People for Education

List of Issues for Canada's 2020 CESCR Review

Submission on the right to education

February 7, 2020

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"The right to education includes not only the right to access education but also the right to *quality education*." – *Right to Education Handbook 2019*

Preamble

People for Education's mission is to strengthen publicly funded education so that it graduates all young people with the skills and competencies they need to contribute to a fair and prosperous society, and to live happy, healthy, economically secure, civically engaged lives.

Established more than 20 years ago in Ontario, we are viewed as trusted partners by those working inside the education system; we are non-partisan and independent. Since 1997, we have focused on delivering evidence to support policy development and build public understanding and engagement. We have a deep understanding of process and systems inside education, and the ability to bring new perspectives from outside.

We submit this information to assist the Committee's identification of critical issues to consider in the upcoming 7th Periodic review of Canada's implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

List of Issues

1. A Right to Education Framework for Canada

PFE recommends that the Committee ask Canada to describe measures it intends to adopt in order to comply with obligations described in General Comment 13 (para 52 ff), to develop and implement a right to education framework that provides a consistent and clear set of indicators for government and civil society, and a clear consistent language for children and young people to identify what a quality education in Canada should provide them with.

Access to education is accepted as a right in Canada by virtue of its ratification of the ICESCR and other human rights treaties, but up to now, there has been no mechanism or framework to assess Canada's progress in realizing the right to a *quality* education.

People for Education is working with a number of partners and with the support of an active working table to develop a **Right to Education Framework**. The goal of this initiative is that Canada will have a framework that articulates a set of key, clearly-defined indicators by which to measure progress on young people's right to an education that prepares them for long-term success. The Right to Education Framework will support impact measurement and the

development of accountability indicators to demonstrate Canada's progress across a number of the UN Sustainable Development Goals, particularly SDG #4 Quality Education. SDG #4 aims to "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all".

The ultimate purpose of this work is to ensure that all of Canada's young people are adequately prepared for the future. There will be a specific emphasis on young people who are vulnerable, Indigenous children and youth, and those experiencing marginalization. The Right to Education work captures the extent to which young people have future-ready skills and global competencies to face the challenges and opportunities of the next century; are able to overcome intergenerational cycles of poverty; and, have the capacity to experience and promote peaceful and inclusive societies.

2. Prioritising funding and provision of free, quality, public education

Canada should be asked to provide information on the funding of private and independent schools in British Columbia, Alberta, Saskatchewan, Manitoba and Québec and to explain whether this funding is consistent with principle 5 of the Abidjan Principles on the human rights obligations of States to provide public education: "States must prioritise the funding and provision of free, quality, public education, and may only fund eligible private instructional educational institutions, whether directly or indirectly, including through tax deductions, of land concessions, international assistance and cooperation, or other forms of indirect support, if they comply with applicable human rights law and standards and strictly observe all substantive, procedural, and operational requirements."

Over 5.6 million[1] students were enrolled in elementary school or secondary school in Canada in 2019. Of those 5.6 million students, 92% attended a publicly-funded school. Public education systems serve the greatest number of residents of Canada in a way that is the most barrier free way.

British Columbia, Québec, Alberta, Saskatchewan and Manitoba, are the only provinces that publicly subsidize private education. For instance, in British Columbia, some independent schools are funded at 50% or 35% of their local public school district rate[2]. The provinces with the largest percentages of children attending private/independent schools are British Columbia

[1] https://www150.statcan.gc.ca/n1/daily-quotidien/191024/dq191024b-eng.htm
[2] https://www2.gov.bc.ca/gov/content/education-training/k-12/administration/program-management/independent-schools/funding

(13%) and Québec (10%). People for Education refers the committee to the submission from *le Mouvement L'école Ensemble* for a detailed discussion on this issue in Québec.

Denominational schools receive public funds in the provinces listed above because they classify as "private or independent," not because they are religiously-affiliated. The only exception being Ontario, which does not publicly subsidize private/independent schools, but funds a separate Roman Catholic system[3].

3. Integration of children's and human rights into early childhood education and K-12 curriculum

According to Article 42 of the Convention on the Rights of the Child, "States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike." Human rights education is also a critical component of the right to education under the ICESCR.

