

Joint submission to the OHCHR in occasion of the Universal Periodic Review 4th cycle: The Right to Education in Spain

Submitting entities:

Catesco (Catalonia for Education, Science and Culture Organization) is an association created in 1985 to promote to promote in Catalan society the principles and values of UNESCO in fields such as education, science, culture, sustainable development, democracy, human rights, freedom of expression and communication, global citizenship, dialogue and peace,

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Plataforma d'infància de Catalunya (PINCat, Catalonia's Platform for Childhood) is a platform created in 2011 that brings together all the member entities of the Taula d'Entitats del Tercer Sector Social de Catalunya (Catalonia's Third Sector Platform) committed to childhood, and who work together to promote and defend the rights of the children recognized under the UN Convention on the Rights of the Child (1989).

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With the collaboration of:

Associació de Drets Sexuals i Reproductius is an association that has the mission of claiming, promoting and defending sexual and reproductive rights for people's empowerment, autonomy and quality of life.



Fundació Bofill works for promoting research, debates and initiatives to generate educational opportunities and combat social inequalities.



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1. STRUCTURE AND AIM OF THE REPORT

1. Catesco and PINCat (the Platform for Childhood in Catalonia) have joined forces to produce this report, aiming to bring greater visibility to developments surrounding the right to education in the Spanish state. This joint effort stems from a shared commitment to promoting equitable access to quality education for all children and adolescents, especially those from vulnerable groups, whose needs are often underrepresented in policy dialogues and interventions.
2. The report is organized into thematic areas based on the recommendations accepted by Spain during the previous cycle concerning education. For each thematic area, we provide an in-depth analysis of the current state of implementation and ongoing challenges. The report also offers concrete proposals to address identified gaps and strengthen Spain's compliance with its international obligations.
3. The report concludes with a series of specific, targeted recommendations directed at the Spanish government. These recommendations aim to provide clear, actionable steps to enhance the fulfillment of the right to education, ensure inclusivity, and align with Spain's broader international commitments, such as the European Child Guarantee and Sustainable Development Goal 4 on quality education.
4. In the preparation of this report, we benefited from the collaboration of the Bofill Foundation, which specializes in education, and the ADSR in comprehensive sexual education. Furthermore, we relied on the expertise of 29 federations and organizations with extensive experience in childhood matters, all of which are members of the PINCat – the Platform for Childhood in Catalonia.

2. OBSERVATIONS REGARDING COMPLIANCE WITH RECOMMENDATIONS ACCEPTED BY THE SPANISH STATE IN ITS THIRD EVALUATION CYCLE IN RELATION WITH EDUCATION

2.1. Universalization of education

Recommendation
150.143 Promote the universalization of public child education (Honduras)
State of implementation
Partially implemented
Observations
<p>5. In 2023, the proportion of children at risk of poverty or social exclusion in the EU was 24.8%. At national level, the highest rates were observed in Romania (39%), Spain (34.5%) and Bulgaria (33.9%)¹</p> <p>6. In Catalonia, the child poverty rate stands at approximately 32.5%, meaning that 1 in 3 children lives in poverty². This translates to around 442,300 children living with fewer resources than necessary to live with dignity.</p> <p>7. The first cycle (children aged 0–3 years) is not free of charge and reveals significant disparities among socio-economic groups. In Spain, only 10% of children under one year old are enrolled in early childhood education, compared to 38% of one-year-olds and 56% of two-year-olds³. Barriers such as cost, bureaucracy, organizational rigidity, and cultural factors hinder access for vulnerable populations.</p> <p>8. Scientific evidence shows that quality, free, and universal early childhood education benefits both parents and children⁴. For parents, especially mothers, it facilitates entry into the labor market. For children, it significantly boosts cognitive and non-cognitive development, particularly for those from vulnerable backgrounds.</p>

¹ Eurostat (2023) [Children at risk of poverty or social exclusion](#)

² IDESCAT. Taxa AROPE (Objectiu UE 2030). [Principals variables. Catalunya. 2022-2023](#)

³ Focus on Spanish Society (2024) [Early childhood education in Spain](#)

⁴ Heckman, J. J. (2016). [The Economics of Investing in Early Childhood](#)

9. The European Child Guarantee (2021) and the European Care Strategy (2022) advocate for free and universal access to early childhood education, especially for the most vulnerable children. **Spanish Action Plan to Implement the European Child Guarantee (2022-2030) aims to enroll 50% of one-year-olds and 75% of two-year-olds by 2025⁵.**

Proposals

10. **Implement the “Strategy to combat child poverty in catalonia 2024-2030⁶” approved in Catalonia in 2024, which includes universalizing early childhood education (0-3 years)**
11. **Increasing participation of vulnerable populations.** Implement a social pricing system that covers 100% of direct and indirect costs (including meals and transportation) for families with fewer resources.
12. Individual assistance should cover **100% of school meal costs for families facing social exclusion**. Additionally, nutritional support for vulnerable children should be reinstated during non-school periods.
13. **Launch awareness campaigns** aimed at vulnerable groups to promote the benefits of early childhood education. Actively engage these families through direct outreach utilizing administrative data.

