



PROTECTING THE RIGHT TO EDUCATION, ACADEMIC FREEDOM, AND HUMAN RIGHTS EDUCATION IN THE UNITED STATES

**Submission to United Nations Universal Periodic Review of
the United States of America**

**Fourth Cycle
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Submitted By: Human Rights Educators USA, Educators' Institute for Human Rights, Right to Learn (R2L) Coalition

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Human Rights Educators USA (HRE USA) is a national network within the United States dedicated to promoting human dignity, justice, and peace by cultivating an expansive, vibrant base of support for human rights education (HRE). As such, our suggested recommendations for the Universal Periodic Review 4th Cycle center on our network's priorities. Our review also takes into account the institutional environments influencing the dissemination and promotion of HRE policies and practices in K-12 schools and higher education. Our review prioritizes protecting academic freedom and educational accessibility without discrimination within all settings in the United States.

1. Introduction and Summary:

1.1 The right to education is fundamental and has long been recognized in the Convention on the Rights of the Child (CRC), the Universal Declaration of Human Rights (UDHR), and other human rights treaties. It is an essential human right to be implemented at the local, state, national, and international levels. Grounded in the principle of non-discrimination and inclusive of human rights education (HRE) and academic freedom, the right to education is integral to ensuring the full range of other human rights, such as supporting democracy, peace and security, and sustainable development. Protecting and promoting the right to education in the United States of America (USA) is of urgent and vital importance. The Universal Periodic Review process presents a critical opportunity for United Nations (UN) Member States to provide clear guidance to the USA on upholding this right.

2. Human Rights Obligations and Commitments on the Right to Education:

2.1 The USA has recognized the right to education, on the basis of the principle of non-discrimination and inclusive of HRE and academic freedom, through signing and ratifying core human rights instruments and through its participation and commitments to multilateral processes and mechanisms.

2.2 The USA is signatory to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD). While the failure to ratify these instruments prevents the USA from benefiting from full engagement with treaty mechanisms, the signatures are indicative of a commitment to the objects and purposes of the treaties, including the protection of the human right to education as described therein (ICESCR Art. 13, CEDAW Art. 10, CRC Arts. 28 and 29, CRPD Art. 24). This commitment to these treaties was reaffirmed during the previous UPR Cycle via the full support expressed by the USA of Recommendations 1, 2, 16, 18, 20, 23, 24, 26, 27, 30, 31, 36-49, 57 and 58, all of which urged ratification of one or more of these treaties.¹

2.3. The USA is a party to CERD. CERD Article 5 obliges the USA to eliminate racial discrimination across a range of rights, including “the right to education.” Article 7 obliges the USA to adopt measures “in the fields of teaching, education, culture and information” to combat racial discrimination and promote “understanding, tolerance and friendship among nations and racial or ethnic [sic] groups.”

2.4. The USA is a party to the ICCPR. ICCPR Article 19 obliges the USA to protect freedom of opinion and expression, as well as the right to “seek, receive and impart information and ideas

¹ A/HRC/46/15/Add.1

of all kinds, regardless of frontiers..." As described by the Special Rapporteurs on Freedom of Opinion and Expression² and the Right to Education,³ in conjunction with the right to education, this Article provides the foundation for academic freedom.

2.5. The USA is party to CAT. CAT Article 10 obliges the USA to "ensure that education and training regarding the prohibition against torture" are provided to law enforcement, military and other persons involved with detained, arrested, or imprisoned individuals.

