

Legal Frameworks and Local Realities for Refugee Populations

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Right to Education Principles

- Equality

- ‘everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind’ – UDHR
- ‘access to secondary education by children of migrant workers must be ensured on the basis of equality of treatment with nationals’ – ICRMW

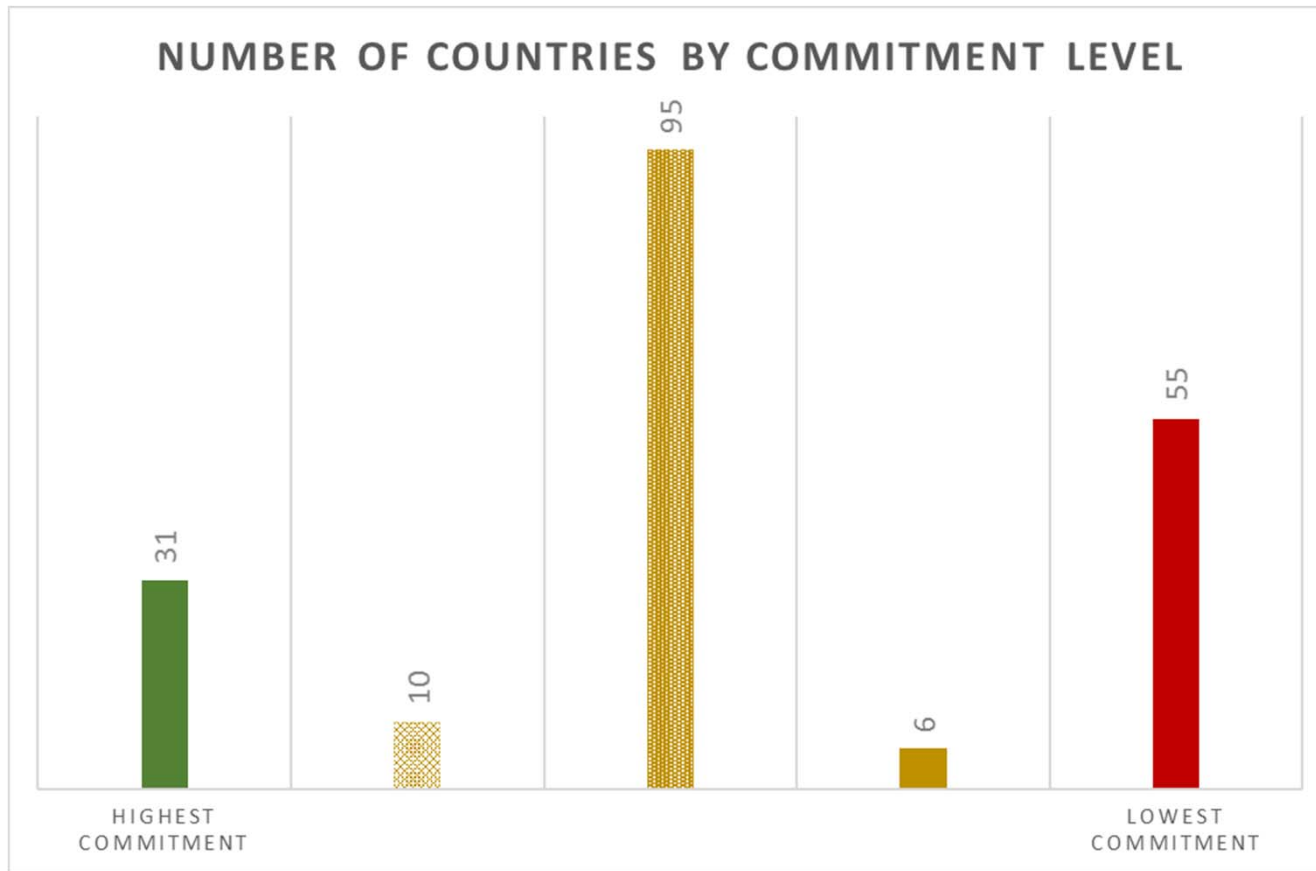
- Non-discrimination

- ‘the principle of non-discrimination extends to all persons of school age residing in the territory of a State party, including non-nationals, and irrespective of their legal status’ – CESCR

