified it as follows:

“Mr. Azkoul explained that the right to education was not in the hands of the individual alone; the family and the State shared in ensuring that right. However, neither the family nor the State could deprive the individual of it. The concept of compulsion was in contradiction with the statement of a right and his amendment was intended to eliminate any implication of coercion.”

There was even a vote on whether to remove the word ‘compulsory’:

“The deletion of the word ‘compulsory’ was rejected by eight votes to seven.”

Those in favour of using the word ‘compulsory’ wanted above all to ensure that the state fulfilled its obligation to provide educational opportunities, as this passage illustrates:

“Finally, the representative of the USSR emphasized the importance of retaining the word ‘compulsory’. The concept contained in that word was closely linked with the concept of the right to education. It presupposed that the obligations of society corresponded to the rights of every human being to free education. The State had the

1 This and all subsequent quotations in this section are taken from: UN ECOSOC, Commission on Human Rights. Third Session, Summary Record of the Sixty-Eighth Meeting, New York, 14 June 1948; E/CN.4/SR.68; <https://undocs.org/en/E/CN.4/SR.68>

obligation to furnish opportunities for education to everyone and to ensure that no one could be deprived of those opportunities.”

To summarise: among those involved in the decisive debate, the use of the word compulsory was highly controversial. A vote to remove this term was lost by the narrowest of margins. Those who advocated the use of the word ‘compulsory’ wanted to see access to education guaranteed. The obligation designated by that word applies to those who are responsible for ensuring this access: the state and the parents. To construct from this an obligation on children to attend school is not in keeping with the spirit of the Universal Declaration of Human Rights.

The IDEC 2023 Resolution: Clarify Compulsory Education

On October 19th, 2023, the International Democratic Education Conference (IDEC) 2023 in Nepal adopted a resolution calling for clarity on the meaning of ‘compulsory’ in the Right to Education. This was sent to the UN Committee on the Rights of the Child in November 2023 on the occasion of the 34th anniversary of the Convention on the Rights of the Child.²

The IDEC 2023 resolution draws attention to the fact that nobody on that drafting committee at any point intended the word ‘compulsory’ to be interpreted as coercion of the child. It finds this interpretation confirmed by General Comment No. 11 of the Committee on Economic, Social and Cultural Rights (CESCR) which states:

*“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.”*³

The IDEC 2023 resolution insists that the principle of the ‘best interests of the child’ must be fully respected, rather than being compromised for political and administrative expediency.

Human rights violations through compulsory schooling

In 1998, on the 50th anniversary of the Universal Declaration of Human Rights, the Berlin children's rights group K.R.Ä.T.Z.Ä. published a report describing the areas of society in which children's human rights are violated.⁴ The lead author was 18 years old at the time, meaning that the publication is not an academic exercise, but rather an examination by young people of the legal violations they are exposed to on a daily basis. One chapter is devoted to the topic of school. It claims compulsory schooling

“constitutes a violation of the ‘right to (...) liberty’ enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR), regardless of whether ‘liberty’ is interpreted as general self-determination or as physical non-imprisonment. The

2 Following a conversation with the chair of the Committee on the Rights of the Child on the sidelines of the *International symposium on the future of the right to education* hosted by UNESCO in Paris, this call was resubmitted in December 2025.

3 CESCR GC No. 11, para. 6

4 All quotations in this section are taken from this report and have been translated from German into English. K.R.Ä.T.Z.Ä.: „Die Diskriminierung des Kindes. Ein Menschenrechtsreport“ <https://kraetzae.de/menschenrechtsreport/inhalt/schule/>

*violation of self-determination is obvious, and physical constraints are also irrefutable.”*⁵

With regard to mandatory curriculum (which will be discussed later) the report states:

“The most threatening of all human rights violations caused by compulsory schooling is the violation of the human right to freedom of thought (Art. 18 UDHR). The state determines what knowledge should be in a young person's head after a certain period of time. During lessons, young people are denied the right to decide for themselves what they think about, what they reflect on, and what they learn. After the right to life, the right to decide for oneself what one thinks is one of the most important human rights. The right to mental self-determination is just as important as the right to physical integrity.”

These are just two examples of the most serious human rights violations caused by compulsory schooling and mandatory curricula. The report lists around 10 articles of the UDHR that are violated by compulsory schooling, mandatory curricula, and school practices, concluding:

“Every single violation of human rights is an offense to the sanctity of human dignity. Such a large number of human rights violations as in the case of compulsory schooling cannot be reconciled with human dignity as a whole.”

And for Germany, as well as many other States, applies:

“Human rights violations resulting from compulsory schooling play a particularly significant role because they are not only tolerated but even required by law.”