2.6. During the previous UPR Cycle, the USA supported recommendations with relevance to:

- A. **education**, e.g. Recommendation 313 ("Take further robust and comprehensive measures to promote wider and equitable access to quality education at all levels");
- B. **non-discrimination**, e.g. Recommendations 110 ("Adopt further measures to ensure the enjoyment of human rights by all without discrimination") and 147 ("Guarantee the protection of lesbian, gay, bisexual, transgender and intersex persons and put an end to the discrimination they suffer" [emphasis added]);
- C. **human rights education**, e.g. Recommendations 101 ("Work across federal agencies and departments to foster more comprehensive education and training for state and local agencies and officials on human rights"), 102 ("Carry out additional anti-discrimination training for government officials at all levels and systematically"), and 248 ("Train the personnel of law enforcement agencies on human rights principles in arrest, detention, investigation and decent treatment").
- D. and **academic freedom**, e.g. Recommendations 269 ("Guarantee freedom of expression and freedom of the media, and create safe working conditions for journalists"); 270 ("Ensure that the right to peaceful assembly is respected and refrain from the use of force and lethal weapons when dealing with protesters"); and 274 ("Ensure an environment in which immigrant human rights defenders can do their work freely, without threat of immigration detention and deportation").

3. Right to Education:

3.1 Education in the United States is undergoing a series of attacks that threaten to undermine quality instruction and democratic principles in general. These include book bans, warnings against emphases on diversity, equity and inclusion, and oppression of students on the basis of a variety of demographic characteristics. In this section, we enumerate many of these most pressing concerns in greater detail.

3.2 Firstly, the U.S. Department of Education plays a crucial role in organizing federal student loans, tracking academic achievement, and enforcing civil rights laws in schools. However, the current administration has signed orders to "**eliminate" the Department**, an action that threatens the overall right to education, particularly for low-income students, students of

² A/75/261

³ A/HRC56/58

color, and students with disabilities⁴. By defunding the Department of Education, the administration is cutting investment in K–12 schools and universities⁵. As part of this effort in March 2025, the Department was instructed to cut nearly half its workforce: 1,300 out of 4,133 employees⁶. Federal funding provides 11% of all K-12 public school funding⁷. Without sufficient staff or oversight, schools will lack accountability mechanisms and lose access to federal funding linked to academic performance and equitable resources.

3.3 In higher education, restrictions on academic freedom and freedom of expression for students and educators are increasing. Non-citizens have been targeted with intimidation⁸ and subject to detention and deportation for their political speech⁹ or for their perceived political beliefs¹⁰.

3.4 The federal government has issued directives to dismantle the role of **Diversity, Equity, and Inclusion** (DEI) in K-12 and higher education settings in the United States. On January 21, 2025, the administration issued an executive order requiring federal grant recipients to certify that they do not operate “unlawful” DEI programs¹¹. Another order directed all federal agencies to terminate DEI-related mandates, preferences, and activities¹². These efforts were reinforced by the termination of staff in 7 of 12 Office for Civil Rights regional offices, effectively dismantling federal civil rights enforcement in education.

3.5 Leading university research programs involved in international development, public health, and DEI have received orders to shut down or warnings that funding could be

⁴ Exec. Order. No. 14242, 90 Fed Reg. 13679 (March 25, 2025), <https://www.federalregister.gov/d/2025-05213>

⁵ Ibid.

⁶ “U.S. Department of Education Initiates Reduction in Force,” U.S. Department of Education, March 11, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>

⁷ “Public School Revenue Sources,” National Center for Education Statistics, Last Updated: May 2024, Retrieved April 4, 2025, <https://nces.ed.gov/programs/coe/indicator/cma/public-school-revenue>

⁸ Hilary McQuilkin and Meghan Chakrabarti, “What the detention of Mahmoud Khalil reveals about free speech in the Trump era,” WBUR, March 17, 2025, <https://www.wbur.org/onpoint/2025/03/17/detention-mahmoud-khalil-free-speech>

⁹ Jake Offenhartz, “Immigration agents arrest Palestinian activist who helped lead Columbia University protests,” AP News, March 9, 2025, <https://apnews.com/article/columbia-university-mahmoud-khalil-ice-15014bcb921f21a9f704d5acdcae7a8>

¹⁰ Jaclyn Diaz, “What we know about the case of detained Georgetown professor Badar Khan Suri,” NPR, March 21, 2025, <https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor>

¹¹ Exec. Order No. 14173, 90 Fed. Reg. 8633 (January 21, 2025) <https://www.federalregister.gov/d/2025-02097>

¹² Exec. Order No. 14190, 90 FR 8853 (February 3, 2025) <https://www.federalregister.gov/d/2025-02232>

revoked¹³ ¹⁴. The current administration has prioritized the elimination of DEI, warning institutions that non-compliance with federal directives may lead to defunding¹⁵. Letters demanding “immediate compliance” have resulted in multimillion-dollar cuts at major universities¹⁶. Federal funding for scientific research is newly limited to projects that do not mention a number of keywords including “disability,” “diversity,” “gender,” and “hate speech”¹⁷.