⁵ CHILDREN WITH RIGHTS • [National Action Plan to Implement the European Child Guarantee \(2022-2030\)](#)

⁶ Generalitat de Catalunya (2024) [Estratègia de lluita contra la pobresa infantil a Catalunya 2024-2030](#)

2.2. Segregated school system

Recommendation
150.146 Adopt a strategy to reduce high dropout rates and segregation in secondary schools, particularly targeting disadvantaged groups, including migrant populations and people of African descent (Bahamas)
State of implementation
Partially implemented
Observations
<p>14. The 2022 <i>Council Recommendation on Pathways to School Success</i>⁷ urges member states to implement strategies aimed at reducing school segregation, promoting inclusion, and ensuring that a student’s socioeconomic background does not dictate their educational outcomes.</p> <p>15. The Organic Law of Education 3/2020 (LOMLOE)⁸ establishes the obligation to promote a balanced distribution of students across schools. Furthermore, the more recent Law of Non-Discrimination and Equal Treatment (2022)⁹ reiterates this mandate. The Spanish legal framework encourages autonomous communities to address school segregation¹⁰, but each territory determines the specific actions and their intensity.</p> <p>16. Catalonia experiences significant segregation, reflecting broader trends across the European Union. It is among the most segregated regions in Spain, 33% of primary students and 28% of secondary students would need to be reassigned to achieve balanced social diversity within schools¹¹.</p>

⁷ European Commission (2022). [Council Recommendation on Pathways to School Success](#).

⁸ Agencia Estatal Boletín Oficial del Estado (2020): [BOE-A-2020-17264](#)

⁹ [Law of Non-Discrimination and Equal Treatment](#) (2022).

¹⁰ Clarification note: **School segregation** in Catalonia refers to the unequal distribution of students across schools within the same area, leading to a concentration of vulnerable students in certain schools—generally public ones.

¹¹ Catalan Ombudsman (2023). [La segregació escolar. Informe de progrés sobre el desplegament del Decret 11/2021](#)

17. In Catalonia, **410 schools are considered segregated** due to the social composition of their classrooms¹². These schools face significant challenges, such as **inadequate resources and insufficient teaching staff**, which limit their ability to deliver a high-quality education.
18. Students in **high-complexity schools**, which are mostly segregated schools, have significantly lower academic outcomes: nearly 40% of students in these schools have low mathematical competencies, and 25% have low language competencies by the end of compulsory education¹³. The **premature school dropout rate in these schools is more than double the Catalan average**, reaching 41.6%¹⁴.
19. The Organic Law 3/2020¹⁵ and its regulations (Royal Decrees 157/2022 and 217/2022) set minimum standards for primary and secondary education. **In high-complexity schools, curricula are often adapted to reflect students' social contexts, particularly affecting the 80% of Roma students in Catalonia who experience urban segregation**¹⁶. Due to limited resources and inadequate teacher training, these adaptations focus more on content than teaching methods, compromising educational quality and limiting access to higher education. Additionally, low teacher expectations for Roma and Muslim students further harm their self-esteem and academic outcomes.
20. Catalonia has made significant efforts to address school segregation since the signing of the *Pact against School Segregation*¹⁷. This progress demonstrates that when a government takes decisive action to combat school segregation, tangible improvements can be achieved.

¹² Fundació Bofill (2024): [Dossier de premsa: La falta de mesures específiques per als 410 centres segregats a Catalunya impedeix acabar amb la segregació escolar](#)

¹³ Fundació Bofill (2023) Campaign: "[Families, reading allies](#)"

¹⁴ Observatori Social de la Fundació la Caixa (2021) [L'abandonament educatiu prematur reflecteix les desigualtats socials](#)

¹⁵ Spanish Ministry of Education and Vocational Training (2020). [Organic Law 3/2020 Amending the Education Law](#).

¹⁶ Ministry of Social Affairs of the Spanish Government. Data of the Council of the Roma People

¹⁷ Catalan Ombudsman (2019). [Pact against School Segregation](#).

Proposals

21. **Strengthen Anti-Segregation Policies:** Fully implement the 11/2021 decree in Catalonia to ensure that it effectively promotes social balance in schools. Similarly, EU member states should incorporate school desegregation as a strategic objective in their "integrated and comprehensive strategies for school success" by 2025, as recommended by the Council of the EU.
22. **Leverage European and Local Funds:** Utilize EU Cohesion Policy Funds and other relevant programs to finance long-term initiatives that reduce and eliminate school segregation.
23. **Promote Social Cohesion:** Launch social awareness campaigns that emphasize the importance of cohesion, inclusion, and diversity in schools.
24. **Support High Complexity Schools:** Allocate additional resources and support to high and maximum complexity schools to ensure they can provide a quality education. This includes increasing funding for essential educational activities and improving the recruitment and retention of qualified teaching staff.
25. **Develop Common Indicators:** Collaborate with EU member states to create common indicators for measuring school segregation.
26. **Monitor and Evaluate Progress:** Regularly assess the impact of anti-segregation policies and the state of social diversity in schools using robust monitoring and evaluation frameworks.

