

Learning in displacement



Briefing paper on the right to education of internally displaced people

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Cover photo: Internally displaced children attend an outdoor class at Gassire camp, eastern Chad
(*Photo: Reuters/Finbarr O'Reilly, courtesy www.alertnet.org, June 2008*).

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1. Introduction

In a world where displacement situations last, on average, 20 years, children can grow up knowing no other way of living.¹ As has been emphasised in Committee on the Rights of the Child discussions, displaced children's education cannot wait until solutions to displacement are found.² All people have the right to education, including internally displaced people (IDPs) in all stages of displacement, whether in emergency settings, protracted displacement, or in the course of finding durable solutions.

When children grow up in displacement, their education is often interrupted or entirely forgone. Internally displaced children have not shared in the considerable worldwide improvements in access to education in the past two decades,³ and they all too often remain without adequate schooling. Yet education is not only a basic human right during displacement, it is a right that provides children with the tools needed to achieve durable solutions to their displacement.

Education is critical for internally displaced children, in part because it provides a protective function and conveys life-saving messages.⁴ Education gives children the skills needed to function in their areas of displacement, and on return. Schools give children meaningful day-to-day activities, leaving them less likely to succumb to the negative aspects of long-term displacement, including violence, recruitment, and child labour.

Despite the benefits of education for internally displaced children, displacement often presents specific barriers to

teaching and learning.⁵ For instance, human resources may be lost and physical infrastructure may be destroyed during conflict. IDP camps and other gathered settlements may have only makeshift schools without enough teachers, and the demand on existing educational infrastructure can increase considerably when IDPs live with host communities. Children may lose documentation in flight, preventing them from enrolling in school, in some cases for years afterward. Groups of IDPs may be kept out of school through residency requirements, language barriers, and discrimination, while children in host families can lose access to schools when the buildings are used to house IDPs. Internally displaced children and their families may find themselves without the resources needed to pay school fees or purchase other materials, while the increased poverty that comes with displacement may mean that some internally displaced children stay out of school in order to work to supplement the family income.

In occasional circumstances, internal displacement can increase access to education, as for some girls, for instance, who move from areas without girls' schools to locations where education is provided.⁶ Overall, however, displacement is likely to have a negative impact on education. Much more study of this area is needed to identify methods of improving access to education for IDPs.⁷

This paper introduces a series of case studies looking at education for IDPs. It examines the international human rights law framework for guaranteeing education to IDPs, focusing on issues such as non-discrimination and documentation that are particularly likely to arise in this context. Later papers in this series will look at methods of providing education in protracted displacement, using case studies to highlight problems and best practices.

Internally displaced children at a school in Gaza, Occupied Palestinian Territory, which was destroyed during Israel's 2008 offensive (Photo: Reuters/Ibraheem Abu Mustafa, courtesy of www.alertnet.org, January 2009).



2. What is the right to education, and what does this mean for IDPs?

“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”

International Covenant on Economic, Social and Cultural Rights, Article 13

All people, including those who have been internally displaced, have the right to education. The right to education – specified in clear terms in the Guiding Principles – is recognised in the Universal Declaration of Human Rights and numerous major human rights treaties, including the Convention on Economic and Social Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of Discrimination Against Women.⁸

The right to education is also made explicit in all major regional human rights treaties.⁹ These regional treaties include the African Charter of Human and Peoples’ Rights,¹⁰ and the European Convention on Human Rights¹¹; between these regional treaties and others the right to education is binding on most countries with sizable IDP populations.

The content of the right to education has been developed over time.¹² The UN General Assembly called for free and compulsory primary education as early as 1959.¹³ The right to education includes obligations which must be realised immediately, including the obligation to ensure free and compulsory primary education, and the prohibition of discrimination in education.¹⁴ States may realise other obligations in a progressive manner, moving “as expeditiously and effectively as possible” toward, for instance, provision of secondary and higher education in accordance with international law.¹⁵ According to the Machel 10-year Strategic Review, investment in education, including secondary education, is “especially critical” in post-conflict transitions including searches for durable solutions to displacement.¹⁶