3.6 As of March 17, 2025, over 50 universities are under investigation for their DEI program efforts¹⁸. On April 3, 2025, state K-12 departments of education were threatened with having critical funds revoked unless departments certified they were following federal civil rights laws and ending any discriminatory diversity, equity and inclusion practices¹⁹. In addition to the direct impacts on these individual institutions, such actions have created a culture of confusion and intimidation, leading to self-censorship²⁰. Importantly, the mere existence of threats to DEI programming, let alone their actual restriction, has placed undue burden on the

¹³ Nidhi Subbaraman and Douglas Belkin, “Universities Close Offices, Halt Research in Response to Trump’s Ban on DEI,” *Wall Street Journal*, January 31, 2025, https://www.wsj.com/us-news/education/trump-dei-ban-federal-funding-higher-education-8ae81c40?mod=article_inline

¹⁴ Liz Essley Whyte and Nidhi Subbaraman, “Johns Hopkins Plans Staff Layoffs After \$800 Million Grant Cuts,” *Wall Street Journal*, March 11, 2025, <https://www.wsj.com/health/healthcare/johns-hopkins-federal-funding-foreign-aid-cut-ca841d31>

¹⁵ U.S. Department of Education, “Dear Colleague” Letter, February 14, 2025, <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>

¹⁶ Alan Blinder and Michael C. Bender, “White House Plans to Pause \$175 Million for Penn Over Transgender Policy,” *New York Times*, March 19, 2025, <https://www.nytimes.com/2025/03/19/us/politics/trump-to-pause-175-million-for-university-of-pennsylvania-over-transgender-policy.html>

¹⁷ Carolyn Y. Johnson, Scott Dance, and Joel Achenbach, “Here are the words putting science in the crosshairs of Trump’s orders,” *Washington Post*, February 4, 2025, <https://www.washingtonpost.com/science/2025/02/04/national-science-foundation-trump-executive-orders-words/>

¹⁸ Elissa Nadworny and Leila Fadel, “More than 50 universities under investigation as part of Trump’s anti-DEI crackdown,” NPR Morning Edition, March 17, 2025, <https://www.npr.org/2025/03/17/nx-s1-5328572/more-than-50-universities-under-investigation-as-part-of-trumps-anti-dei-crackdown>

¹⁹ Collin Binkley, “K-12 schools must sign certification against DEI to receive federal money, administration says,” AP News, April 3, 2025, <https://apnews.com/article/dei-trump-school-discrimination-federal-funding-7d1025753b9bd924711ace4069fca399>

²⁰ Troy Closson, “Columbia Agrees to Trump’s Demands After Federal Funds Are Stripped,” *New York Times*, March 21, 2025, <https://www.nytimes.com/2025/03/21/nyregion/columbia-response-trump-demands.html>

marginalized communities that most often manage these programs²¹. As a result of coordinated efforts to suppress educational freedom and inclusion, the United States was added to the CIVICUS Monitor Watchlist in March 2025^{22 23}.

3.7 Threats to DEI, safety, and rights within learning environments challenge the inherent dignity and equal rights of all community members.²⁴

3.8 Attacks on Indigenous education - both the programs in publicly funded schools and universities and the threats to defund and upend the administration of native american schools funded or operated through the Bureau of Indian Education violate the essential principles of UN Declaration on the Rights of Indigenous Peoples, challenge the principles of the government to government relationship with Indigenous nations and threaten an essential resource for Indigenous cultural survival.²⁵

3.9 **Book bans**, in which books are restricted or removed from school libraries and classrooms, have steadily increased since 2020. During the 2023-2024 school year, PEN America found more than 10,000 book bans in public schools in the U.S.²⁶. In January 2025,

²¹ Lindsay Y. Dhanani, David F. Arena Jr, and Sean M. Bogart. "The Unequal Burden of DEI Bans," *Industrial and Organizational Psychology*, 2024, 17(4) :503–6, doi: 10.1017/iop.2024.44.