2.3. School dropout

Recommendation
<p>150.144 Strengthen measures to address the high number of high school dropout, particularly children of vulnerable backgrounds (Myanmar)</p> <p>150.145 Consider measures to reduce the high dropout and repetition rates in secondary education by <i>addressing socioeconomic factors</i> that may influence decisions to leave education prematurely (Sri Lanka)</p>
State of implementation
Partially implemented
Observations
<p>27. Catalonia has a 14.8% early school dropout rate¹⁸, which is significantly higher than both the Spanish average (13.7%) and the European average (9.5% as of 2021). This places Catalonia far from the EU's 2030 target of reducing early school dropout to 9%¹⁹.</p> <p>28. In 2022, approximately 97.000 young people aged 18 to 24 in Catalonia lacked any qualifications beyond compulsory secondary education (ESO)²⁰.</p> <p>29. Socioeconomic inequalities have a significant impact on school dropout rates. For instance, young people whose mothers have low levels of education experience a dropout rate of 20.1%, compared to only 4.1% among those whose mothers have completed higher education.²¹</p> <p>30. Despite a significant reduction in the dropout rate over the past two decades, from 34.3% in 2003 to 14.8% today²², progress remains insufficient. Economic crises, along with educational policies aimed at reducing grade repetition, increasing graduation rates, and promoting vocational training, have</p>

¹⁸ IDESCAT (2024) [Abandonament prematur dels estudis \(18-24 anys\)](#)

¹⁹ Council of the European Union (2021) [Council Resolution on a strategic framework for European cooperation in education and training towards the European Education Area and beyond \(2021-2030\)](#)

²⁰ Fundació Bofill (2022) [Zero Drop-Out: "Acabar amb l'abandonament escolar a Catalunya és possible"](#)

²¹ Fundació Bofill (2022) [L'abandonament escolar prematur a Catalunya. Radiografia de la situació actual](#)

²² IDESCAT [Abandonament prematur dels estudis \(18-24 anys\)](#)

contributed to this decline. However, the issue persists, particularly among vulnerable groups.

31. In contrast, countries like Portugal have implemented successful strategies to reduce early school dropout rates. **Over the past two decades, Portugal has led this reduction, lowering its early school leaving rate by 36 percentage points²³.**

Proposals

32. Implement the “Strategy to combat child poverty in catalonia 2024-2030²⁴” which includes an **Action Plan to reduce school dropout rates**. Key measures include study grants covering tuition and school supplies, vocational mentoring for individualized support and guidance, and school backpacks that provide assistance for extracurricular activities.
33. **Prioritize vulnerable students:** Implement urgent and effective measures to prevent early school dropout among the most at-risk students. These measures should ensure that educational pathways are high-quality, meaningful, and provide real opportunities for the future.
34. **Set ambitious targets:** Align Catalonia's dropout reduction strategies with the European objective of reducing early school dropout to 9% by 2030.
35. **Promote best practices:** Adopt successful models like Portugal, focusing on personalized guidance and early interventions for at-risk students.
36. **Engage all stakeholders:** Involve all relevant stakeholders, including Government, educators, and civil society, in a coordinated effort to reduce early school dropout rates and support every student's right to education and full citizenship.
37. **Monitor and evaluate:** Continuously monitor and evaluate the effectiveness of dropout prevention strategies to ensure that they are meeting their goals.

²³ Fundació Bofill (2022) [L'abandonament escolar prematur a Catalunya. Radiografia de la situació actual](#)

²⁴ Generalitat de Catalunya (2024) [Estratègia de lluita contra la pobresa infantil a Catalunya 2024-2030](#)

2.4. Inclusive education

Recommendation
<p>150.236 Continue promoting the rights of persons with disabilities by ensuring inclusive education and accessibility of health-care services and facilities (Malaysia)</p> <p>150.238 Strengthen the inclusive education for people with disabilities (Peru)</p> <p>150.239 Ensure that children with disabilities effectively exercise their rights to education, autonomy and participation (Qatar)</p> <p>150.235 Continue its efforts to ensure that educational centers have the necessary resources for students with disabilities to be able to attend under the best conditions possible (Greece)</p>
State of implementation
Partially implemented
Observations
<p>38. The Organic Law of Education 3/2020 (LOMLOE)²⁵, emphasizes inclusive education for all students. It recognizes socioeconomic and cultural needs as specific educational requirements, acknowledging that disadvantages affect learning processes.</p> <p>39. In Catalonia, the number of students requiring specific educational support has been steadily increasing. According to the latest data from the Department of Education, there are currently 255,644 students in this category for the 2022-2023 school year. This reflects an increase of 72,244 students compared to the previous school year (183,400 for 2021-2022) and a rise of 85,978 students compared to the 2019-2020 school year (169,664)²⁶.</p> <p>40. Since 2017 Catalonia has the Decree 150/2017²⁷, on educational service to students within the framework of an inclusive education system, which</p>

²⁵ Agencia Estatal Boletín Oficial del Estado (2020): [BOE-A-2020-17264](#)

²⁶ Departament d'Educació (2024). [Statistics on Education for the academic years 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023 regarding: early childhood education \(1st and 2nd cycle\), primary education, secondary education \(ESO\), baccalaureate, vocational training \(FP\), special education, and training and insertion programs.](#)

²⁷ Portal Jurídic de Catalunya (2017) [DECRET 150/2017, de 17 d'octubre, de l'atenció educativa a l'alumnat en el marc d'un sistema educatiu inclusiu](#)

represents great progress in the recognition and guarantee of the right to an inclusive education. However its deployment has been insufficient and has numerous shortcomings²⁸.