The right to education is essentially an “enabling right,” permitting the enjoyment of many other rights. These include civil and political rights such as freedom of information, expression, and the right to vote; and economic, social and cultural rights, such as the right to choose work and to receive equal pay for work.¹⁷ In the humanitarian context, the right to education also enables the delivery of life-saving messages, provides a sense of normality, and absorbs energies of adolescents whose alternative options might include recruitment and violence.¹⁸ As such, it has come to be seen as the “fourth pillar” of humanitarian assistance to victims of conflict, alongside nutrition, health, and shelter.¹⁹ Since the Machel study in 1996 on children in conflict, a number of global initiatives have emerged to protect education in conflict-related settings;²⁰ this must also be expanded to cover the gap in IDP education.

In 1999, the UN Committee on Economic, Social and Cultural Rights, the body charged with monitoring implementation of the ICESCR, delineated four essential features of the right to education:²¹ availability, accessibility, acceptability, and adaptability (the “Four As”). These four provisions apply equally in times of peace and in times of conflict.²²

Within the “Four As” framework delineating the content of the right to education, certain aspects take on particular importance in the context of internal displacement:²³

1. Availability

Free and compulsory quality primary education should be available for all internally displaced children. Schools should be available to all IDPs, regardless of whether they have found refuge in camps or elsewhere.²⁴ Schools should be economically accessible, without fees, and child labour should not function as a barrier to internally displaced children attending and succeeding in school.

Sufficient numbers of school buildings should be available with sanitation facilities for both sexes.²⁵ Alternative facilities may be appropriate for short-term periods in displacement settings.²⁶ There should be enough trained teachers (receiving appropriate salaries) as well as educational materials.²⁷

2. Accessibility

Accessibility requires the absence of discrimination, and free and physically accessible schools which are protected from attacks. Physical access to education requires that educational services are available, within safe physical reach of the IDP settlement.²⁸ Internally displaced children should be able to walk to schools (or take available public transport) without risking being attacked or otherwise threatened along the way.²⁹

Education must be accessible to all in a non-discriminatory manner; discrimination against IDPs or, within the IDP population, against minorities, girls, and many other groups is prohibited.³⁰ The World Declaration on Education for All emphasises that “those displaced by war” should not suffer any discrimination in access to education.³¹

3. Acceptability

The form and content of education must be of good quality, and linguistically and culturally appropriate for the child.³² The notion of respect for cultural identity and language is especially relevant for displaced children from minority backgrounds, who may find themselves in areas dominated by different ethnic groups.³³

The Convention on the Rights of the Child (CRC) emphasises that a child’s education shall be directed to the development of “his or her own cultural identity, language and values.”³⁴ The Fourth Geneva Convention, which refers to conduct during international armed conflict, and so applies only to some displacement situations, requires that “education shall, as far as possible, be entrusted to persons of a similar cultural tradition.”³⁵

4. Adaptability

Education systems should be flexible and take into account the best interest of the child.³⁶ Displacement can last for years; internally displaced children should be able to help children adapt to their current surroundings, as well as prepare them for their life which may follow a durable solution to their displacement.³⁷ Education programmes should be developed so that internally displaced children can remain in or re-enter regular education structures as appropriate.³⁸

States should include provisions for education in displacement in their disaster preparedness policies,³⁹ so that education can be adapted to the needs of displaced populations. International humanitarian organisations “and other appropriate actors” may be called upon to help provide education in emergency situations, and states should ensure that these actors have humanitarian access to the affected populations.⁴⁰

3. What happens to the right to education when people are displaced?

“Every human being has the right to education.”

Guiding Principles on Internal Displacement:
Guiding Principle 23(1)

The right to education continues during all stages of displacement: this is firmly established in human rights law and humanitarian law. Guiding Principle 23 stresses that the right to education “shall be made available to internally displaced people, in particular adolescents and women, whether or not living in camps, as soon as conditions permit”. Primary education must be free and compulsory: “To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level”.⁴¹

The right to education as specified in Guiding Principle 23(1) applies not only to displaced children, but also to all IDPs: “the right to education is by no means limited to children of primary-school age... the right to education applies not only to young children but also to older children as well as adults.”⁴² Likewise, the right to education in internal displacement is “not confined to formal schooling but also extends, as sub-paragraph (3) indicates, to general ‘educational programmes’ and to ‘training’ as well”.⁴³ Programmes that adapt to the specific needs of IDPs over time, such as youth catch-up programmes, temporary learning centers, job training facilities, and literacy and numeracy programmes, can help to fulfill the right to education.