The Committee should ask Canada to provide information on the extent to which including economic, social and cultural rights have been integrated into curricula across all provinces and territories.

In 2017, the Canadian Coalition for the Rights of Children reviewed curricula across all of Canada's provinces and territories. While each curriculum mentioned human rights, there were only a few references to children's rights and even fewer references for the Convention on the Rights of the Child[4]. However, integrating children's human rights requires more than having them cited in curriculum: children need to be active participants in the learning process, rather than passive participants[5].

4. Adequate and equitable funding for northern and rural schools to provide quality public education

PFE recommends that the Committee ask Canada to provide information comparing the quality of education available in northern and rural schools with urban schools, and outline what mechanisms are available to ensure that northern and rural schools receive adequate and equitable funding to provide a quality public education for their students.

[3] http://www.ontla.on.ca/library/repository/mon/1000/10286133.htm
[4] http://rightsofchildren.ca/wp-content/uploads/2017/10/Discussion-Paper-on-Childrens-Rights-and-Education-2017.pdf
[5] https://journals.uvic.ca/index.php/jcs/article/view/16305

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Students in northern and rural areas must be in school environments that allow them to enjoy the right to education to their fullest potential, at the same level as their counterparts across Canada. More than 80% of Canada's population lives in urban centres[6]. However, students living in small, northern and rural communities in Canada have reduced access to a variety of education services, including psychologists, health and physical education teachers, and special education.

In 2016, People for Education's Annual Report on Ontario's Schools saw the following disparities[7]:

- 46% of urban elementary schools had a regularly-scheduled psychologist, compared to 15% of rural schools.
- 91% of urban elementary schools reported having a full-time special education teacher, compared to only 66% of rural schools.

Similarly, in British Columbia, rural areas have difficulties recruiting educational psychologists which impact how quickly students can be assessed and how often these services are provided to the community[8]. To close these gaps between urban and rural schools, adjusting funding based on geography would help to reduce some of these disparities in a range of key services that have an impact on the quality of education children are receiving.

Inadequate funding for northern and rural schools may disproportionately affect Indigenous students as the highest proportions of Indigenous peoples are in Nunavut (85.9%), the Northwest Territories (50.7%) and the Yukon (23.3%)[9]. Northern and rural schools in some provinces also have higher proportions of Indigenous students. Schools in these territories face concomitant barriers, including housing issues, teacher shortages and learning opportunities that may compromise the quality of education[10].

[6] https://www.cmec.ca/299/Education-in-Canada-An-Overview/index.html
[7] https://peopleforeducation.ca/report/annual-report-2016/
[8] https://www2.gov.bc.ca/assets/gov/education/administration/resource-management/k12funding/funding-model-review/stakeholder-perspectives-and-reports/bc_k12_draft_rural_education_report.pdf
[9] https://www.fin.gov.on.ca/en/economy/demographics/census/cenhi16-10.html
[10] https://www.cbc.ca/news/canada/north/teacher-shortage-nunavut-1.5254193

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5. Adequate and equitable funding for First Nations schools in accordance with the UN Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada, and Treaty Rights

PFE recommends that the Committee ask Canada to provide information on the quality of education, and educational outcomes in First Nations elementary and secondary schools, provide comparisons with non-First Nations schools and outline what measures have been taken or are planned to address disparities. Canada should also be requested to provide information on how the right to education is being implemented in accordance with Article 14 of the UN Declaration on the Rights of Indigenous Peoples, to guarantee the right of Indigenous Peoples to establish and control their educational systems and institutions, providing education in their own languages and in a manner appropriate to their cultural methods of teaching and learning. Treaty rights are recognized by Section 35 of Canada's Constitution Act, 1982. While rights and obligations are specific to each treaty, expectations around adequate funding for education and systems that reflect and address the needs of Indigenous communities are set out in all treaties.

