

UNEDITED VERSION

**Committee on the Rights of the Child
49th Session
15 September – 3 October 2008**

OUTLINE

Committee on the Rights of the Child

Day of General Discussion

“The right of the child to education in emergency situations”

1. In accordance with rule 75 of its provisional rules of procedures, the Committee on the Rights of the Child has decided to devote periodically one day of general discussion to a specific article of the Convention or to a child rights issue.
2. At its 46th session (17 September – 5 October 2007), the Committee decided to devote its 2008 discussion day to articles 28 and 29 of the Convention dealing with the right to education, focusing upon the education of children in emergency situations. The discussion will take place on Friday, 19 September 2008 during the 49th session of the Committee at the United Nations Office at Geneva.
3. The purpose of the Day of General Discussion is to foster a deeper understanding of the contents and implications of the Convention as they relate to specific topics. The discussions are public. Representatives of governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, as well as national human rights institutions, non-governmental organizations and individual experts are invited to take part.

The context: the right to education for children in emergency situations

4. For the purpose of the Day of General Discussion “emergency situations” are defined as all situations in which man-made or natural disasters destroy, within a short period of time, the usual conditions of life, care and education facilities for children and therefore disrupt, deny, hinder progress or delay the realisation of the right to education. Such situations can be caused by, inter alia, armed conflicts - both international, including military occupation, and non international-, post-conflict situations, and all types of natural disasters.
5. The right to education is set out in the Convention on the Rights of the Child as well as the 1948 Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights. The right to education in a situation of armed conflict is further protected under International Humanitarian Law by the Fourth Geneva Convention, and Protocols I and II, and the elementary education of refugees is protected by the Refugee Convention 1951.
6. The achievement of universal primary education and the promotion of gender equality were adopted as Millennium Development Goals by the United Nations General

Assembly on 6 September 2001. Additionally, States declared in the “World Fit for Children” outcome document of the United Nation General Assembly Special Session on Children in 2002 that by 2015, all children would have access to and complete primary education that is free, compulsory and of good quality.

7. Despite the level of attention now given to education through international law and global initiatives such as Education For All, estimates suggest that of the 72 million children out of school (EFA Global Monitoring report), 36 million live in conflict affected fragile states (Save the Children estimate of 20 November 2007). In many of these countries, years of instability and conflict have devastated the education system. Schools are destroyed or taken over by armed forces, teachers are killed or flee to escape violence, children are being recruited and forced to fight, and are more vulnerable to abuse and exploitation.
8. In the past, the Committee has observed serious difficulties regarding the enjoyment of the right to education in countries experiencing emergency situations. In particular, the availability of data, the costs of education, low enrollment, budget allocation, the nature and quality of learning and discrimination in education systems are recurring concerns.
9. The Committee has received relatively little information on children’s education in emergency situations. Although the issue is recognised, it is often not treated with the importance that it deserves or as a matter of children’s rights by various stakeholders. Many aspects of education in emergency situations, such as specialized teacher training or secure schools, are overlooked and as a result are not prioritised.

Approaches and objectives for the Day of General Discussion

10. The purpose of the 2008 Day of General Discussion is to provide States and other actors with more comprehensive guidance as to their obligations to promote and protect the right to education as outlined in articles 28 and 29.
11. The Committee on the Rights of the Child adopted in 2001 its first General Comment on article 29 (the aim of education) (CRC/GC/2001/1, 17 April 2001) http://www2.ohchr.org/english/bodies/crc/docs/GC1_en.doc. The content of that general comment will be a guiding instrument for the debate on what quality education should be, although targeted adaptation for emergency situations will be needed.
12. This discussion should focus on those aspects of the issues which have proved most problematic for States Parties to address, and for which States may therefore benefit from the views and experiences of the wide range of partners the discussion day is able to bring together. Given the complexity of the concepts and issues involved as well as the concerns raised and experiences gathered to date in the Committee’s efforts to address these issues, it is proposed that participants to this meeting be divided in two working groups on the following themes:

Working Group 1: Continuation and/or reconstruction of the educational system

13. The first Working Group will focus upon the implementation of article 28 concerning access to education in the context of emergencies, with a particular focus on education as a right and how this is fulfilled. The Working Group will discuss how to

prioritise education as an emergency measure which has to be understood as an essential protection tool and which must be included in the humanitarian response from the very beginning of the emergency through to the development phase, allowing for the continuation of children's education and building their future capacities.

Among the main issues that could be discussed are:

- How to ensure respect for, and prioritization of, children's right to education in the midst of an emergency, including good practices;
- How to ensure the continuation or reconstruction of the entire educational system during and after the emergency situation, including, through measures to protect schools and learning centres and transform them into "protected areas";
- How to address and bridge the gap between the provision of education in the emergency phase and in the post-emergency recovery and development phase;
- How to ensure that stakeholders assume their respective responsibilities in making education part of relief efforts and that they prioritise children's right to education from the very beginning of the emergency situation, through, inter alia., allocation of appropriate resources in emergency budgets; how the responsibilities of the stakeholders change as the shift is made from emergency to the recovery phase and then to the development phase;
- Measures that are needed to re-establish daily routines in schooling, including examples of best practices; and
- How to use "windows of opportunity" for quality education that may arise in emergency situations vis-à-vis disadvantaged children, such as those who, prior to the emergency situation, did not attend schools.

Working Group 2: Content and quality of education provided for children in emergency situations

14. The second Working Group will focus on the implementation of article 29 concerning the content of education, considering the particular educational rights and needs of children in emergency situations, including the role of education as a life-saving measure.

Among the main issues that could be discussed are:

- The principles and priorities guiding the content of education in emergency situations; how to adapt curricula in light of emergency situations effectively into the curricula; and how to adopt appropriate methods of learning and teaching;
- The role of rights-based life skills curricula in protecting children, mitigating harm and responding to their needs and rights in emergency contexts; the identification of most needed life skills and related indicators (e.g., peace education, specific life skills such as awareness about land mines, hurricanes and

tsunamis, prevention of sexual and gender-based violence);

- How the protection of the right to education can contribute to the realisation of other rights in emergency situations: education and right to life, education and protection, education and peace, education and child participation; Good practices in the area of human rights education in emergency situations, focusing on understanding, tolerance and respect, peace and the dignity of every human being; and
- Education as a rehabilitation, recovery and reintegration measure.

Expected outcome

15. At the end of the 49th session, the Committee will adopt a set of recommendations aimed at improving the implementation of the Convention in the area discussed. In adopting the recommendations, the Committee will be guided by the discussion day, the recommendations proposed by the working groups and the written contributions submitted. The recommendations are intended to provide pragmatic guidance to States parties as well as other relevant actors.

Participation in the Day of General Discussion

16. The Day of General Discussion is a public meeting at which representatives of governments, United Nations bodies and specialized agencies, non-governmental organizations, including representatives of children's organisations, and individual experts are welcome. The meeting will be held during the 49th session of the Committee, at the Office of the UN High Commissioner for Human Rights (Palais Wilson, Geneva), on Friday, 19 September 2008.
17. The format of the discussion day is meant to allow participants to exchange views in a frank and open dialogue. The Committee therefore asks participants to avoid presenting formal statements during the discussion day. Written contributions are invited on the issues and topics mentioned, within the framework outlined above. In particular, the Committee is interested in receiving information specifically related to the themes mentioned above. Contributions should be submitted before 27 June 2008 electronically to: CRCgeneraldiscussion@ohchr.org
18. For more information on submission and registration, please refer to the guidelines posted on the Committee's webpage at:
<http://www2.ohchr.org/english/bodies/crc/discussion.htm>