The right to education is not limited to the period of displacement but applies also in the contexts of durable solutions, as specified in Guiding Principle 29(1).⁴⁴ Providing education can enable displaced people to establish more normal lives in the place of refuge,⁴⁵ and enables them to move toward durable solutions by giving them the tools needed for return, local integration, or settlement elsewhere. In Recommendation 1652, the Parliamentary Assembly of the Council of Europe directs states to “give priority to the planning of adequate measures to ensure that access to education is available for refugees and IDPs pending the possibility of a durable solution[.]” UNESCO notes that education can, in fact, facilitate the return process by ensuring that individuals are equipped with the tools needed for sustainable return.⁴⁶

International humanitarian law offers additional protection for children’s right to education during conflict. Article

4(3)(a) of Protocol II to the Geneva Conventions – applying to internal armed conflict – requires that children “receive an education, including religious and moral education”.⁴⁷ Likewise, for international armed conflicts,

Article 24(1) of the Fourth Geneva Convention specifies that certain children affected by war (including children separated from their families, as often happens during displacement) must receive an education, requiring parties to the conflict to “take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of war, are not left to their own resources... and [that] their education [is] facilitated in all circumstances”.⁴⁸

4. Whose job is it to provide an education to IDPs?

“National authorities have the primary duty and responsibility to provide protection and assistance to internally displaced persons within their jurisdiction.”

Guiding Principles on Internal Displacement:
Guiding Principle 3(i)

National authorities are responsible for realising the right to education for IDPs, as part of their duty to secure the rights of those in their jurisdiction described in Guiding Principle 3. The *Annotations* note that assuming primary responsibility for protecting IDPs includes “respecting, protecting, and fulfilling... their economic, social, and cultural rights”,⁴⁹ education among them.

States have special duties to protect children’s rights, on account of children’s exceptional vulnerability. Guiding Principle 4(2) states that: “Certain internally displaced persons, such as children... shall be entitled to protection and assistance required by their condition and to treatment that takes into account their special needs.”

This reflects provisions in human rights and humanitarian law that set forth special measures that should be taken for the protection of children.⁵⁰ As noted by the Committee on the Rights of the Child: “The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection[,]”⁵¹ and the CRC mandates that: “In all actions concerning children... the best interests of the child shall be the primary consideration.”⁵² The prioritisation of the best interests of the child underscores the notion that states must develop education options as soon as possible after the onset of displacement.

When national authorities are unable to fulfill their responsibilities, others should step in to ensure that the right to education is fulfilled. The Committee on the Rights of the Child, in its 2008 Day of General Discussion, reiterated that:

“(T)he responsibility to fulfill the right to education in emergency situations does not rest upon individual States alone. When a State lacks the capacity and / or requisite resources, the international community including other states, donor organisations, and UN agencies should ensure that the right to education is universally fulfilled in accordance with article 4, para.2 of the Convention.”⁵³

5. Does the right to education apply even in conflict and emergencies?

The right to education always applies, even in conflict and emergencies.

Inter-Agency Network for Education in Emergencies, Minimum Standards for Education: Preparedness, Response, Recovery, 2nd edition⁵⁴

The right to education continues in conflict and emergencies,⁵⁵ and IDPs are entitled to education with the fewest possible interruptions, regardless of forced displacement.⁵⁶ As the *Annotations* note, this aim of continuity in education is “firmly rooted in both human rights and humanitarian law”.⁵⁷ For instance, the Committee on the Rights of the Child “underscores that the implementation of the right of the child to education in emergency situations must meet the requirements set out in articles 28 and 29 of the Convention without limitation”,⁵⁸ and goes on to say that:

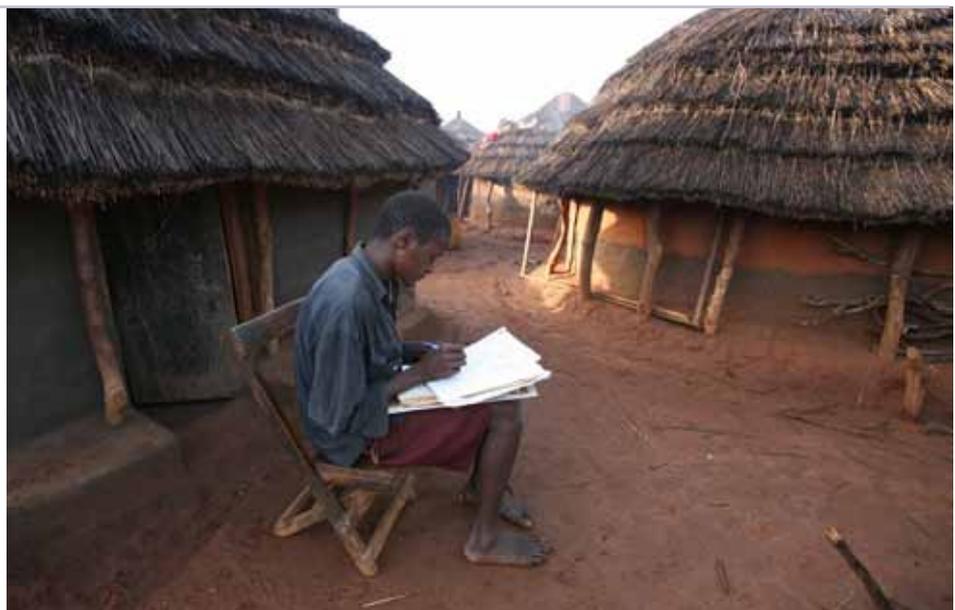
“The Committee considers that in situations of emergency, the child’s need to enjoy his / her right to education is reinforced by the fact that it is a protection measure, as well as a relief measure and a life saving measure that provides physical, psychosocial and cognitive protection... The Committee therefore calls upon States parties to honor their obligation to fully ensure the right to education for every child within their jurisdiction, without any discrimination, throughout all stages of emergency situations, including the emergency preparedness phase and the reconstruction and post emergency phases.”⁵⁹

The Beijing Platform for Action states that actions that should be taken to protect human rights in emergencies include steps to “[f]acilitate the availability of educational materials in the appropriate language – in emergency situations also – in order to minimise disruption of schooling among refugee and displaced children”.⁶⁰ States cannot withhold access to education because of a fear that IDPs may not return home.⁶¹

Likewise, international humanitarian law mandates the continuity of education in emergencies. Parties to internal armed conflict are required to ensure that children “receive an education, including religious and moral education”.⁶² In international armed conflict, occupying powers are obliged to facilitate the “proper working of educational institutions in occupied territories”.⁶³ Whenever an evacuation occurs, “each child’s education, including his religious and moral education as his parents desire, shall be provided while he is away with the greatest possible continuity.”⁶⁴

Guiding Principle 23(1) emphasises that educational facilities “shall be made available to internally displaced persons... *as soon as conditions permit*” (emphasis added). This caveat derives from the notion that the “greatest possible continuity in education is firmly rooted in both human rights and humanitarian law.”⁶⁵ The *Annotations* note that this phrase should be read as underlining the “importance of an education with the fewest possible interruptions.”⁶⁶ Education is a crucial factor in making IDPs’ lives normal again and providing them skills with which to survive and thrive;⁶⁷ providing the right to education throughout times of conflict is mandated by law.

A young boy studies in front of his hut in Oromi IDP camp, northern Uganda (Photo: IRIN/Manoocher Deghati, May 2007).



6. What about non-formal education?

The right to education includes traditional and non-traditional learning opportunities.

