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’ – CESC
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

[Bar chart showing the number of countries by commitment level.]

- Highest Commitment: 31 countries
- Intermediate Commitment: 10 countries
- Lowest Commitment: 55 countries
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 mays 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

Humanitarian Aid to Refugee Education (DAC CRS)

- Total Aid (2016 US Millions)
- Percent of Projects
- Percent of Aid
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

$1.95 Billion Needed Annually

Aid Gap 82%
Aid Provided 18%

Providing Education for South Sudanese Refugees in Uganda

Aid Gap 98%
Aid Provided 2%

CRS 2016 Aid to Refugee Education  FTS 2016 Aid to Education  Aid Gap
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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