²² Solcyré Burga, "U.S. Added to Global Human Rights Watchlist Over Declining Civil Liberties," *Time*, March 13, 2025, <https://time.com/7266334/us-human-rights-watchlist-civil-liberties/>

²³ "Trump Administration Puts US Civic Freedoms Under Severe Threat-CIVICUS Monitor Watchlist," CIVICUS, March 10, 2025, <https://monitor.civicus.org/watchlist-march-2025/USA/>

²⁴ Human Rights Educators USA, "The Human Rights Perspective on the Importance of Diversity, Equity, and Inclusion Efforts," HREUSA, 2022, <https://hreusa.org/wp-content/uploads/2022/10/the-human-rights-perspective-on-the-importance-of-diversity-equity-inclusion-efforts-final-rev-1.pdf>. Article 2(2)(b) of the 2011 UN Declaration on Human Rights Education and Training recognizes the importance of "education through human, which includes learning and teaching in a way that respects the rights of both educators and learners." For some of the many examples of recent threats to rights within education, including with respect to safety and DEI, please see: Jill Tucker, "S.F. students demand district do more to prevent gun violence," *San Francisco Chronicle*, January 19, 2024, <https://www.sfchronicle.com/bayarea/article/sfusd-gun-violence-walkout-washington-galileo-18617084.php>; Kathryn Smith, "Background On Trump Executive Order Attacking LGBTQ+ Students, Their Educators, and the Freedom for All Children to Learn," The Human Rights Campaign, February 3, 2025, <https://www.hrc.org/press-releases/background-on-trump-executive-order-attacking-lgbtq-students-their-educators-and-the-freedom-for-all-children-to-learn>; and Lynn Damiano Pearson, "Factsheet: Trump's Rescission of Protected Areas Policies Undermines Safety for All," National Immigration Law Center, February 26, 2025, <https://www.nilc.org/resources/factsheet-trumps-rescission-of-protected-areas-policies-undermines-safety-for-all/>.

²⁵ Graham Lee Brewer, "Tribes and Native American Students sue over Bureau of Indian firings," *The Associated Press*, March 8, 2025, <https://apnews.com/article/trump-native-american-bureau-of-indian-education-df54c469494e3a2f48321ab76f5b6930>.

²⁶ "Book Bans," PEN America, <https://pen.org/book-bans/>

the U.S. Department of Education's Office for Civil Rights (which has since been halved, dismissed 11 complaints about book bans, terminated investigations into book bans, and fired "book ban coordinators" who had been placed to develop guidance and training to deter schools from limiting student access under the previous administration.²⁷ The decision "rescinded all department guidance issued under the theory that a school district's removal of age-inappropriate books from its libraries may violate civil rights law."²⁸

3.10 Furthermore, the current administration has supported bans on **Critical Race Theory** (CRT)²⁹. Reactionary bans based on a fundamental misunderstanding of CRT have spread rapidly throughout the USA since July 2021. 44 states have either officially instituted a CRT ban (18 states), proposed one (9 states), or overturned/stalled one (17 states).³⁰ This leaves a total of 7 states in the U.S. that have not attempted to ban CRT in some form. Threats to CRT are not only alarming for their attempted erasure of the legacies of slavery and institutional racism in U.S. history, but also for its implications concerning HRE as a whole. Critical theories enable students and educators to approach elements of culture holistically, examining structures of power that create and maintain inequalities. Thus human rights and HRE are bound up with critical theory because they provide a framework for equality. These attempted restrictions constitute a direct attack on both the right to education and to freedom of expression, both historically recognized as cornerstones of American democracy.