The right to education in displacement, as well as extending to children and adults, males and females, covers traditional schools and non-traditional educational settings. Guiding Principle 23, as Wyndham and Mooney emphasise, “is not confined to formal schooling but also extends, as sub-paragraph (3) indicates, to general “educational programmes” and to “training” as well”.⁶⁸

Alternative approaches to ensuring the right to education may include learning spaces for basic education, child friendly spaces, vocational training for adolescents and adults, and programmes designed to accelerate learning for youth who have been out of school. The Committee on Economic, Social and Cultural Rights emphasises that the right to education encompasses many forms of learning, including basic education and technical and vocational education for adults and children as appropriate.⁶⁹ This can be particularly important to internally displaced people who may find themselves in situations where non-traditional approaches are necessary to ensure the right to education is met.

7. Can IDPs be discriminated against in access to education?

States have a “minimum core obligation... to ensure the right of access to education on a non-discriminatory basis[.]”

Committee on Economic, Social and Cultural Rights, General Comment No. 13, para 57

Education must be provided to all, regardless of displacement status or membership of a minority or persecuted group. These concerns often overlap, as “internal displacement often disproportionately affects ethnic, linguistic, and religious minority groups”.⁷⁰

Non-discrimination against IDPs

Education providers must not discriminate against IDPs. Guiding Principle 1 states:

“Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.”

This concept is reiterated in other legal documents. For instance, the World Declaration on Education for All emphasises that “those displaced by war... should not suffer any discrimination in access to learning opportunities”.⁷¹

Non-discrimination on other grounds

Non-discrimination is one of the core obligations of the right to education. Guiding Principle 23 on the right to education must be applied with Guiding Principle 4 in mind:

“These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or on any other similar criteria.”

The notion of non-discrimination ensures not only equal access to education for minority groups, but also dictates aspects of the content of the education. Guiding Principle 23 specifies that “[e]ducation should respect [internally displaced persons’] cultural identity, language and religion”. This is in keeping with the CRC, which, in Article 29(1)(c) dictates that a child’s education shall develop “his or her own cultural identity, language, and values”. Even in the context of internal displacement, these provisions allow for the development of the child’s individual heritage.⁷²

8. What about internally displaced girls' participation in education?

“Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.”

Guiding Principles on Internal Displacement:
Guiding Principle 23(3)

The fundamental norm of non-discrimination in education applies to gender discrimination as well. Women and girls have equal rights to education as men and boys, yet in many displaced communities, rates of school attendance, literacy, and other indicators are much lower for females than for males.⁷³ Guiding Principle 23 calls on states to ensure the “full and equal participation of women and girls” in education. The *Annotations* note that this reflects the aim of Article 10 of the Convention on the Elimination of Discrimination Against Women, which obliges states parties to take all appropriate measures to eliminate discrimination against women in education.⁷⁴

Women and girls can be among the most vulnerable IDPs, and so empowerment through education can be a vital survival strategy. UNHCR's Executive Committee has repeatedly underlined the need to protect women's and girls' right to education in displacement, including by “enabling their access to quality education, including secondary education, in safe school environments” and by “developing medium-term responses... [to] strengthen identified individuals' access to education”.⁷⁵ The Executive Committee has also stressed the importance of access to education in protracted displacement as an “important right [...] underpinning self-reliance.”⁷⁶

9. What other rights enable IDPs to exercise their right to education?

1) IDPs have the right to documentation

Guiding Principle 20(2): IDPs shall be issued “all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates.”

Displacement can result in the loss of documents such as birth certificates and school completion certificates, without which IDPs may not be able to enroll in school or pass to the appropriate level. Guiding Principle 20 affirms the human rights principle that all children shall be registered after birth, as seen in Article 24(2) of the International Covenant on Civil and Political Rights (ICCPR). The issuing of birth certificates to children born in displacement and their re-issuing to children who were forcibly displaced (as well as other documentation like residency certificates and previous school certificates) helps those children to enroll in school.

Certificates of completion of grades or levels of education may be crucial to IDPs accessing further educational, vocational, or employment opportunities, yet these documents can be lost in displacement. In addition, the education of those who attend schools (formal or informal) in displacement may not be recognised, and they may not receive documentation. The principle of non-discrimination dictates that IDPs, like others, should be issued certificates of completion. Reliable systems of accrediting educational achievement help to enable durable solutions and ensure a free choice between settlement options.⁷⁷

Internally displaced students in Pasto, Colombia (Photo: NRC/ Truls Brekke, December 2009).