International Treaties

- Foundation treaties on the right to education
 - International Covenant on Economic, Social and Cultural Rights (ICESCR)
 - Convention on the Rights of the Child (UNCRC)
 - UNESCO Convention against Discrimination in Education (CADE)
- Treaties specific to migrants and refugees
 - Convention relating to the Status of Refugees (CSR)
 - Protocol to the Convention relating to the Status of Refugees (PCSR)
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)

Level of Country Commitment



National Legislation - Issues

- Limiting rights holders to citizens
 - *Chinese* and *Greek* constitutions limit right to education to ‘citizens’
 - In contrast:
 - *Slovenia’s* Elementary School Act extends right to education to stateless people
 - *Uganda’s* National Policy for Internally Displaced Persons reinforces the right to education for IDPs
- Conflicting laws that undermine constitution
 - *South Africa* – right to education irrespective of migration of legal status in constitution **but** 2002 Immigration Act prevent undocumented migrants from enrolling in school

Local Implementation - Issues

- Common barriers include: lack of documentation, language difficulties, and school fees
- 2017 Joint Statement of CMW and CRC
 - States need to allow access regardless of birth registration status
 - Put in place process to recognize education certificates through capabilities
- Strong legal framework may not prevent discrimination
 - In *Argentina* right to education for all inhabitants **but** requirement of identity document from country of origin may limit some

Challenging Discriminatory Decisions

- *France*

- Strong legal basis – lack of residency is not grounds to restrict access
- Local discrimination – some mayors have refused to register those unable to verify residency

- Remediation
 - Through ombudsman – In 2017, criticized mayor of Levallois for refusing to enroll foreign students
 - Through judicial appeal – In 2016, ordered mayor of Lille to enroll foreign student, subject to a daily fine of 1,500 euros.

Financing Refugee Education

- New York Declaration

‘to ensure all refugee children are receiving education within a few months of arrival and to prioritize budgetary provision to facilitate this, including support for host countries’

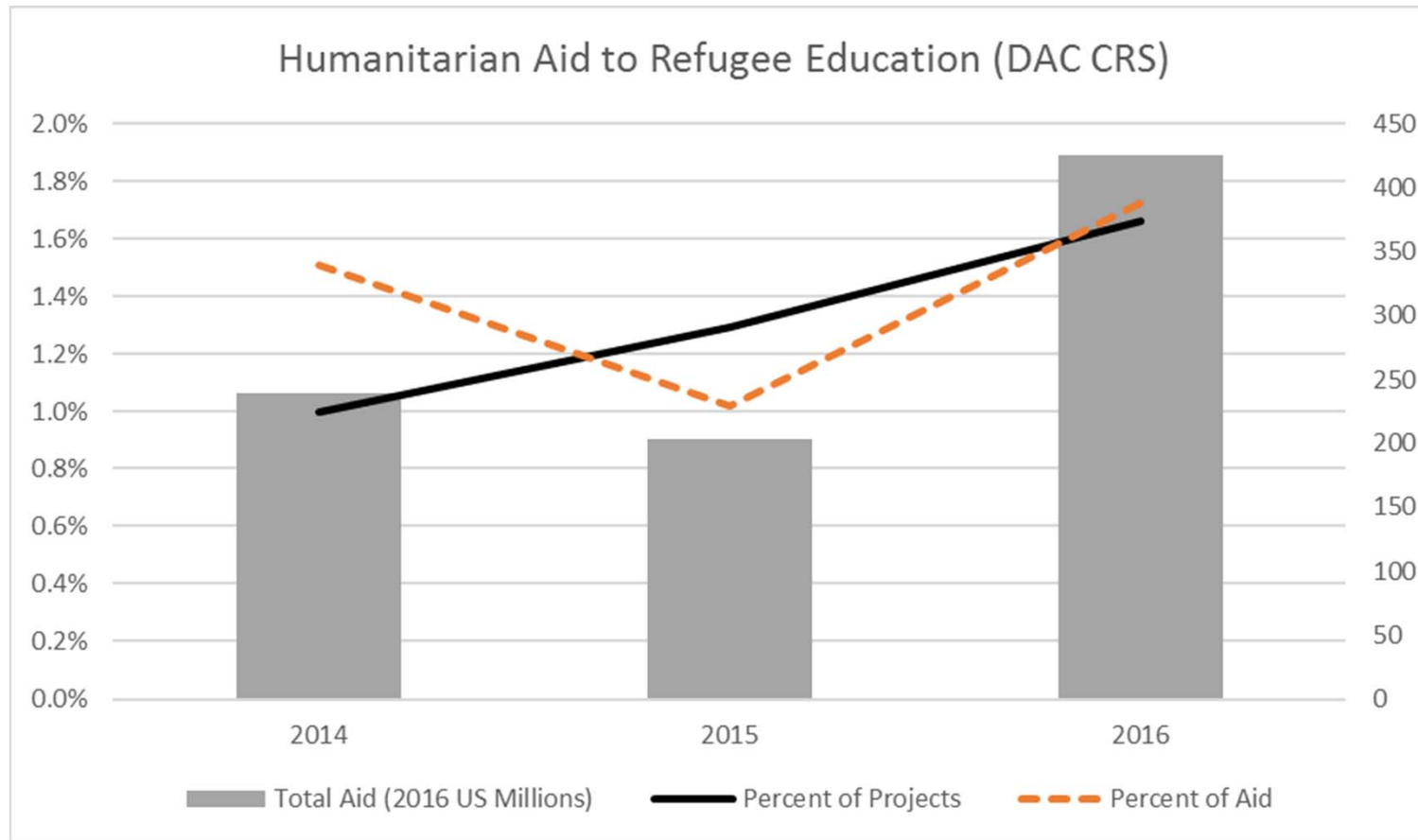
- How much is needed?

