

The Status of Children's Right to Education in the Normative Hierarchy of International Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

While the method is mentioned, the abstract omits the analytical framework—for instance, whether the study follows positivist, natural law, or interpretivist jurisprudential reasoning. Including this would strengthen academic rigor.

This paragraph introduces the main question but lacks transition from the domestic constitutional argument to the international normative hierarchy. Rewriting the transition sentence could enhance thematic continuity between domestic and international contexts.

The literature review cites only one source (Niavarani, 2010). Broaden this by referencing more recent scholarship (post-2015) or UN/UNESCO reports to substantiate the claim of a research gap.

This statement should be nuanced. Although “children” are not explicitly mentioned, Article 13 ICESCR implies universality. The authors should acknowledge the implicit inclusion to avoid misleading the reader.

Include interpretive guidance from the CRC Committee’s General Comment No. 1 (2001), which elaborates Article 29. This would strengthen the legal analysis and demonstrate engagement with authoritative interpretation.

Identify the specific ICJ case (likely *Bosnia and Herzegovina v. Serbia and Montenegro*). Full case citation is required for academic precision.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

Formulate this as a hypothesis-driven research question (e.g., “Does the right to children’s education qualify as a peremptory norm under international law?”). This provides a clearer analytical direction.

This sentence makes a strong evaluative claim. Add references or empirical examples (e.g., treaty monitoring body reports) demonstrating the neglect or lack of enforcement to substantiate the assertion.

The paragraph is heavily descriptive. Consider including comparative insight—how Iran’s constitutional guarantees of free education align or diverge from the obligations under the ICESCR or CRC. This would reinforce analytical depth.

This sentence is conceptually debatable. Explain whether this interpretation is supported by Iranian constitutional jurisprudence or merely a normative claim by scholars. A footnote or citation to domestic judicial practice is needed.

The discussion would benefit from distinguishing between soft law (UDHR) and binding obligations (ICESCR). Clarifying this distinction will help position the UDHR’s normative but non-binding influence correctly in the hierarchy argument.

This is inaccurate. The 2030 Agenda for Sustainable Development and SDG 4 explicitly reaffirm education rights. Incorporate this to update the discussion and maintain chronological completeness.

Add a transitional explanation linking “public order” to “jus cogens.” The current phrasing presupposes reader familiarity with the analogy but lacks clarification of its doctrinal implications.

Expand the analysis by mentioning Article 64 and explaining its implications for subsequent treaties conflicting with emerging peremptory norms. This would complete the legal reasoning.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.