2) Schools should be free from attack and children should be free from recruitment

Schools are protected in conflict, reflecting the notion that education maintains a crucial role in society. International humanitarian law dictates that schools – as civilian objects – must not be the subject of armed attack or reprisals.⁷⁸ Intentionally directing attacks against civilian objects constitutes a war crime under the Rome Statute of the International Criminal Court.⁷⁹ Schools for internally displaced children are often all too close to conflict areas: buildings, teachers, and students must not be attacked, and doing so can trigger review through the UN Security Council's mechanisms protecting children in armed conflict.⁸⁰

Guiding Principle 13 mandates that: "In no circumstances shall displaced children be recruited, required or permitted to take part in hostilities." This principle reiterates several principles of human rights and humanitarian law, including those which establish that schools must not be used as places of recruitment. Attacks on schools and recruitment are factors both causing displacement and affecting children's rights in displacement.⁸¹ International law dictates that IDPs have access to safe, quality education that allows them to participate in society; attacks on schools and child recruitment are directly in contrast to the fulfillment of those rights.

3) Internally displaced children must not be subject to the worst forms of child labour

Internally displaced children may miss school because their labour is needed to contribute to their families' economic survival.⁸² Guiding Principle 18 dictates that "all internally displaced persons have the right to an adequate standard of living", which at a minimum should include provision of essential food and clean drinking water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.⁸³ Yet internal displacement is often accompanied with increased poverty among the displaced population, in part because traditional income-generating opportunities may be lost, and the standards prescribed by Guiding Principle 18 are frequently not met. Where child labour is used as a survival strategy for displaced households in this situation, the children may be unable to attend or succeed in school.

Guiding Principle 11 mandates that states protect internally displaced children from forced labour.⁸⁴ This provision draws on ILO Convention No. 182 on the Worst Forms of Child Labor,⁸⁵ which requires states to prohibit and eliminate "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage, serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children" as well as labour that "is likely to harm the health, safety or morals of children".⁸⁶ The ILO notes that examples

of such hazardous work includes "work which exposes children to physical, psychological or sexual abuse;... work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes;... [and] work under particularly difficult conditions such as work for long hours or during the night".⁸⁷ When determining workplace hazards and the risks associated with them, the ILO urges consideration of the fact that children are still growing and have certain physical, cognitive, and behavioural developmental needs.⁸⁸ Child labour should not, in other words, prevent children from reaching their human potential through attending school.