41. Many schools lack essential resources, including specialized staff and assistive technologies, necessary to support students with special educational needs.

This results in uneven access to inclusive education, especially in rural areas, where some schools report having only one special education teacher available for multiple schools²⁹.

42. Approximately 20% of students with disabilities are still educated in special education centers rather than inclusive settings³⁰. The **Catalan Ombudsman**

has reported that students with severe disabilities are often excluded from mainstream education due to insufficient support. In 2021, the Ombudsman's office received over 150 complaints from parents of children with severe disabilities who were denied admission to mainstream schools despite legal guarantees³¹.

43. Teachers increasingly face a wider range of diversity in the classroom, highlighting the urgent need for a fully inclusive education system. This growing diversity³² encompasses students from complex socio-economic and socio-cultural backgrounds, those with learning and behavioral disorders, migrant children, and children with disabilities.

44. There is a notable lack of data and monitoring systems to track the implementation and effectiveness of inclusive education policies. For example, no comprehensive database currently exists to monitor the number of students with disabilities in mainstream schools. The absence of robust data hinders the development of targeted interventions to support inclusive education³³.

²⁸ Taula d'entitats del Tercer Sector Social de Catalunya & PINCat- Plataforma d'Infància de Catalunya (2022): [El decret d'escola inclusiva cinc anys després, un desplegament insuficient?](#)

²⁹ Ibid

³⁰ Catalan Ombudsman (2022) [Annual Report 2022](#)

³¹ Catalan Ombudsman (2021) [Report: Inclusive Education in Catalonia](#)

³² IDESCAT 2022-2023: [Main reasons for specific educational support needs](#)

³³ OECD Education Working Paper No 300 (2023) [Indicators of inclusion in education: A framework for analysis](#)

Proposals

45. **Approve an emergency plan** to advance inclusive education and fully implement and develop Decree 150/2017, of 17 October, on educational support for students within an inclusive education system, with a special focus on educational support and increasing the budget for its deployment.
46. **Revise and enforce policies to guarantee that students with severe disabilities** are included in mainstream education, backed by appropriate support measures.
47. **Develop a training and support plan for teachers and direct care staff** on methodologies for addressing diversity, including mandatory courses on inclusive education and effectively managing social and cultural diversity.
48. **Ensure access to individualized support:** Employ specialized professionals and provide personal aides to address the diverse needs of students, ensuring tailored support structures within the education system.
49. **Ensure that inclusion and attention to diversity are provided in all spaces within the educational environment, including non-teaching hours** (such as recess, lunch periods, extracurricular activities, extended hours, field trips, and camps), fostering an inclusive educational culture throughout all school-related activities.
50. **Implement a plan to convert special education centers into CEPSIRS (Centers Providing Services and Resources)**, promoting a more inclusive approach within the educational system.
51. **Establish accountability and monitoring mechanisms:** Introduce independent audits, such as those by the Catalan Ombudsman, to ensure compliance with inclusive education policies. Develop a comprehensive data collection system to monitor inclusive practices across Catalonia, with publicly accessible data and evaluation indicators to guide policy decisions and resource management.

2.5. Migrants and asylum seekers

Recommendation
<p>150.262 Take all necessary measures to ensure that migrants and asylum seekers enjoy the right to education and to receive the necessary health care (Sudan)</p> <p>150.213 Enhance efforts to increase migrants children’s greater access to education and timely legal protection (Cambodia)</p> <p>150.212 Continue efforts to guarantee the right of all children to an inclusive education, including children belonging to minorities or migrant children (Senegal)</p> <p>150.207 Further ensure access to education for all children, including migrant children (Indonesia)</p>
State of implementation
Partially implemented
Observations
<p>52. Migrant youth in Catalonia face significantly higher dropout rates due to various social and structural factors. In addition to language and cultural barriers, many arrive at older ages with limited or no prior schooling, placing them at a severe disadvantage. As a result, dropout rates of migrant youth are double the rate of their native peers³⁴.</p> <p>53. Approximately 23% of ESO students, including a significant number of migrant youths, complete this educational stage with low levels of reading comprehension, with 1 in 4 young people leaving ESO without fully understanding what they read³⁵. Reading comprehension is fundamental not only for academic success but also for personal development, cultural engagement, and active citizenship.</p> <p>54. Despite the Catalan strategy for the reception of migrant adolescents and youth, coordination among government systems remains insufficient, leading to discrepancies in access to compulsory and non-compulsory education based on documentation processes. Furthermore, challenges in obtaining necessary</p>

³⁴ Fundació Bofill (2023): [Una agenda de xoc contra l’abandonament escolar prematur a Catalunya](#)

³⁵ Fundació Bofill (2023): [23 dades clau sobre educació per al 2023](#)

training, even after completing required vocational studies, hinder access to corresponding work permits.

55. The **National Network for Emancipation** reports that the most sought-after services include educational training, employment, and emotional health, with consultations rising by 23% over the previous year³⁶, indicating an increasing demand for support among vulnerable youth, particularly migrants.