In Canada, Indigenous Services Canada (ISC) provides funding for students who live on reserve and are attending elementary or secondary school[11]. There are more than 515 First Nations[12] elementary and secondary schools for over 120,000 students on reserve lands. Of these students, approx. 60% attend one of these on-reserve schools[13] with the remaining percent (approx. 40%) attending off-reserve schools, which are provincially-run. There is a large disparity between how on-reserve schools are funded compared to off-reserve schools run by provincially-funded school boards. For example, the average funding for a student at an on-reserve school is $6,800, whereas it is $11,000 for a provincially-funded school 10 minutes away[14]. The Truth and Reconciliation Commission of Canada's Call to Action #8 calls upon Canada to eliminate this funding discrepancy[15].

In 2016, 48% of Indigenous young people aged, 20-24 years old, living on reserve had a high school diploma or equivalency certificate, compared to 90% of non-Indigenous 20-24 year-

[11] https://www.sac-isc.gc.ca/eng/1476967841178/1531399315241

[12] The term 'First Nations' is not inclusive of all Indigenous peoples in Canada as it excludes the Métis and Inuit. It is used here as it is the term applied in reference to on reserve schools.

[13] https://www.afn.ca/uploads/files/events/fact_sheet-ccoe-3.pdf

[14] https://www.cbc.ca/cbcdocspov/m_features/first-nations-schools-are-chronically-underfunded

[15] http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

olds.[16] Also in 2016, the federal government announced that there would be a funding increase of $2.6 billion over five years for primary and secondary education on reserve to improve education outcomes for Indigenous children[17].

To improve education outcomes for students attending on-reserve schools, appropriate and adequate funding is key.

6. Targeted policy measures to address barriers to positive educational outcomes for Indigenous and black students

Canada should be asked to report on its response to the CESCR's comment within the Concluding observations on the sixth periodic report of Canada which is recommends that Canada 'reinforce its efforts to address the long - standing issues faced by indigenous and African-Canadian children in accessing and completing primary and secondary school. In doing so, the Committee recommends that the State party develop interventions, in consultation with the affected communities, aimed at combating school dropout, including by putting an end to the unnecessary measures of expelling and suspending pupils'.

The majority of Indigenous students – First Nations, Métis and Inuit – live off-reserve and attend provincially run and funded schools. Across Canada, graduation rates for Indigenous students in provincially-run schools are substantially lower than graduation rates for non-Indigenous students.

- In Ontario 68% of Indigenous students graduated after 5 years, compared to 87% of all students[18].
- In Saskatchewan, the graduation rate for Indigenous students is 43% compared to an overall graduate rate of 77%[19].
- In Manitoba, the graduate rate for Indigenous students is 48.5% compared to 87.9% for non-Indigenous students[20].
- In British Columbia, 70% of Indigenous students achieved Grade 12 graduation compared to 86% of non-Indigenous students[21].

[16] https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3710014701
[17] https://www.sac-isc.gc.ca/eng/1509019844067/1531399883352#sec10
[18] http://www.edu.gov.on.ca/eng/indigenous/third-progress-report-en.pdf
[19] https://www.cbc.ca/news/canada/saskatoon/sask-grad-rates-1.4302374
[20] https://www.edu.gov.mb.ca/k12/grad_rates/index.html
[21] https://www.cbc.ca/news/canada/british-columbia/indigenous-grad-rate-highest-ever-in-b-c-but-education-gaps-remain-1.5180598

The Truth and Reconciliation Commission's Call to Action #62 outlines four possible areas for policy interventions to address barriers to positive educational outcomes for Indigenous students including curriculum changes, integration of Indigenous ways of knowing, funding for these interventions, and a dedicated senior-level government position dedicated to Indigenous content in education. Canada is working with the Council of Ministers of Education on enhancing awareness and knowledge of Indigenous culture and history across Canada. The government has also invested $275 million in language and culture until 2021[22].

With more than a quarter of million students, the Toronto District School Board (TDSB) is the largest school board in Canada and the fourth largest in North America. 48% of expelled TDSB students self-identify as black[23]. This disproportionate representation has a negative impact on Black students' educational outcomes. Canada has high secondary school graduation rates overall, a relatively low equity gap (the variation in performance accounted for by students' socio-economic status) as measured on OECD PISA tests of 15 year-olds[24], and the highest proportion of college and university graduates in the OECD[25]. However, because Canada has inadequate race-based data, it is difficult to understand and act on the barriers Black students are facing overall.