Notes

- 1 Office of the Special Representative of the UN Secretary-General on Children and Armed Conflict, Working Paper No.2: The Rights and Guarantees of Internally Displaced Children in Armed Conflict (2010), p.4.
- 2 Committee on the Rights of the Child, Day of General Discussion on “The Right of the Child to Education in Emergency Situations” (19 September 2008) (hereinafter *CRC Day of General Discussion*), Recommendations, para.14 (comments from Ms. Alison Anderson, Director of the Inter-Agency Network on Education in Emergencies).
- 3 Jill Marie Gerschutz and Margaret P. Karns, “Transforming Visions into Reality: The Convention on the Rights of the Child,” in Mark Ensalcaco and Linda C. Majka, eds., *Children’s Human Rights* (2005), p. 46
- 4 See, e.g., Inter-Agency Network on Education in Emergencies, *Minimum Standards for Education: Preparedness, Response, Recovery* (2nd edition, 2010) (hereinafter *INEE Minimum Standards*), p.2 (detailing the benefits of education in emergencies).
- 5 Erin Mooney and Colleen French, *Barriers and Bridges: Access to Education for Internally Displaced Children* (Brookings, 2005), p.5.
- 6 See, e.g., Elizabeth Ferris and Rebecca Winthrop, “Education and Displacement: Assessing Conditions for Refugees and Internally Displaced Persons affected by Conflict,” Background Paper for the UNESCO *Global Monitoring Report* (2010), p.18 (citing examples where children have greater access to schools in camps or urban settings than they did in rural villages prior to displacement).
- 7 *Ibid.*, p. 47 (“The lack of systematic data on education... for IDPs is striking.”)
- 8 Walter Kalin, *Guiding Principles on Internal Displacement: Annotations (Revised Edition)* (The American Society of International Law: Studies in Transnational Legal Policy No. 38, 2008) (hereinafter *Annotations*), p.107.
- 9 *Ibid.*
- 10 Article 17(1).
- 11 Protocol 1, Article 2.
- 12 See, e.g., Erin Mooney and Jessica Wyndham, “The Right to Education in Situations of Internal Displacement,” in Walter Kalin, Rhodri C. Williams, Khalid Koser, and Andrew Solomon, eds., *Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges* (The American Society of International Law: Studies in Transnational Legal Policy No. 41, 2009), p. 251.
- 13 See, Mark Ensalcaco, “The Right of the Child to Development,” in Ensalcaco and Linda C. Majka, eds., *Children’s Human Rights* (2005), p.11 (discussing the evolution of the right to education, with reference to the 1924 Declaration of the Rights of the Child (League of Nations) and the 1959 UN General Assembly Declaration of the Rights of the Child).
- 14 The Committee on Economic, Social, and Cultural Rights, *General Comment No. 13* (E/C.12/1999/10, 1999), para.57.
- 15 *Ibid.*, paras.44 and 51.
- 16 UNICEF and the Office of the Special Representative of the UN Secretary-General on Children and Armed Conflict, *Machel Study 10-year Strategic Review* (2007), sect. 8.2: Protecting the Right to Education.
- 17 UNESCO, *Why Education for Internally Displaced Persons?*
- 18 UNESCO, *Education in Situations of Emergency, Crisis, and Reconstruction* (2003), pp.7-8.
- 19 *Ibid.*
- 20 UNICEF and the Office of the Special Representative of the UN Secretary-General on Children and Armed Conflict, *Machel Study 10-year Strategic Review* (2007), sect. 8.2: Protecting the Right to Education.
- 21 The Committee on Economic, Social, and Cultural Rights, *supra* note 14, at para.6.
- 22 Peter Hyll-Larsen, *Brief on human rights and the right to education in emergencies: Input to the 2010 revision of the Inter-agency Network for Education in Emergencies Minimum Standards Handbook* (2010), p.3.
- 23 Mooney and Wyndham, *supra* note 12, p.252.
- 24 *Ibid.*, p. 249.
- 25 The Committee on Economic, Social, and Cultural Rights, *supra* note 14, at para.6(a).
- 26 Women’s Commission, *Right to Education During Displacement: A Resource for Organizations Working with Refugees and Internally Displaced Persons* (2006), p.12.
- 27 *Ibid.*
- 28 Mooney and Wyndham, *supra* note 12, p.252.
- 29 Women’s Commission, *supra* note 26, p.12.
- 30 Mooney and Wyndham, *supra* note 12, p.253.
- 31 UNESCO, *World Declaration on Education for All* (Jomtien, Thailand, 1990) (hereinafter *UNESCO World Declaration*), art.3(4).
- 32 Women’s Commission, *supra* note 26, p.17.
- 33 Mooney and Wyndham, *supra* note 12, p.251.
- 34 Convention on the Rights of the Child, art.29(1)(c).
- 35 Article 4(3)(a) of Protocol II to the Geneva Conventions.
- 36 Women’s Commission, *supra* note 26, p.18.
- 37 *Ibid.*
- 38 *Ibid.*
- 39 Parliamentary Assembly of the Council of Europe, Recommendation 1652 (2004)
- 40 Guiding Principle 25.
- 41 Guiding Principle 23(2).