56. More than a **40% of youths served by ASJTET** (Unit of the General Directorate for Child and Adolescent Care of the Government of Catalonia) **are unaccompanied migrants**³⁷. This service offers housing, financial support, vocational training guidance, and legal and psychological assistance. However, there are shortcomings in processing residency permits, especially when youths approach the age of 18, causing many former wards to find themselves in a vulnerable situation upon reaching adulthood.

57. Many services for unaccompanied migrant youths offer training opportunities; however, **most of these programs focus on non-formal education or basic initial training**. Specifically, 12.6% of accommodated youths are enrolled in instrumental training at adult education centers, which equips them with the minimum qualifications needed to enter the educational system. Additionally, 29.4% participate in non-regulated training courses (excluding the Training and Insertion Program, or PFI), while 23.3% are involved in basic initial training or PFI (Training and Insertion Program)³⁸.

Proposals

58. **Facilitate access to studies based on level and accredited capacity**, improving mechanisms for equivalency and access to education in French or English, without determining access to compulsory education and the corresponding level based on knowledge of Catalan or Spanish.

³⁶ DIXIT Centre de Documentació de Serveis Social (2024): [“Augmenten un 23% les consultes dels joves catalans a la Xarxa Nacional d’Emancipació Juvenil durant el 2023”](#)

³⁷ Direcció General d’Atenció a la Infància i l’Adolescència (2024): [Informe estadístic mensual](#)

³⁸ CIDOB (2021): [Joves emigrants sols fora dels sistemes d’acollida: diagnosi del cas de Barcelona](#)

59. **Ensure fully staffed, stable, and permanent welcoming classrooms in all centers** regardless of the number of assigned students, to guarantee the acquisition of the country's language and cultural context.
60. **Include cultural mediators and stable interpreters** within the professional teams in both formal and non-formal educational sectors to facilitate the reception, follow-up, and development of collaborative work plans with adolescents, ensuring real participation and access to resources and materials that enable meaningful learning in native languages.
61. **Prioritize access to educational resources and services**, compensatory attention, training, and leisure and sports education for vulnerable children and adolescents, considering them as needing special educational support due to social causes, including a specific scholarship system.
62. **Activate mechanisms for academic support** and guarantee access to non-compulsory training regardless of the documentary status of adolescents and youths, similar to universal access to compulsory education.
63. **Ensure resources and services for migrant adolescents and youths when they are moved due to organizational reasons within the Catalan protection system**, transitioning them to other residential resources.
64. **Equitably plan the mapping of psychological and therapeutic services** with a transcultural approach to support emotional and psychological difficulties stemming from the migration process, loneliness, grief from separation, or stress related to settling down, to generate compensatory and self-care strategies that can ensure success in educational, occupational, and emancipation processes.
65. **Guarantee school placement within no more than 15 days** at the nearest educational institution to their place of residence.

2.6. Roma students

Recommendation
<p>150.225 Continue efforts related to discrimination against Roma and Gypsy populations, in particular with regard to employment, housing, health and education (Albania)</p> <p>150.227 Strengthen measures for the integration of Roma, in particular for their access to education, healthcare and employment, as well as to ensure their participation in political and social life (Cuba)</p>
State of implementation
Partially implemented
Observations
<p>66. In 2018, while the poverty risk rate for the general population was 22.9%, it soared to 85.9% for the Roma population³⁹. This stark contrast highlights the significant educational inequalities that Roma students in Spain face throughout their entire educational journey.</p> <p>67. Data indicates that over half of Roma students are enrolled in segregated schools, with more than 30% of their peers in such environments. Specifically, 51.5% attend schools with high concentrations of Roma students, while 42.8% are in institutions characterized by severe or extreme segregation, exceeding 41%⁴⁰. This segregation often stems from ostensibly neutral policies—like residential zoning and enrollment criteria—that inadvertently discriminate against Roma students. Consequently, segregation affects the quality of education, academic performance, and social integration of Roma children.</p> <p>68. The school dropout rate is alarmingly high, with 64% of Roma students leaving the educational system before the age of 16 without obtaining their secondary education diploma, compared to 13% of the general population⁴¹.</p>

³⁹ Fundación Secretariado Gitano (2018) [Estudio comparado sobre la situación de la población gitana en España en relación al empleo y la pobreza 2018](#)

⁴⁰ Ibid

⁴¹ Ministerio de Educación & Fundación Secretariado Gitano (2022) [Estudio piloto exploratorio sobre la segregación escolar del alumnado gitano](#)

69. According to data⁴², **only 26% of 14-year-old Roma students are in the school grade that corresponds to their age**, compared to 68% of the general student population. Additionally, **42% of Roma students have repeated a school year by the second year of high school**, compared to just 13% of other students.
70. Roma families perceive that **the concentration of Roma students is higher at the school level than within individual classrooms**. Specifically, 31.3% of students in primary and secondary education attend schools with high or very high concentrations of Roma students. In contrast, 30.3% are in schools with low or very low concentrations, and 36.3% are in schools with medium concentrations. As students progress in their education, the perceived concentration of Roma students decreases: 40.4% in the second cycle of early childhood education, 33% in primary education, and 22% in compulsory secondary education.⁴³
71. The participation of Roma students drastically declines in post-compulsory education. **Only 9% of Roma students enroll in secondary education aimed at university access at the age of 16, compared to 67% of the general population**. In vocational training programs, the participation of Roma students is slightly higher, with **15,2% of 17-year-olds enrolled in intermediate or basic vocational training**⁴⁴. However, their representation in university education remains significantly lower than that of the general population.
72. In Spain, 15% of young people under 30 are neither engaged in education nor employment, a figure notably higher than in other European countries. This issue is particularly acute among the **Roma population, where 63% of young Roma are neither studying nor working**⁴⁵.

