



Recommendations to the UN Committee on the Rights of the Child

International Save the Children Alliance

States Parties have recognized the right to education for every child and they should seek guidance and assistance from the UN Committee on the Rights of the Child in their efforts to implement the rights of children in emergencies, encompassing both conflicts – national and international – and natural disasters.

In this regard Save the Children firmly believes that the State Parties should be urged to respect, protect and fulfil the right to education also when an emergency situation prevails. The right to education inheres in each person regardless of legal status, whether refugee, child soldier or internally displaced person.

Even if the obligation under article 28 of the CRC shall be fulfilled by States Parties “progressively” and to the maximum extent of their available resources, states are nevertheless obliged to take into account that the concept of progressive realisation does not entail doing nothing, or moving forward sluggishly. Progressive realisation implies continuous progress forward. If measures taken in relation to education are “retrogressive” in nature, the CESCR Committee, for instance, presumes that they are impermissible.

Even a gradual approach in implementing the right to education entails a constant positive and rational progress towards an eventual goal, with no retrogressive steps along the way. This shall be done whilst guarding continually against “anomalies” such as discriminatory practices creeping in unintentionally. Children affected by natural disasters, conflicts or other emergencies are the hardest to reach children in accessing quality education and hence in greater danger of discriminatory practices.

Children living in countries or areas affected by natural disasters, conflicts or other emergencies experience serious difficulties and are facing barriers to the full enjoyment of the rights enshrined in the Convention.

General recommendations from Save the Children to the UN Committee on the Rights of the Child

- **Save the Children highly recommends that the General Day of Discussion on Education in Emergencies is followed up by issuing a General Comment on the issue**
- **Save the Children recommends that the UN Committee on the Rights of the Child and the Special Rapporteur and other relevant bodies, state parties and NGOs and UN agencies, have a joint follow-up meeting on the issue biannually to assess the impact of their recommendations and to follow-up on them.**
- **Save the Children recommends that the UN Committee on the Rights of the Child refers any State Party in need of technical assistance on Education in Emergencies to the Inter-Agency Network for Education in Emergencies (INEE) to receive adequate tools, resources and facilitated access to support from the INEE membership.**

Recommendations from Save the Children on “Financing education in emergencies”

The obligation to ensure children’s right to education, even those living in hardest to reach contexts such as countries affected by an emergency should and does not, end with individual States. Where a government lacks the capacity and or resources to meet the needs of the children in their countries the international community including the donors and UN agencies also have an obligation and/or a mandate to ensure the right to education is universally fulfilled.

According to article 4,2 in the UN Convention on the Rights of the Child, States Parties shall where needed and within the framework of international cooperation undertake all appropriate legislative, administrative, and other measures to ensure the implementation of the rights enshrined in the Convention.

The recognitions given in articles 4 and 28 of the Convention on the Rights of the Child to the need for international cooperation in order to implement the right to education must be translated fully into political responsibilities for the international community.

Save the Children calls upon the UN Committee on the Rights of the Child to urge State Parties as donor governments and part of the international community to take the following action to ensure all children enjoy their right to education no matter where they live:

1. Increase long-term predictable aid for education in emergencies

- **Increase basic education aid to meet their fair share of the \$9 billion annual financing requirement and ensure funding is equitable, with at least 50% of new basic education commitments going to countries affected by emergencies.**
- **Ensure that the EFA-FTI establishes and resources a fund to support countries in emergencies.**
- **Adopt a flexible, dual approach to funding education in countries in emergencies, supporting system-building while simultaneously supporting approaches to allow children to go to school now.**

2. Include education as part of humanitarian policy and response

- **Include education in their humanitarian policies and increase the allocation of education aid in humanitarian crises to a minimum of 4.2% of humanitarian assistance, in line with needs.**
- **Commit themselves to supporting the Global Education Cluster and ensure it is adequately funded.**

Recommendations from Save the Children on “The right to quality education in armed conflict”

Quality education that promotes critical awareness, tolerance and peaceful resolution of conflict is important to sustain a peaceful society and should be included in all peace agreements.

- **Save the Children calls upon the UN Committee on the Rights of the Child to urge State Parties to support the inclusion of education as part of peace agreements recognising that education is a critical element in ensuring lasting and sustainable peace.**
- **Save the Children calls upon the UN Committee on the Rights of the Child to urge State Parties to protect schools from attack and to ensure that schools are places where intellectual curiosity and respect for universal human rights is fostered.**
- **Save the Children calls upon the UN Committee on the Rights of the Child to urge State Parties to uphold their obligation to ensure that schools are inclusive and use a non-biased curriculum, and educational materials are relevant to the children and their context.**

Recommendations from Save the Children on “States parties reporting to the UN Committee on the Rights of the Child”

Children affected by natural disasters, conflicted affected areas or other emergencies are still experiencing serious difficulties and facing barriers to the full enjoyment of the rights enshrined in the Convention. Hence Save the Children is calling upon the UN Committee on the Rights of the Child to require that State reports include reporting on the measures adopted to provide adequate educational facilities, accessible to all children affected by emergencies.

Referring to the General guidelines for periodic reports: 20/11/96. CRC/C/58, General guidelines regarding the form and contents of periodic reports to be submitted by state parties under article 44, paragraph 1(b) of the convention, **Save the Children is calling upon the Committee to revise the guidelines on reporting for state parties as well as the list of issues as to more systematically review their obligations on the right to education in emergencies *and require State reports to indicate whether:***

- **National measures are adopted, including of a legislative, administrative and budgetary nature, to recognize and ensure children’s right to education in (possible) emergencies**
- **The state parties have taken particular measures to develop an Education in Emergency preparedness plan as a part of the general education plan, including plans and structures for continuity at all levels through different phases of an emergency**
- **The state parties as a part of the international community and donors have taken particular measures to ensure that education in emergencies is a part of their humanitarian policy and also have linked humanitarian aid with more long-term development aid, both in the initial assessment and in the phases that follow**