- 42 Mooney and Wyndham, *supra* note 12, p.249.
- 43 *Ibid.*
- 44 *Ibid.*
- 45 See, e.g., Graca Machel, *The Impact of War on Children* (2001), p.95 (discussing the perceived impacts of provision of universal primary education to refugees).
- 46 UNESCO, *Why Education for Internally Displaced Persons?*
- 47 *Annotations, supra* note 8, p.107.
- 48 *Ibid.*
- 49 *Ibid.*, p.19.
- 50 *Ibid.*, p.23.
- 51 The Committee on the Rights of the Child, *General Comment No. 8 (CRC/C/GC/8, 2007)*, para.21.
- 52 Convention on the Rights of the Child, art.3(1).
- 53 *CRC Day of General Discussion, supra* note 2, Recommendations, para.31. Article 4 of the Convention on the Rights of the Child reads in relevant part, "With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation."
- 54 *INEE Minimum Standards, supra* note 4, p.7.
- 55 No specific restriction upon, or derogation from, the right to education is found in international law. Mooney and Wyndham, *supra* note 12, p.257.
- 56 *Annotations, supra* note 8, p.110.
- 57 *Ibid.*
- 58 *CRC Day of General Discussion, supra* note 2, Recommendations, para.28.
- 59 *Ibid.*, para.29.
- 60 Fourth World Conference on Women, Beijing Platform for Action (A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)), para 147(g).
- 61 UNESCO, *Why Education for Internally Displaced Persons?*
- 62 Article 4(3)(a) of Protocol II to the Geneva Conventions.
- 63 Article 50(1) of the Fourth Geneva Convention.
- 64 Article 78(2) of Protocol I to the Geneva Conventions.
- 65 *Annotations, supra* note 8, p.110.
- 66 *Ibid.*
- 67 Machel, *supra* note 25, pp.103-104.
- 68 Mooney and Wyndham, *supra* note 12, p.249.
- 69 The Committee on Economic, Social, and Cultural Rights, *supra* note 14, paras. 15-16, 21-27.
- 70 Mooney and Wyndham, *supra* note 12, p.255.
- 71 *UNESCO World Declaration, supra* note 31, art. 3(4).
- 72 Mooney and Wyndham, *supra* note 12, p.252.
- 73 Women's Commission, *supra* note 26, pp.12-18.
- 74 *Annotations, supra* note 8, p.109.
- 75 UNHCR Executive Committee, *Conclusion No. 106 (LVII)* (2006), paras.(k) and (o).
- 76 UNHCR Executive Committee, *Conclusion No. 108 (LIX)* (2008), para.(n).
- 77 Ferris and Winthrop, *supra* note 6 , p.25.
- 78 Article 52 of Protocol I to the Geneva Conventions.
- 79 Rome Statute of the International Criminal Court, art.8.
- 80 Watchlist on Children and Armed Conflict, *UN Security Council Resolution 1612 and Beyond: Strengthening Protection for Children in Armed Conflict* (2009), pp.4-6.
- 81 Office of the Special Representative of the UN Secretary-General on Children and Armed Conflict, *supra* note 1, p. 4.
- 82 Mooney and French, *supra* note 5, p. 5.
- 83 Guiding Principle 18.
- 84 Guiding Principle 11(2)(b).
- 85 *Annotations, supra* note 8, p.57.
- 86 International Labour Organization, Convention 182 on the Worst Forms of Child Labour (1999), art.3.
- 87 International Labour Organization, Recommendation 190 Concerning the Prohibition and Immediate Action for the Elimination of Worst Forms of Child Labour (1999), art.3
- 88 International Labour Organization information on Hazardous child labour at <http://www.ilo.org/ipec/facts/Hazardouschildlabour/lang--en/index.htm>.

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established by the Norwegian Refugee Council in 1998, upon the request of the United Nations, to set up a global database on internal displacement. A decade later, IDMC remains the leading source of information and analysis on internal displacement caused by conflict and violence worldwide.

IDMC aims to support better international and national responses to situations of internal displacement and respect for the rights of internally displaced people (IDPs), who are often among the world's most vulnerable people. It also aims to promote durable solutions for IDPs, through return, local integration or settlement elsewhere in the country.

IDMC's main activities include:

- Monitoring and reporting on internal displacement caused by conflict, generalised violence and violations of human rights;
- Researching, analysing and advocating for the rights of IDPs;
- Training and strengthening capacities on the protection of IDPs;
- Contributing to the development of standards and guidance on protecting and assisting IDPs.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org

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