Proposals

⁴² FSG (2013). [El alumnado gitano en secundaria](#). Madrid. Ministerio de Educación, Cultura y Deporte ; [Fundación Secretariado Gitano](#)

⁴³ Ibid

⁴⁴ Fundación Secretariado Gitano (2023): [La situación educativa del alumnado gitano en España. Informe ejecutivo](#)

⁴⁵ Fundación Secretariado Gitano (2019). [Estudio comparado sobre la situación de la población gitana en España en relación al empleo y la pobreza 2018](#).

73. **Targeted measures to reduce school segregation:** Develop and implement targeted measures to reduce the high concentration of Roma students in specific schools. This could involve revising residential zoning policies, school access criteria, and enrollment procedures.
74. **Enhanced support for Roma students in early education.** Increase efforts to engage Roma children in early education (ages 0-3) to address educational inequalities from the outset. This could include outreach programs to Roma communities, financial support for early childhood education, and other targeted initiatives.
75. **Improving access to post-compulsory education.** Implement specific strategies to increase Roma students' participation in post-compulsory education, including vocational training and university. This could involve scholarships, mentoring programs, academic support and awareness raising campaigns within Roma communities.
76. **Monitoring and evaluating the Impact of educational policies:** Strengthen the monitoring and evaluation of educational policies and programs aimed at Roma students.

2.7. Linguistic minorities

Recommendation
150.228 Continue to strengthen measures to combat discrimination against linguistic minorities, especially the Roma population and people of African descent (Lesotho)
State of implementation
Not implemented
Observations
<p>77. The Spanish Constitution recognizes the official status of Catalan and does not address the language regime in education (which falls under the competence of the autonomous communities such as Catalonia) nor does it establish minimum percentages of Spanish. The Organic Law of Education 3/2020, of December 29 (LOMLOE)⁴⁶, mandates for the education system to ensure full and equivalent linguistic competence in both official languages at the end of compulsory education.</p> <p>78. However, Catalan has been minoritized due to constant judicial attacks that are seeking to undermine an education law approved by the Catalan government with an 85% consensus of all the elected representatives. On top of that, social and demographic changes in recent years have posed decisive challenges for the future of the language. Thus, education becomes a key aspect in the future of the Catalan language and the protection of the rights of its speakers.</p> <p>79. The latest data collected alarms of a drastic decrease in the use of Catalan in the school environment: if in 2006, 7 out of 10 students used Catalan while working in groups (peer to peer), in 2021 this proportion had dropped to 2 out of 10⁴⁷.</p> <p>80. The Catalan school model of linguistic immersion plays a compensatory role to combat discrimination and achieve more inclusive societies. It avoids</p>

⁴⁶ Agencia Estatal Boletín Oficial del Estado (2020): [BOE-A-2020-17264](#)

⁴⁷ Generalitat de Catalunya (2021) [Estudi sociodemogràfic i lingüístic de l'alumnat de 4t d'ESO de Catalunya 2006-2013- 2021](#)

separating students based on their origin or mother tongue and guarantees that all students, whatever their mother tongue or environment is, reach full command of both Catalan and Spanish -and a functional competence of a third language- enabling access to all social, professional and cultural opportunities, in either language. Moreover, cultural and language diversity is promoted to make the best out of the richness of the students' family languages.

81. This model is not only aligned with the **European Charter for Regional or Minority Languages (ECRML)**⁴⁸ which the Spanish state ratified, but also with the claims for the protection of minority and minoritized languages by UNESCO.

82. Former **UN Special Rapporteur on Minority Issues** Fernand de Varennes made a Communication⁴⁹ to the Government of Spain expressing serious concern over **judicial attack contrary to international human rights law against the Catalan immersion education model**.

83. Within the framework of Spain's 3rd cycle UPR (2020) the Council of Europe emphasized that the adoption of positive measures in favor of regional languages —such as Catalan—and minorities, aimed at promoting equality among their speakers and the rest of the population, should never be considered an act of discrimination against speakers of majority languages—such as Spanish, **but a legitimate objective protected by the ECRML**⁵⁰.

84. This year the **ECRML Committee of Experts** issued its 6th report on Spain in which they voice **deep concerns about “a number of court decisions adopted by regional High Courts of Justice and upheld by the Spanish Supreme Court,** whose execution has created uncertainties regarding the use of language in education in several Autonomous Communities⁵¹”.