Educational standards

The Conference of Ministers of Education and Cultural Affairs of the Federal Republic of Germany distinguishes between three categories of educational standards: content or input standards, performance or output standards, and opportunity-to-learn standards.⁶ Content or input standards are reflected in the curriculum. Performance or output standards are reflected in assessments. Both of these standards are aimed at students. They are the ones who have to deal with the content defined by input standards and then face assessments defined by output standards.

Opportunity-to-learn standards refer to the availability, accessibility, and quality of the resources available to learners. They differ from input and output standards in that they fall within the remit of educational institutions and providers. To put it simply, when input and output standards rise, students feel the impact. If opportunity-to-learn standards increase, institutions must meet them.

The imposition of input and output standards is not compatible with students' right to self-determination. The imposition of opportunity-to-learn standards, on the other hand, does not interfere with students' rights.⁷

5 Even Berlin's school law concedes that the fundamental right to freedom is restricted (Berl. SchulG §127).

6 KMK 2005: Bildungsstandards der Kultusministerkonferenz. Erläuterungen zur Konzeption und Entwicklung. München/Neuwied: Luchterhand, p. 8

7 Unless they are deliberately low in order to hinder the free development of personality.

Unfortunately, the Conference of Ministers of Education and Cultural Affairs of the Federal Republic of Germany limits itself to content and output standards:

*„The educational standards focus on core areas of a subject and describe expected learning outcomes. In line with the system outlined above, the educational standards of the Conference of the Ministers of Education and Cultural Affairs thus represent a mixture of content and output standards.”*⁸

These are precisely the standards that, when imposed, lead to violations of rights.

Mandatory curricula

In the vast majority of conventional schools worldwide, students have no influence on the curriculum. Even if they are occasionally afforded certain freedoms within a narrow framework, the general principle is clear: they learn what is prescribed in the curriculum. This curriculum is imposed on them by educational authorities at the national, regional, or local level, or sometimes by the individual school.

At the Social Forum 2025, I concluded my contribution with the statement:

*“The very concept of a mandatory curriculum cannot be reconciled with the respect for human rights! If we do not fundamentally rework educational practices, we cannot, in good conscience, expect children to grow up to be adults who respect the human rights of others.”*⁹

Since mandatory curricula are one of the defining characteristics of conventional schools the violation of rights is ingrained in them:

“The inadequate consideration of children's and young people's rights is inherent in the school system due to compulsory schooling and mandatory classes that force children and young people, regardless of their actual interests, wishes, and talents, to learn content that they have not chosen themselves, at the same age and at the same pace, in a context over which they have no influence – usually in a classroom, taught by teachers they have no say in selecting. Any curricula that impose mandatory content can only be implemented at the expense of the rights of children and young people.”

Although there have long been schools that do not impose a curriculum:

“A school that respects the rights of students will have to refrain from imposing a binding curriculum. In fact, there are schools that do without a mandatory curriculum and children at these schools are doing just fine!”

It is precisely those rights-respecting schools that are being made to struggle:¹⁰

8 KMK 2005, p. 9, translated from German

9 Quotes in this section are taken from one of my contributions to the Social Forum 2025. [[video recording](#)]

10 Several democratic schools in Germany are currently fighting for their approval. A democratic school in Bavaria was closed after two years and lost the legal battle to reopen. Democratic schools are also fighting for their existence in other countries, such as France, the Netherlands, the United Kingdom and many more.

“However, these democratic schools, as they call themselves, are under pressure in many countries around the world. Why? Because governments worldwide require them to implement the national curriculum on a mandatory basis.”

The right to education and its violation

We have already seen above that the introduction of the term ‘compulsory education’ in Article 26 (UDHR) served this one purpose: to guarantee every child access to education. It was not introduced to force children to attend school against their will and in disregard of their rights and their best interest.

Forcing children to attend school is in itself a violation of human rights. However, the violation of rights caused by compulsory school attendance would be less severe if the rights of children and young people were at least respected within schools. But this is not the case. Instead of limiting themselves to the ‘opportunity-to-learn’ standards described above, i.e., providing good learning conditions as an institution, schools not only prescribe in detail what children have to learn in accordance with the input standards, but also when they have to learn it and from whom.

Worse still, the additional focus on output standards exacerbates the situation. Children and young people now have to prove that they have mastered material that they have not even chosen themselves. At no point in this process – content to be learned, learning process, and assessment of results – are students involved in any significant way. Ultimately, this means that they cannot make decisions about their own learning; they cannot exercise their right to education themselves. They must surrender their right to education to an institution that constructs it as an obligation and controls its fulfilment.

The prescription of learning material, the control of the learning process, and the specification of the results to be achieved not only violate students’ rights to self-determination, but also undermine effective learning, since

“paradoxically, attempting to control achievement outcomes directly through extrinsic rewards, sanctions, and evaluations generally backfires, leading to lower-quality, motivation and performance.”¹¹

This means that not only are students' rights to self-determination being violated, but also, ironically, the very right that mandatory curricula are supposed to ensure: the right to education!