7. Addressing the barriers created by high tuition fees for low and medium income students

Canada should be asked to provide information related to the Committee's concern in paragraph 57 of its 2016 Concluding Observations regarding increasing tuition fees in post-secondary education. The Committee recommended increasing budgetary allocations with a view to facilitating access to higher education to everyone regardless of their socioeconomic or ethnic background. The Committee would benefit from information from all provinces about average tuition fees over the last 20 years, average level of debt of students upon graduation during this time period and the results of any studies that have been conducted on the effects of high tuition fees on access to education for particular groups. Information should also be requested on the benefits of the Registered Education Savings Plan for low income households and on studies on the effects of rising tuition and student debt on access to professions, including law, medicine and engineering, by students from low income households.

[22] https://www.rcaanc-cirnac.gc.ca/eng/1524504501233/1557513602139
[23] https://www.cbc.ca/news/canada/toronto/almost-half-of-tdsb-students-expelled-over-last-5-years-are-black-report-says-1.4065088
[24] https://www.oecd.org/pisa/Equity-in-Education-country-note-Canada.pdf
[25] https://www150.statcan.gc.ca/n1/en/daily-quotidien/171129/dq171129a-eng.pdf?st=_0N2qWm0

According to a recent study by the Royal Bank of Canada[26], rising university tuition costs in Canada have outpaced inflation since 1982. Québec is a notable exception to the high tuition levels in Canadian post-secondary institutions. Outside of Québec, undergraduate university tuition averaged $7,600 per domestic student in 2018. Since 1990, the government's share of university funding has fallen by nearly half and the cost of tuition at universities has risen 2.7 times in real terms. In 1990, it took 293 hours of minimum-wage work to pay the average university tuition but in 2018 it required 505 hours. Higher-income households with children are more likely to hold a Registered Education Savings Plan (RESP) while only about half of Canadians eligible for an RESP benefit from the program. More than one fifth of graduates with a bachelor's degree have more than $25,000 in debt upon graduation.

8. Transparent and timely reporting on Canada's progress on all targets for Sustainable Development Goal 4, the educational goal

Canada should be asked to report on progress on all targets for Sustainable Development Goal 4, 'ensure inclusive and equitable quality education and promote lifelong learning opportunities for all."

Canada has participated in a national voluntary review of its progress on the Sustainable Development Goals and made those results publicly available[27]. However, the report and statistical annex do not report on progress towards the following targets which are essential to ensuring Sustainable Development Goal 4 is met in its entirety.

- Target 4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations

- Target 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and nonviolence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development

[26] http://www.rbc.com/economics/economic-reports/pdf/other-reports/Tuition_June2018.pdf.
[27] https://sustainabledevelopment.un.org/content/documents/20312Canada_ENGLISH_18122_Canadas_Voluntary_National_ReviewENv7.pdf

- Target 4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

Target 4.5's focus on access for specific populations highlights that there are populations who might not enjoy the same access to education that we see in national statistics reported by the full population. Target 4.7 and 4.a. are the only targets that speak directly to the *quality* of education.

A possible format for reporting on all targets is Canada's *Delivering on Truth and Reconciliation Commission Calls to Action* which identifies all 94 Calls to Action and their corresponding progress and/or jurisdiction[28].

Conclusion

In 2000, world leaders came together at the United Nations to establish the Millennium Development Goals. One of those goals was to achieve universal access to primary education. Over the years, those same leaders and others came to realize that simple "access" wasn't enough – that the goal must become access plus *quality*. Thus Sustainable Development Goal #4 was born: *Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.*

Goal #4 has a number of subsections, including:

- Ensuring that all children have access to quality early childhood development, care and pre-primary education
- Ensuring that young people have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship
- Ensuring that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development
- Ensuring equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university

[28] https://www.rcaanc-cirnac.gc.ca/eng/1524494530110/1557511412801

In Canada, all students have *access* to primary and secondary education. But not all students have equitable access to *quality* education. It is here that Canada needs to make progress. By defining the right to education explicitly, and by including all of the aspects required for a quality education that will prepare young people for success, Canada will have a way to keep track of its progress on the ten indicators for Sustainable Development Goal #4, and a way to ensure that every young person has an equitable chance to lead a happy, healthy, economically secure, civically engaged life.