



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-ninth session

SUMMARY RECORD (PARTIAL)\* OF THE 1351st MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 19 September 2008, at 10 a.m.

Chairperson: Ms. LEE

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\* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.10 a.m.

TRIBUTE TO THE MEMORY OF JACKIE KIRK, AID WORKER, INTERNATIONAL RESCUE COMMITTEE

1. At the invitation of the Chairperson, the members of the Committee observed a minute of silence.

DAYS OF GENERAL DISCUSSION (agenda item 7)

The right of the child to education in emergency situations

2. The CHAIRPERSON said that the Committee's eighteenth day of general discussion would be organized around two working groups. The first working group would discuss the continuation and/or reconstruction of the educational system, focusing on implementation of article 28 of the Convention on the Rights of the Child. The second working group would discuss the content and quality of education provided for children in emergency situations, focusing on implementation of article 29 of the Convention.
3. Mr. WRIGHT (United Nations Children's Fund (UNICEF)) said that the issue of the right of the child to education in emergency situations had two aspects: normative work, and proactive implementation of the right to education. With regard to normative work, he said that there was a need for clear standards, such as those contained in the Fund's Core Commitments for Children in Emergencies. The Core Commitments outlined the minimum services to be provided for children in the event of a crisis; one of those minimum services was education. Support for children in emergency situations required coordination and adequate funding. While coordination had improved following the introduction of a cluster approach, few countries attached priority to education in the funding that they allocated for emergency situations, despite the fact that addressing education issues in the immediate aftermath of an emergency was one of the best ways to restore normality and help traumatized children.
4. Proactive implementation of the right of the child to education in emergency situations involved predicting emergencies and establishing in advance what support children would require; preparing for emergencies, guided by the rights of the child; and preventing emergencies, for example by taking action before civil conflicts erupted. Tools were required to perform the work in those three areas and to increase States' awareness of the issues involved, with the aim of providing rights-based, child-friendly schools. Child-friendly schools were schools that were designed, constructed, operated and managed in such a way that the best interests of the child were always paramount. For example, it was necessary to take into account the possibility of natural disasters and other potential emergencies when designing and building schools, since most children who died during an emergency died inside a school.
5. He urged the Committee to consider issuing a general comment on the right of the child to education in emergency situations, which should take into account both normative and proactive aspects. UNICEF was prepared to provide technical input in that regard.

6. The CHAIRPERSON said that the Committee had been considering work on a general comment on the subject, and she took note of the offer to provide technical input.
7. Ms. WANG (International Save the Children Alliance; Inter-Agency Network for Education in Emergencies) said that children affected by natural disasters, conflicts or other emergencies were the hardest children to reach in terms of providing access to quality education, and were therefore particularly subject to discrimination. Education was not only a right in itself, but it also protected children from other human rights violations. It could protect them from death or bodily harm, from trafficking or recruitment into armed groups, and could reduce the effects of trauma. Quality education could increase children's potential to become active members of their society, and could transform their lives and those of their families and communities. Quality education could promote stability and tolerance and contribute to building democracy and peace.
8. Save the Children's "Rewrite the Future" campaign, which sought to provide education to 8 million children affected by armed conflict, had demonstrated that even children in critical situations attached great importance to education.
9. Despite States parties' legal obligations under the Convention, education was not part of every humanitarian response. As a result, children affected by emergencies missed out on weeks, months and years of education. The average conflict lasted 10 years, and the average period spent in camps for internally displaced persons was 17 years; it was therefore crucial to provide education from the outset of - and throughout - every humanitarian response. Failure to do so was to deny children affected by conflict and natural disasters crucial survival skills and the capacity to be productive citizens once the emergency was over. Failure to do so also constituted a serious violation of the rights set out in the Convention.
10. Despite the Millennium Development Goal relating to education, and the positive fact that the overall number of out-of-school children was declining, the number of out-of-school children living in States affected by conflict - 37 million - had remained relatively stable. In that regard, she strongly believed that States parties to the Convention should be urged to respect, protect and fulfil the right to education in emergency situations.
11. Much could be done through preparedness and early intervention. Building on the Millennium Development Goals, the Inter-Agency Network for Education in Emergencies (INEE) had developed minimum standards for education in emergencies, chronic crises and early reconstruction. The standards, which promoted consistency in education programming, were an impressive demonstration of professional and technical cooperation. The Inter-Agency Network could provide technical assistance to States parties.
12. In November 2006, education had been included in the international humanitarian response system through the establishment of the global education cluster, led by UNICEF and the International Save the Children Alliance. The cluster was designed to enhance coordination, improve accountability and quality and bring effective education to children in disaster situations.

13. Children affected by emergencies were still encountering obstacles to the full enjoyment of their rights under the Convention. States parties should adopt legislative, administrative and budgetary measures to recognize and guarantee children's right to education in emergencies; develop plans and structures to ensure continuity of education throughout all phases of an emergency; support the inclusion of education in peace agreements, recognizing that education was critical to stability and peace; and protect schools from attack and ensure that schools fostered respect for human rights, were inclusive and used an unbiased curriculum.