“It is surprising that the fundamental difference and the inherent contradiction between a right to education and an obligation to attend classes is not recognized.”¹²

To illustrate this absurdity with an example: freedom of opinion and expression is a human right (Art. 19 UDHR). But no one would think of guaranteeing this right by forcing people to express their opinions (analogous to compulsory schooling) and dictating what opinions they should express (analogous to a mandatory curriculum). On the contrary, this would be considered a serious violation of this fundamental right.

11 RYAN, Richard M. & DECI, Edward L. (2020): Intrinsic and extrinsic motivation from a self-determination theory perspective: Definitions, theory, practices, and future directions. In: Contemporary Educational Psychology, p. 61; <https://doi.org/10.1016/j.cedpsych.2020.101860>

12 Quote taken from my first contribution to the International Symposium on the future of the right to education: Renewing global commitments and charting future direction, UNESCO 2025. [[video recording](#)]

Another analogy: Food is a fundamental human need. Without sufficient food, people face starvation. Where necessary, this danger is addressed solely by providing sufficient food (analogous to opportunity-to-learn standards). It is not countered by force-feeding (analogous to mandatory learning). On the contrary, force-feeding would be considered a serious violation of human rights.¹³

There is a rationale for compulsory education and mandatory curricula:

“Compulsory schooling and a mandatory curriculum were once intended to realise the right to education.”¹²

However, this rationale is based on false assumptions and ignores the undesirable but inevitable side effects. The false assumption is to believe that children must be forced to learn, or at least that they must be made to learn “the right things” through a prescribed curriculum. The inevitable side effects of mandatory curricula are the violation of rights, student disengagement, and a general crisis of relevance.¹⁴

“How does a curriculum become relevant to students? It's easy: By allowing them to control it themselves. Students must be able to decide for themselves what they want to learn, when, and how. Yes, they might need support, but they do not need prescriptions!”¹⁵

Rights-compliant implementation of curricula and assessments

Curricula and assessments remain necessary and useful. Anyone who wants to pursue a particular profession, be it electrician, doctor or pilot, must acquire certain skills and also demonstrate them. Curricula can provide useful guidance for systematically acquiring knowledge in a particular field. Assessments are necessary to demonstrate skills. A prerequisite for the human rights-compliant implementation of curricula and exams is that individuals are free to decide for themselves whether or not they want to acquire the skills in question. And this applies not only to adults choosing a career, whose right ‘to free choice of employment’ is protected by Article 23 of the UDHR. It must also apply to students at school.

In his presentation at the International Democratic Education Conference 2025, Sifaan Zavahir points out that it is necessary to refrain from enforcing a curriculum in order to comply with the rights laid down in the UN Convention on the Rights of the Child, in particular the right to freedom of thought and conscience (Art. 14 CRC), the right to freedom of expression (Art. 13 CRC), and the right of the child to be heard (Art. 12 CRC). But that does not mean, of course, doing away with all curricula and assessments: „It is not about a particular practice, it is about whether it is consensual.” says Zavahir.¹⁶

13 See the cinematic campaign “Essenspflicht” (‘Compulsory Eating’), in which the Berlin children's rights group K.R.Ä.T.Z.Ä. compared compulsory education to compulsory eating: <http://www.essenspflicht.de>

14 The UN Secretary General speaks of a crisis of relevance in his Policy Brief No. 10 to ‘Our Common Agenda’ titled “Transforming Education”

15 Quote taken from my second contribution to the International Symposium, UNESCO 2025 [[video recording](#)]

16 Sifaan Zavahir: “Mainstreaming Democratic Education by establishing a Quality Assurance System for Rights-Centric Education“, IDEC 2025 [[video recording](#)]

Conclusions and recommendations

The idea of specifying content (input) that is laid down in a mandatory curriculum and monitoring the results (output) by means of assessments is central to the identity of conventional schools. However, it is precisely this idea that is also the cause of numerous violations of students' rights. A school that is serious about respecting the rights of children and young people will have to dispense with mandatory curricula and unsolicited assessments. Yet this calls into question the very core identity of school itself.

What might a school look like that truly respects the rights of children and young people? How and what do children learn when they retain control over their right to education? How can education be ensured when central management of educational content is relinquished? Fortunately, there are already answers to these questions. And these answers are continuously evolving in an exciting dialogue, in which students are actively involved.

Two recommendations:

- Clarifying the concept of compulsory education as intended by the authors of the Universal Declaration of Human Rights
- Seeking dialogue with people who have decades of experience in the field of rights-respecting education

Respectfully

Henning Graner

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>