⁴⁸ Council of Europe (1992): [European Charter for Regional or Minority Languages](#)

⁴⁹ UN Special Rapporteur on Minority Issues (2023): [Communication to the Government of Spain \(Ref: AL ESP 5/2023\)](#)

⁵⁰ Human Rights Council (2019): [Summary of Stakeholders' submissions on Spain \(Ref: A/HRC/WG.6/35/ESP/3\)](#)

⁵¹ Committee of Experts of the European Charter for Regional or Minority Languages (2024): [6th Evaluation report on Spain](#)

Proposals

85. **Spain should protect the language immersion model of Catalan schools** in compliance with Article 8 of the ECRML as well as other international human rights legislation as well as national laws. This arises from a mandate addressed to the legislative and executive powers and should not be distorted or disregarded by the Spanish judicial powers for political purposes.

2.8. Comprehensive Sexuality Education (CSE)

Recommendation
150.147 Include comprehensive sexual education in the school curriculum (Denmark)
State of implementation
Partially implemented
Observations
<p>86. In Spain, the Law 2/2010 on Sexual and Reproductive Health and Voluntary Interruption of Pregnancy⁵², is a legal framework that regulates sexual and reproductive rights and establishes the right to comprehensive sexual education. The Law 2/2023⁵³ amends the previous law and mandates the integration of sexual and reproductive health education at all levels of schooling, beginning at an early age. So far, no CSE has been fully implemented in any autonomous region in Spain.</p> <p>87. The Organic Law of Education 3/2020 (LOMLOE)⁵⁴ mandates the inclusion of sexual education as a transversal and compulsory subject at all educational levels. Since 2021, Catalonia has been required to integrate comprehensive sexual education (CSE) into various subjects, emphasizing a gender perspective. However, implementation has not begun.</p> <p>88. In 2021, a curricular competencies framework for sexual education in Catalonia (Coeduca't⁵⁵) was drafted, covering ages 3 to 16, up to the end of compulsory education. UNFPA, UNESCO, UNAIDS, UNICEF, UN Women and WHO recommendations for a CSE were taken as a reference and adapted accordingly.⁵⁶</p>

⁵² Agencia Estatal Boletín Oficial del Estado (2010): [BOE-A-2010-3514](#)

⁵³ Agencia Estatal Boletín Oficial del Estado (2023): [BOE-A-2023-5364](#)

⁵⁴ Agencia Estatal Boletín Oficial del Estado (2020): [BOE-A-2020-17264](#)

⁵⁵ Departament d'Educació (n.d.): [Coeduca't](#)

⁵⁶ UNFPA (2018): [International technical guidance on sexuality education: An evidence-informed approach](#)

89. Until now, **sexual education in Catalonia has been limited to occasional workshops for students aged 15-16, and not all schools offer this**⁵⁷. This inconsistency creates inequalities between educational centers, relying heavily on the willingness of individual schools and their management teams to implement these initiatives.

Proposals

90. **Teacher training in sexual education:** Provide teachers with ongoing professional development in sexual education is essential to ensure that they can create inclusive, respectful, and age-appropriate learning environments

91. **Developing social advocacy strategies for families:** Develop awareness campaigns, workshops, and resources that highlight how sexual education promotes safety, well-being, and healthy relationships for young people

92. **Full implementation of sexual education in Catalonia by 2028:** 4 years plan to implement Sexual education in 100% of public-funded schools in Catalonia.

⁵⁷Association for Sexual and Reproductive Rights (ACDSR) (2023). [Internal Data on Sexual and Reproductive Rights Education in Catalonia](#)

3. NOVEL SCENARIOS REGARDING THE CURRENT STATUS OF THE RIGHT TO EDUCATION SUGGESTED TO BE TAKEN INTO ACCOUNT

3.1. Out of school activities

Observations

93. Activities beyond school hours offer children **crucial opportunities for personal and social development** and have increasingly become associated with the right to education within a framework of equality of opportunities. Leisure education is crucial in the development and growth of children, the promotion of social relationships, and the acquisition of transversal competencies and social values.
94. The Catalan Ombudsman reported⁵⁸ that **cost is the primary barrier to extracurricular activities for low-income families**. When these children participate, they engage for shorter durations and have fewer activity options. Despite numerous recommendations, there has been little to no progress since then.
95. Access to extracurricular activities increases with family socioeconomic status. In Catalonia, **72% of children in low-income households** (less than €1.200/month) have access to extracurricular activities versus **89% in high-income ones** (more than €3.000/ month). Only 41% of children in families in severe material deprivation have access to these activities⁵⁹
96. Gender differences should also be highlighted, especially the fact that **girls and young women do fewer sports activities** (49% compared to 65% for boys and young men⁶⁰), up to the point that **80% of girls and young women in Catalonia do less physical activity than what WHO recommends**⁶¹.
97. Notably, in 2022, six out of ten children participated in some form of summer program⁶². However, participation is heavily influenced by the socioeconomic status of the families. **While 72% of students from high socioeconomic**

⁵⁸ Síndic de Greuges (2014). [Informe sobre el dret al lleure educatiu i a les sortides i colònies escolars](#)

⁵⁹ Fundació Jaume Bofill (2021): [Educació 360: més enllà del temps lectiu](#)

⁶⁰ Ibid

⁶¹ Hospital Sant Joan de Déu (2018): [El 80% de les nenes i adolescents no realitzen l'activitat física recomanada per l'OMS](#)

⁶² Fundació Bofill (2023): [Garantim el dret a gaudir d'activitats d'estiu?](#)

backgrounds participated in organized summer activities, only 41% of those from low-income families did so⁶³. This phenomenon leads to the “**summer learning loss**” which some studies suggest can result in a learning gap of up to three years between wealthy and poor students by the end of primary education in subjects like language and mathematics.

