



General Assembly

Distr.
GENERAL

A/HRC/8/10
20 May 2008

ENGLISH
Original: SPANISH

HUMAN RIGHTS COUNCIL
Eighth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Right to education in emergency situations

**Report of the Special Rapporteur on the right to education,
Vernor Muñoz***

* The present report is submitted late in order to incorporate the most recent information.

Summary

The Special Rapporteur on the right to education has identified emergencies as a source of serious violations of the right to education, one that currently affects a large number of people. By emergency, the Special Rapporteur means a situation arising out of armed conflict or natural disaster.

The Special Rapporteur opens the discussion with a brief introduction to education in emergencies and an assessment of the consequences of emergencies and the effect of recent trends on the place of education in emergencies. He then gives an overview of the legal and political framework that in part determines the international community's response to emergencies and attempts to clarify the responsibilities of those involved. He goes on to outline the priorities of "actor" agencies and donors who in one way or another are involved in realizing the right to education in emergencies, and tries to identify the main education providers; subsequent sections deal with the affected populations and the curriculum.

The Special Rapporteur then summarizes the answers to a questionnaire sent to governments and civil society organizations, which were used in the preparation of the report.

Lastly, the Special Rapporteur makes a number of general recommendations and recommendations to States, donors, intergovernmental organizations and civil society organizations.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 16	5
I. EDUCATION IN EMERGENCIES	17 - 35	7
A. Context	19 - 30	7
B. Importance of education in emergencies	31 - 35	9
II. INTERNATIONAL LEGAL AND POLITICAL FRAMEWORK	36 - 67	10
A. Legal framework	41 - 56	11
B. International political responsibilities	57 - 67	14
III. DONORS' ACTIONS AND PRIORITIES	68 - 73	15
A. Priorities for action	69	16
B. Donors	70 - 73	16
IV. EDUCATION PROVIDERS IN SITUATIONS OF EMERGENCY	74 - 85	17
A. Inter-Agency Standing Committee's Education Cluster	82 - 85	18
V. AFFECTED POPULATIONS	86 - 109	19
A. Refugees and returnees	89 - 91	19
B. Internally displaced people	92	20
C. Women and girls	93 - 94	20
D. Child soldiers and combatants	95 - 98	20
E. People with disabilities	99	21
F. Young people and adolescents	100 - 101	21
G. Consultations with children	102 - 109	21
VI. CURRICULUM AND SHARED LEARNING	110 - 118	22

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VII. QUESTIONNAIRE	119 - 143	23
A. Availability	125 - 126	24
B. Accessibility	127 - 129	24
C. Acceptability	130 - 133	24
D. Adaptability	134 - 143	25
VIII. RECOMMENDATIONS	144 - 148	26
A. General recommendations	144 - 145	26
B. Recommendations to States	146	27
C. Recommendations to donors	147	27
D. Recommendations to intergovernmental and non-governmental organizations	148	28

Introduction

1. This report is submitted pursuant to Human Rights Council resolution 5/1.
2. Since presenting his last report to the Council and finalizing this one, the Special Rapporteur has undertaken missions to Morocco (November 2006), Malaysia (February 2007) and Bosnia and Herzegovina (October 2007). He has also had working meetings with governments, NGOs, universities, multilateral agencies, United Nations agencies, teachers' unions, students, groups of children and adolescents and national human rights institutions in nearly every region of the world.
3. The Special Rapporteur has paid particular attention to vulnerable populations and attempted to establish the causes and circumstances surrounding educational exclusion and the challenges that must be faced in order to promote the realization of the right to education.
4. This report shows there is an urgent need to redouble efforts to safeguard educational opportunities for those people - especially children, adolescents and young people - who lose any possibility of going to school because their community has been hit by an emergency situation.
5. For the purposes of this report, "emergencies" are any crisis situations due to natural causes such as earthquake, tsunami, flood or hurricane, or to armed conflict, which may be international (including military occupation) or internal, as defined in international humanitarian law, or post-conflict situations, which impair or violate the right to education, impede its development or hold back its realization. Such situations put people's health and lives at risk and threaten or destroy public and private assets, limiting the capacity and resources to guarantee rights and uphold social responsibilities.
6. The Special Rapporteur has previously stated¹ that half the children who receive no education live in countries where there is or has recently been armed conflict and that, in some of those countries, net school enrolment is below 50 per cent. Recent estimates put the figure at 39 million children.²
7. In addition, recurrent national disasters in impoverished regions can have a multiplier effect, with devastating consequences for school infrastructure, teaching and the educational opportunities generally of the children living in those regions.
8. To assist the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a seminar on "The right to education in emergencies" on 14 and 15 January 2008, to discuss the key concepts for an analysis of the right to education in emergencies and the responsibilities of States and other actors. The seminar also sought to identify gaps in the international community's regulatory and monitoring arrangements.