- According to Save the Children

- \$21.5 billion over 5 years

- \$11.9 billion should come from the international community

Financing Refugee Education

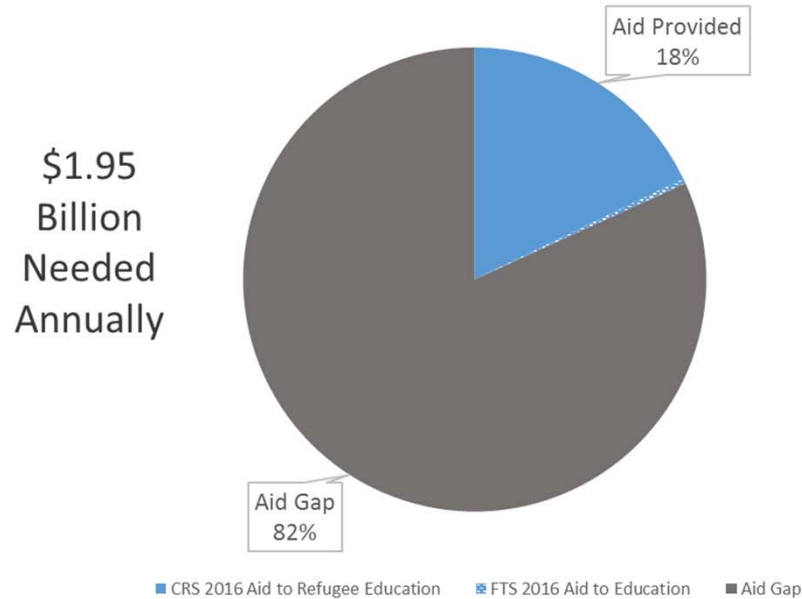


Financing Refugee Education

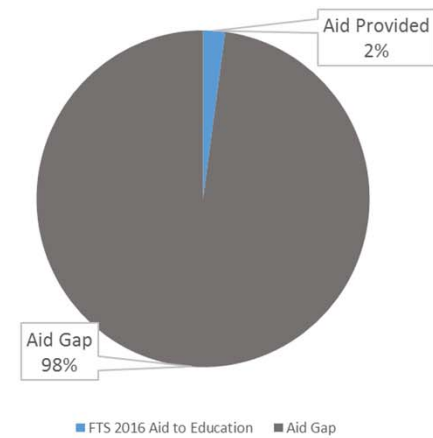
- Top donors in humanitarian aid for refugee education (CRS)
 - *Germany* = \$120 million: \$77 million in Iraq and \$22 million in Lebanon
 - *Canada* = \$91 million: \$66 million combined in Iraq and Syria
 - *Sweden* = \$62 million: \$27 million to Norwegian Refugee Council rapid response
 - *United Kingdom* = \$47 million: \$18.5 million in Syria

Financing Refugee Education

Providing Education for All Refugees