14. It was not only the States immediately affected by emergencies that had an obligation to ensure children's right to education; under article 4 of the Convention, measures should be taken, where necessary, within the framework of international cooperation. Yet donor Governments had failed to provide the required funding. Indeed, only 5 of the 193 States parties to the Convention had included education as an integral part of their humanitarian response. Donor Governments should be urged to include education as part of their humanitarian response and policy, coordinate their emergency response programming with their long-term programming, and support and fund the global education cluster. In that context, the reporting guidelines for States parties to the Convention should be revised to cover States' provision for emergencies.

15. Lastly, she recommended that the Committee on the Rights of the Child, the Special Rapporteur on the right to education, States parties, United Nations agencies, NGOs and other relevant bodies should hold a joint follow-up meeting twice a year to assess the impact of their recommendations.

16. Mr. MUÑOZ (Special Rapporteur on the right to education) said that there had been a sharp rise in the numbers of killings of schoolteachers and pupils and attacks on schools. Yet humanitarian agencies had paid little attention to such events. There were few clear principles regarding education in emergencies; above all, there was a lack of funds.

17. Security in schools - which meant not only physical, psychological and emotional safety but also an uninterrupted education in conditions conducive to knowledge acquisition and character development - was part of the right to education. States therefore had a responsibility to punish perpetrators and devise effective methods of protection.

18. Not only did emergency situations have a devastating effect on persons with disabilities, but armed conflict and political violence were the leading causes of physical disability and were primarily responsible for the conditions of millions of children living with disabilities and for the lack of basic support.

19. In times of conflict, schools could become centres for recruiting children, and teachers, students and parents could become the targets of violence.

20. Natural disasters were on the rise and, although they were statistically "less lethal" than conflicts, in the 1990s they had affected seven times as many people as had conflicts. Ninety per cent of those affected by natural disasters lived in States with limited capacity to cope with the impact of such disasters.

21. Education mitigated the psychosocial impact of conflict and disasters by giving hope and providing essential building blocks for social reconstruction and economic stability. It also protected children from abduction, recruitment into armed groups and sexual and gender-based violence.
22. The legal framework for education in emergencies was provided essentially by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, the Convention on the Rights of the Child obliged States to ensure, without discrimination of any kind, access to education for all children living in their territories. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had the potential to reduce the recruitment of children and mitigate the implications for their educational opportunities. Under the Convention relating to the Status of Refugees, refugee children were to be accorded the same treatment as nationals with respect to elementary education and treated no less favourably than foreigners in respect of non-elementary education. The Guiding Principles on Internal Displacement affirmed the right to free compulsory education and, in particular, the full and equal participation of women and girls.
23. International humanitarian law established a regulatory framework protecting the right to education during armed conflicts. Under the Rome Statute of the International Criminal Court, all intentional attacks on buildings dedicated to education constituted war crimes.
24. Recognition of the need for international cooperation under articles 4 and 28 of the Convention on the Rights of the Child had not been translated fully and clearly into political responsibilities for the international community. Nevertheless, the World Conference on Education for All had represented progress towards the establishment of minimum standards in basic education, and the Dakar Framework for Action provided that no countries that were seriously committed to education for all should be thwarted in their achievement of this goal by a lack of resources. Where States lacked the capacity to ensure the right to education, other actors stepped in, often applying widely varying approaches. Increased coordination, delimitation of responsibilities and sharing of best practices had resulted in the creation of qualitative standards and indicators that broadened the legal and political framework for their action.
25. Humanitarian assistance in general received barely two thirds of the amount requested, and education in emergencies received about 1.5 per cent of the amount received. The actual financial contributions to education between 2001 and 2005 had averaged 42 per cent of real needs, as compared with 66 per cent in all the other humanitarian sectors. Indeed, the main challenge with regard to education in emergencies was the lack of sufficient and suitable funding and the failure to keep promises. Other problems included the fact that the dominant paradigm of aid was based on the assumption that assistance was most effective in States with stronger policies and institutions, as a result of which international financing continued to bypass fragile States; donors' reluctance to consider education as part of humanitarian aid; and the shift in donors' priorities from long-term development funding to disaster relief.
26. Even in times of peace, opportunities for education were frequently unequal and discriminatory. In times of emergency, those inequalities increased for women and girls and other vulnerable or marginalized groups. However, the need for new curriculum development in conflict and post-conflict situations had the potential to turn the emergency itself into an opportunity for qualitative change.

27. He welcomed the recent establishment by the Inter-Agency Standing Committee of an education cluster to encourage the international community to take more responsibility.

28. He urged the international community to fulfil its commitment to implement the right to education in emergencies and recommended, as a first step, recognition of that right as an integral part of the humanitarian response to conflicts and natural disasters. Greater emphasis should be placed on guaranteeing the right to education during emergency situations, as opposed to the current focus on post-conflict situations, and more action should be taken to end impunity for persons and armed groups, including regular armies, that attacked schools.

29. As part of their general educational programmes, States should develop a plan covering education in emergencies, with specific measures to ensure continuity of education at all levels and during all phases of the emergency. They should also draw up high-quality programmes of studies based on the INEE Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction. Such programmes should be adaptable, non-discriminatory and gender-sensitive and meet children's and young people's needs during emergency situations.

30. However, none of those measures would be effective without the involvement of the international community. Donors should therefore include education in all their humanitarian assistance plans and increase the allocation for education to at least 4.2 per cent of total humanitarian assistance.

The discussion covered by the summary record ended at 11.10 a.m.