3.11 Parallel actions are taking place across other sectors, including the targeted removal of government websites celebrating diversity³¹, and the removal of certain books and policies from the U.S. military³². The removal of these kinds of public information and educational materials constitutes an elimination of HRE, as presented in the UN's WPHRE recommendations.

²⁷ Naaz Modan, "Half of OCR eliminated after Trump Education Department layoffs," *K-12 Deep Dive*, March 12, 2025, <https://www.k12dive.com/news/half-of-ocr-fired-after-trump-education-department-layoffs/742374/>

²⁸ "U.S. Department of Education Ends Biden's Book Ban Hoax," U.S. Department of Education, January 24, 2025, <https://www.ed.gov/about/news/press-release/us-department-of-education-ends-bidens-book-ban-hoax>

²⁹ Exec. Order. No. 14190, 90 Fed Reg. 8853 (February 3, 2025), <https://www.federalregister.gov/d/2025-02232>

³⁰ "Critical Race Theory Ban States," World Population Review, <https://worldpopulationreview.com/state-rankings/critical-race-theory-ban-states>

³¹ Huo Jingnan and Quil Lawrence, "Here are all the ways people are disappearing from government websites," *NPR Morning Edition*, March 19, 2025, <https://www.npr.org/2025/03/19/nx-s1-5317567/federal-websites-lgbtq-diversity-erased>

³² John Ismay and Kate Selig, "Naval Academy Takes Steps to End Diversity Policies in Books and Admissions," *New York Times*, March 28, 2025, <https://www.nytimes.com/2025/03/28/us/politics/naval-academy-diversity-affirmative-action.html>

3.12 These orders go against the U.S. government's responsibility to ensure equal access to educational opportunities for all students. The U.S. affirmed when ratifying the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention Against Torture (CAT) that federal, state, and local authorities share responsibility for implementing international human rights obligations. These actions violate the recommendations listed in section 84 of the report on Academic Freedom by the Special Rapporteur on the Right to Education³³, 4 ICESCR, and 19 ICCPR.

3.13 Operating from a framework of human rights values prioritizes diversity as a desirable outcome in and of itself. That said, existing research on the impact of anti-DEI efforts reveals a loss of innovation in workspaces, a weakening of effectiveness, and most importantly: an exacerbation of existing inequities³⁴. Of particular concern is the idea that, if abolished, the erasure of these programs will create lasting damage in both educational and professional settings.

3.14 These mounting threats, including the loss of federal funding, educational censorship and objective oversight will have severe impacts on education at the state and local levels. As with any resources, students cannot access them if they don't know they exist. Solidifying support for HRE provides one necessary means toward essential awareness of the resources that do exist.

4. Recommendations:

4.1 This Universal Periodic Review 4th Cycle will receive many stakeholder reports pointing to violations of human rights in U.S. public and private life. HRE USA maintains that the threats to human rights in the United States today are contributed to and exacerbated by the failure of the United States to meet its treaty obligations to foster and protect the right to education in formal and informal PK-12 education and higher education. Therefore, HRE USA urges the UPR Working Group on the U.S.A. to make the following recommendations:

Recommendation 1: Urge the U.S. Government to uphold its international human rights and humanitarian law treaty obligations (see HRE USA submission to the US Dept. of State³⁵)

³³ A/HRC56/58

³⁴ Jose M. Rosa "The Critical Importance of Diversity, Equity, and Inclusion (DEI) and the Detrimental Impact of Anti-DEI Policies," 2025, https://www.researchgate.net/publication/388819858_The_Critical_Importance_of_Diversity_Equity_and_Inclusion_DEI_and_the_Detrimental_Impact_of_Anti-DEI_Policies

³⁵ HREUSA, "Human Rights Education – HR Treaties and HR Practice," HREUSA, May 2020, <https://hreusa.org/policy-and-advocacy/international-advocacy/human-rights-education-hr-treaties-and-hr-practice-submission-to-the-united-nations-upr-of-united-states-of-america-2020/>

4.2 The U.S. Government, directly and through facilitation and support of state and local efforts, must ensure that education in International Human Rights (IHR) and International Humanitarian Law (IHL), as well as in U.S. human rights treaty commitments, is provided in public schools, colleges and universities, and incorporated into professional training of educators.