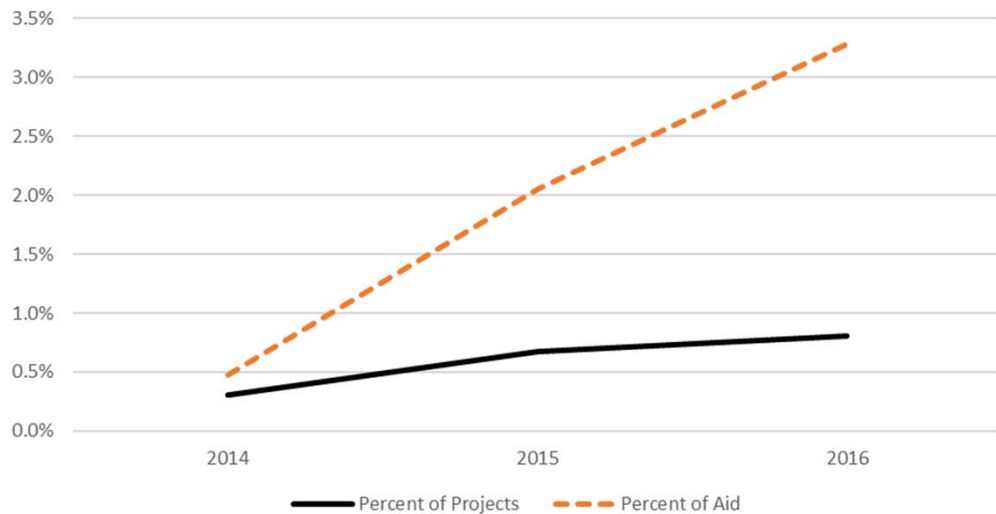


Providing Education for South Sudanese Refugees in Uganda



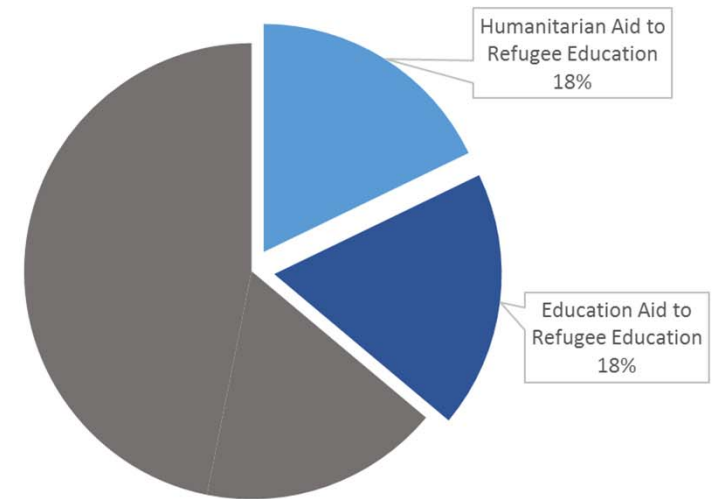
Financing Refugee Education

Education Aid to Refugee Education (DAC CRS)



Providing Education for All Refugees

\$1.52
Billion
Needed
Annually



Policy Recommendations

- Country commitment is needed at all levels
 - International ratification of the right to education
 - Right to education enshrined in national legal frameworks
- Removal of local barriers to the right to education
- Strengthen accountability mechanisms
- Increase commitment to financing refugee education

Thank You

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