98. A recent survey conducted by the Aliança Educació 360 in Catalonia reveals **significant inequality in access to summer activities among children and adolescents aged 6 to 16⁶⁴.**

Proposals

99. Implement the “Strategy to combat child poverty in catalonia 2024-2030⁶⁵” which includes **the universalization of educational leisure and extracurricular activities**. These activities provide enriching care time for children, facilitate better family reconciliation, and serve as a crucial tool in preventing and addressing social exclusion.

100. **Establish a scholarship program granting free access to extracurricular activities for children aged 5 to 16, two afternoons per week during the school year.** Scholarships will fully cover costs for vulnerable students from low-income families or those receiving free school meals, as well as families facing unemployment or reduced income. Non-vulnerable families will pay based on a social pricing model.

101. **Summer programs for vulnerable children:** Ensure that at least 60% of children aged 5 to 16 at risk of poverty can access two weeks of free, high-quality educational activities during the summer, integrating these programs into full-time education through coordinated efforts among educational and community services.

⁶³ Ibid

⁶⁴ Fundació Bofill (2023): [La cara i la creu de la participació extraescolar](#)

⁶⁵ Generalitat de Catalunya (2024) [Estratègia de lluita contra la pobresa infantil a Catalunya 2024-2030](#)

3.2. Artificial intelligence in education

Observations

102. In 2023, the Centre of Innovation for Data tech and Artificial Intelligence in Catalonia released a report⁶⁶ that addresses the integration of artificial intelligence (AI) in education and language. A primary concern is the **lack of transparency**, which fosters distrust among educators and students. Furthermore, the document highlights the sensitivity surrounding innovation with vulnerable groups, such as students, complicating efforts to implement AI solutions effectively.

103. There is a **lack of a technological testing environment**, hindering the validation of AI solutions, which delays their incorporation into educational practices. The rapid evolution of AI technologies necessitates frameworks that can adapt to these changes quickly.

104. The **shortage of multidisciplinary talent** with expertise in data analytics and pedagogy poses a significant barrier to developing effective AI solutions tailored to educational needs, highlighting the challenges of successfully implementing AI in schools.

Proposals

105. List of recommendations drawn from CIDAI⁶⁷

106. **Guidelines and strategies for AI integration:** Develop clear guidelines tailored to student needs and educational levels, ensuring effective integration of AI-based tools and models.

107. **Training and awareness on AI in education:** Promote education and awareness about the benefits, applications, and risks of AI to inform students, educators, and institutions across the ecosystem.

⁶⁶ Centre of Innovation for Data tech and Artificial Intelligence (2023) [Libre blanc sobre la intel·ligència artificial aplicada a l'Educació i a la llengua CIDAI](#).

⁶⁷ Ibid

108. **Standardization of AI regulations and best practices:** Promote alignment of AI-related regulations, guidelines, and best practices across regions for consistent and equitable implementation in education.
109. **Collaborative AI research and data sharing:** Encourage public-private collaboration in AI research and foster the sharing of educational data across institutions to drive innovation.
110. **Evaluation and trust in AI solutions:** Create tools to measure AI's impact in education and build user trust by addressing credibility and reliability concerns.

4. RECOMMENDATIONS THAT COULD BE MADE TO THE SPANISH STATE REGARDING THE RIGHT TO EDUCATION

111. Establish a **universal child-rearing support system** through refundable tax credits, ensuring access for low-income households.
112. Increase the percentage of **GDP allocated to the fight against child poverty** with a focus on providing long-term support for children's well-being, education, and development, in line with international commitments.
113. **Ensure universal and free access to early childhood education (0-3 years)**, particularly targeting vulnerable and socio-economically disadvantaged groups, as aligned with the European Child Guarantee.
114. Increase public spending on **scholarships and study grants**.
115. **Develop a national plan for educational inclusion and against segregation** with agreed-upon timelines, objectives, indicators, and budgets between the Government and regional authorities, promoting educational inclusion and eliminating segregation.
116. Protect the **Catalan language immersion model in schools** to ensure its continuity and effectiveness. This protection should align with the European Charter for Regional or Minority Languages and international human rights legislation, emphasizing the right to maintain and promote linguistic diversity within the education system.
117. **Ensure the comprehensive sexual education curriculum is fully implemented**. This involves mandating that all schools provide affective-sexual education starting from early childhood and continuing throughout secondary education.
118. **Develop comprehensive regulatory frameworks that govern the use of artificial intelligence in education** focus on transparency, data privacy, and ethical considerations.
119. **Monitor and evaluate educational policies**. Establish independent bodies to regularly monitor, evaluate, and report on the implementation and impact of education policies, ensuring transparency, accountability, and continual improvement of the education system.