



Statement by His Excellency Archbishop Ivan Jurkovič, Permanent Observer of the Holy See
to the United Nations and Other International Organizations in Geneva
at the 41st Session of the Human Rights Council
Item 3 – Report of the Special Rapporteur on the Right to Education
Geneva, 26 June 2019

Mr. President,

The international community, since the adoption of Art. 26 of the Universal Declaration of Human Rights, has consistently committed itself to fulfil the Right to Education. In the Covenant on Economic, Social and Cultural Rights, Art.13 echoes the principles of the Declaration, and Articles 28 and 29 of the Convention on the Rights of the Child (CRC), (the 30th Anniversary of which we are celebrating this year) oblige State Parties to fulfil this right and draw clear lines of an educational service that respects the fundamental human, cultural and social rights of children.

Within these lines, UN Member States agreed in Goal 4 of the 2030 Agenda to implement policies that “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”.

It appears clear that the right we are speaking about here is the right of each and every human person to enjoy a formation that helps them to pursue his/her ultimate end and the good of the society of which he or she is a member, and in whose obligations, as an adult, he or she will share.¹

It does not seem that it is the exclusive right of States to impose themselves on educational institutions, as it would appear in the Report submitted to the attention of the Council.

On the contrary, paragraph 2 of Art.29 of the CRC clearly states that individuals and organizations have the freedom “to establish and direct educational institutions” provided they respect the principles and requirements laid down earlier in the convention itself.

Mr. President,

My Delegation agrees with the Report when it recalls that “States are to respect the liberty of parents to choose for their children schools other than those established by the public authorities”.²

¹ Cfr. Second Vatican Council, *Gravissimum Educationis*, N.1.

² A/HRC/41/37, n.28

And indeed, between the extreme positions of “the destruction of public education and the nullification of the liberty to choose and establish private educational institutions”³, a balance must be struck. However, the criterion has to be founded in the concrete exigencies of each country and in its own peculiar history, more than in the aggressively ideological tenets of the Report under consideration.

Mr. President,

Pope Francis recently recalled that “Teaching cannot be merely a trade, but is a mission”.⁴ Education, therefore, must not be considered a commodity, nor students and their families regarded as clients. “education is the right of everyone, including the poor”.⁵ Parents have the primary “right to educate their child according to their religious and moral beliefs, including dimensions of human love and related matters concerning the nature of sexuality, marriage and the family”.⁶

If freedom of education is a right, then it must be properly supported by States, in order to allow everybody to enjoy it, enriching the life of society with the contribution of every person and every community within it, rather than imposing a one-size-fit all model.

Mr. President,

The Abidjan principles, to which the Report makes constant reference, are an interesting example of a reflection made by some stakeholders on the multifaceted reality of education. However, it is worth recalling that these, as well as general comments of different committees quoted in the report, do not constitute any legally binding obligation for States, in such a way that they “have to be implemented”. The way by which the Report refers to international legally binding obligations to States cannot but raise serious concern.

Mr. President,

“Investing in culture encourages a decrease of hatred and a growth of civility and prosperity. Education and violence are inversely proportional.”⁷ The more diverse and the more harmonious partnership between different sectors of society that can be built the better the international community can serve the best interest of children and proceed towards the implementation of SDG4.

Thank you, Mr. President.

³ A/HRC/41/37, n.33

⁴ Pope Francis, *Address to the Community of the Brothers of the Christians Schools (De La Salle Brothers)*, 16 May 2019.

⁵ Ibid.

⁶ Letter dated 25 September 2016 from the Permanent Observer of the Holy See to the United Nations addressed to the Secretary-General, A/71/430, n.23, h.

⁷ Pope Francis, *Interreligious meeting*, Abu Dhabi, 4 February 2019.