Recommendation 2: Urge the U.S. government to ratify critical international conventions

4.3 The U.S. government must ratify the Convention on the Rights of the Child (CRC), International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD) and Convention on the Elimination of All form of Discrimination Against Women (CEDAW), and enshrine the tenets of these treaties into U.S. federal policy.

Recommendation 3: Urge the U.S. government to uphold the structure and implementation of the right to education.

4.4 The U.S. government must take all steps necessary to ensure agencies such as the U.S. Department of Education and the Department of Health and Human Services continue to operate uninterrupted in order to provide essential services, funding, and support to state and local educational stakeholders.

Recommendation 4: Protect academic freedom at all educational levels

4.5 The U.S. government must protect and defend the academic freedom of all educational stakeholders, including but not limited to students, faculty, and community members. The U.S. government or its designate (i.e. the U.S. Department of Education) should take steps to enable the fostering of free inquiry, debate, and expression of all educational stakeholders. The U.S. government should ensure that PK-12 schools, universities, and colleges are safe havens for intellectual exploration and the challenging of conventional wisdom.

Recommendation 5: Support equitable access to education and protect against all forms of educational discrimination

4.6 The U.S. government must uphold all human and civil rights protections for students within PK-12 and higher education settings. All students, no matter their backgrounds, identities, or status, deserve a high quality educational experience free from discrimination or mistreatment. In the absence of U.S. government support, local stakeholders must play a decisive role in fostering and sustaining educational spaces where equitable access and freedom from discrimination is paramount and protected.

Recommendation 6: Empower local and state stakeholders to uphold and defend the right to education and the right to learn

4.7 Local stakeholders must uphold and enshrine the right to education into all practices, policies, and decision making that occur within local educational settings (i.e. school districts). Local stakeholders should strive to foster spaces of learning that affirm the human dignity and worth of every child and cultivate climates and cultures that engender the right to learn.

Recommendation 7: Foster local and youth “Right to Education” initiatives and innovations through funding

4.8 The U.S. Government at the federal, state, and local levels should provide financial support for human rights learning programs, scholarships, fellowships, and engagement opportunities for young people. Stakeholders should be encouraged, through capacity building and financial support, to work on creative, innovative evidence-based models of human rights learning in cities and school districts through the U.S. Efforts should be undertaken to support youth as changemakers in HRE through youth participation on policy boards, mentorships, and fellowships.

Recommendation 8: Encourage the U.S. Government to create a National Human Rights Institution.

4.9 The Campaign for a National Human Rights Institution (NHRI) in the United States, founded in 2023, is a growing coalition of civil and human rights organizations from around the United States, including HRE USA, seeking to establish an NHRI in the U.S. to enable the U.S. to fully realize and respect its human rights commitments.

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Submitting Organizations:

Human Rights Educators USA (HRE USA) is a collaborative network to learn, teach, organize, advocate, and innovate for human rights education in the United States. HRE USA is guided by the basic human rights principles of human dignity, equality, and non-discrimination as articulated in the United Nations Universal Declaration of Human Rights. In accordance with these principles, we value diversity, inclusiveness, transparency, and consensus-based decision making and commit to treating each other with dignity, integrity, caring, and respect in all our undertakings.

The Educators Institute for Human Rights (EIHR), founded by teachers for teachers, supports communities recovering from violent conflict. We do this by applying lessons from the Holocaust and other egregious violations of human rights, such as the Rwanda genocide, as a starting point for teaching secondary school students about how these conflicts evolve and how

to prevent them.

The Right to Learn Coalition (R2L) is a non-partisan entity which seeks to protect children's right to learn in the United States. Members are dedicated to ensuring access to safe, inclusive, and high-quality public education that prepares students to succeed and thrive. We do so by supporting knowledge among educators and advocates and by promoting solutions that inspire collective action. We are committed to the pursuit of human and civil rights and advocating for historically marginalized communities and equitable education in the United States.