

REALITÁS VAGY ILLÚZIÓ? A gyermekjogok jövője

**‘The Right to Free Education – Current Developments
Worldwide and Home’**

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*“To transform the luck of the few into the right
of all”*

(Katarina Tomasevski, first UN Special Rapporteur on the right to
education)

The Right to Free Education – Current Developments Worldwide and Home

I. Background and context

II. Current developments

III. What about Hungary?

I. Background - What is the right to education and why is it important?

- It is a **fundamental right** and is one of the most complex human rights under present international law.
- It is a **source of human rights**
- Without education, no other human right can be enjoyed.
- In that sense, the right to education is “**a right to have rights**” (Hannah Arendt).

I. Background - What is the right to education and why is it important?

First proclamation: Article 26 UDHR (1948)

Today it is guaranteed in:

- at least *48 legally binding instruments* (28 of which are regional) – **Art 13 ICESCR, Arts 28-29 CRC, Article 2 of Protocol No. 1 ECHR, Art 11 ACRWC**, etc.
- in *23 soft law instruments*;
- in many *national constitutions and legislation*.

High level political commitments towards advancing this right, e.g. under the 2030 Sustainable Development Agenda (**SDG 4**)

I. Background - What is (the right to) education and why is it important?

Education is:

- **integral to the full development of the human personality** and a sense of **dignity** and self-worth;
- indispensable for the **promotion of peace, democracy, environmental sustainability, citizenship;**
- **Indispensable for realizing other human rights.**

I. Background - What is the right to education and why is it important?

Everyone has the right to education.

States are required to:

- **realize this right for all without discrimination** of any kind,
- **and by providing inclusive, quality, public education**
- **that is compulsory and provided free of charge at the primary and made progressively free at the secondary and higher levels.**
- **respect the liberty of parents to choose for their children schools and the liberty of individuals/bodies to establish educational institutions.**

I. Context – What about its realization?

Despite well-established rights and widespread political support for RTE, still major challenges to its realization:

- **providing free and compulsory education to all and the financing of education;**
- eliminating inequalities and disparities in education;
- migration and displacement;
- privatization and its impact on the right to education;
- quality imperatives and valuing the teaching profession.

Have these evolving changes in the context of education been reflected (well-enough) in the existing normative framework?

I. Context - What about its realization?

World looks nothing like it did in mid-20th century when RTE was conceived.

Changing realities pose **new challenges** in the 21st century

Seismic shifts in education systems due to:

- Increased use of technology,
- Privatization,
- Climate crisis,
- Economic crises,
- On-going and new conflicts
- COVID-19 pandemic

I. Context – Main Questions

- ❖ Does RTE (or some of its aspects) need to be adapted to these new realities, if so, how?
- ❖ Are these changes in context reflected well-enough in the existing normative framework or soft law?
- ❖ Is the RTE not being fully realized because there are not enough, or not clear enough legal obligations in intl law?
- ❖ OR is this essentially an implementation problem related to political will?
- ❖ Is the updating of intl law (making it more explicit in terms of State responsibilities) is what is needed OR support in implementation of dynamically interpreted and existing rights?

II. Current Developments

1. Open-ended Intergovernmental Working Group (OE-IGWG) on a **new Optional Protocol (OP) to the CRC** to extend the right to free education :
 - Mandated by HRC Resolution 56/5;
 - first session of WG was in September 2025; discussions about best ways to ensure the right to free early childhood care and education (ECCE), pre-primary and secondary education
 - Next session in early September of 2026
2. **UNESCO initiatives** on the future of education, possible new treaty on ECCE

II. Current Developments – Why isn't education still free?

The international community committed in 2015, through the **Incheon Declaration**, to allocate **at least 4 to 6% of GDP and/or 15 to 20% of public expenditure to education**. Donors have also agreed to dedicate **0.7%** of their national income to **development aid**.

The financing of education is related to **the progressive nature of the realization of RTE** and the **concept of maximum available resources** (including non-retrogression or backsliding)

Closely related to financing are issues of **foreign debt** and its restructuring, **tax justice**, **corruption**, etc.

III. How about education in Hungary?

International obligations: Hungary party to ICESCR, CRC, Revised European Social Charter, ECHR, etc.

Domestic legislation:

- *Constitutional guarantee: **Article XI of the Basic Law (Alaptörvény)***
 - guarantees access and funding
- *Detailed statutory provisions: **Act CXC of 2011 on National Public Education (Nkt.)***
 - mandates institutional practices and provides for individual remedies (ensures the right to education is fulfilled through the establishment and maintenance of a comprehensive public education system)

III. How about education in Hungary? - system

Pre-primary education (óvoda): compulsory and *free* (from ages 3-6)

Primary education is compulsory and *free* (from age 6)

Secondary education is compulsory (until age 16) and *free*

Higher Education: accessible to everyone in accordance with their abilities

III. How about education in Hungary? - costs

Costs of education for the individual:

What is free?	What is NOT free?
no tuition	
books (1 st -8 th grade)	
public transportation (up to 14 years)	
meals (but financial support available)	
	school materials (backpacks, stationary, etc.)

III. How about education in Hungary? - spending

How much is the government spending on education?

For the **2025 budget plan**, the government earmarked the following amounts for the core education levels:

Educational Level (Budget Allocation)	Planned Allocation (HUF Billion)	Approx. USD Equivalent (Based on HUF 360/USD)
Pre-primary & Primary Education	HUF 448.8 billion	~\$1.25 billion
Secondary Education	HUF 588.3 billion	~\$1.63 billion
Total (planned 2025)	HUF 1,037.1 billion	~\$2.88 billion

III. How about education in Hungary? - spending

How much is the government expenditure on education as a percentage of GDP?

Year	Govt Expenditure on Education as a % of GDP	Comment
2022	4,4%	Eurostat final data
2023	~4,8% (estimate)	Increased nominal expenditure due to higher than planned inflation
2025	4,4% – 4,8% (planned)	Estimated figures on budget plan

III. How about education in Hungary? - comparison

Hungary's total government expenditure on education (pre-primary through tertiary including vocational) is **generally below the EU-27 average** when measured as a percentage of GDP.
Its average expenditure per student is also **lower than OECD average**.

Metric	Hungary	EU-27 average	OECD average
Total Education Spending (% of GDP)	3.39% - 4.4% (2022)	4.6% (2022)	~ 5% (2022)
Amount Spent Per Student	\$8,612 (2000)		\$12,647 (2000)

Concluding thoughts...

The way forward is...?

Thank you for your
attention!

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