¹ E/CN.4/2006/45.

² Alianza Internacional Save the Children, *Rewrite the future One year on*, 2007, pág. 4.

9. The Special Rapporteur commends the enthusiasm with which many organizations, governments and individuals have provided inputs to this report, which reflects a growing conviction that it is necessary to include an educational element in humanitarian assistance responses. He is especially grateful for the generous support of OHCHR, the International Save the Children Alliance and its Swedish office, the Graduate Institute of International and Development Studies in Geneva and the Latin American Campaign for the Right to Education.

10. Natural disasters and armed conflicts are becoming more frequent³ more or less the world over. However, the impact on each person directly involved in an emergency, while invariably brutal, may also vary, like their reaction. Emergency situations should not, however, entail suspension of domestic and international obligations to guarantee the human rights of those affected.

11. The Special Rapporteur believes that State institutions, the international community and the organizations that step in when emergencies arise, should be guided by those rights, rather than responding on the basis of often unwarranted assumptions or financial risk. The institutions and individuals responsible for early response to emergencies should in any case work with the victims rather than acting for them.

12. Education, a basic human right, is frequently found to be interrupted, delayed or even denied during the reconstruction process and early response to emergencies. This is one of the points the Special Rapporteur wishes to highlight in this report.

13. The commitment to realizing the human right to education has been a signal failure, for the goals of Education for All and the educational targets of the Millennium Development Goals are continually being put off or subordinated to the logic of economics, which sees education as nothing more than an instrument of the market.

14. This report also contains a warning. Education can play a key role in promoting cooperation and human understanding yet education of a kind that does not build peace but increases social and gender inequalities, far from being beneficial, may well fuel conflict.

15. There is still discussion on the role of education in generating conflict and also on the ways in which education can help build a lasting peace, but in the second area an educational vision based on respect for human rights can help clarify the conceptual issues.

16. In preparing this report, the Special Rapporteur found that there is a disjunction between social, cultural and economic structures and the educational activities carried out in times of

³ De acuerdo con la Organización Mundial de la Salud (OMS), el siglo XX ha sido, hasta ahora, el más violento período en la historia humana. *Informe mundial sobre la violencia y la salud*, OPS/OMS, Washington D.C., 2002.

conflict or natural disaster. There is an urgent need to close this gap because, although the impact of every emergency is different, there is one prevailing characteristic common to all: the interruption, degradation or destruction of education and education systems.⁴

I. EDUCATION IN EMERGENCIES

17. The Special Rapporteur is aware of the multiplicity of proposed definitions of “emergency”. Education in emergency situations, its role and its content, are also a source of conceptual disagreement, especially where a distinction is being made between education in emergencies and education in non-emergency situations.

18. For the purposes of this report the focus will be on the period from early response to an emergency to the initial stages of reconstruction,⁵ for this is when what are perhaps the worst violations of the right to education occur. It is during this period that educational systems and opportunities are destroyed, and that the limited attention paid by the humanitarian agencies involved, and the relative absence of clear programmatic principles, indicators or funding, are most clearly revealed.

A. Context

19. The consequences of brutal armed conflicts and of natural disasters for education specifically have become increasingly visible. Either can strike in any region, sometimes without warning. They occur in States that can cope financially or in States that cannot. In both cases, the civilian population is the chief casualty.

20. The evidence shows that the killing of female students and teachers and the bombing and destruction of schools have escalated sharply over the past four years in terms of victims and brutality.⁶ In countries like Afghanistan “such attacks are directed against girls’ schools, in an effort to intimidate and prevent girls from accessing education”.⁷

⁴ Sinclair, M., *Planning Education in and after Emergencies*, Instituto Internacional de Planeamiento de la Educación, UNESCO, París, 2002.

⁵ INEE, *Normas Mínimas para la educación en situaciones de emergencia, crisis crónicas y reconstrucción temprana*, 2004, pág. 8. Disponible en www.ineesite.org.

⁶ O’Malley, B., *Education Under Attack: A global study on targeted political and military violence against education staff, students, teachers, union and government officials, and institutions* (estudio encargado por la UNESCO), 2007: www.unesco.org/education/attack/educationunderattack.pdf.

⁷ Declaración de la Representante Especial del Secretario General, Radhika Coomaraswamy, ante el Consejo de Seguridad en febrero de 2008: www.un.org/children/conflict/english/12-feb-2008-statement-at-the-security-council-open-deb.html.

21. The Special Rapporteur restates his view that security in schools, meaning not only physical, psychological and emotional safety but also an uninterrupted education in conditions conducive to knowledge acquisition and character development, forms part of the right to education.⁸ This means that States have a responsibility to punish perpetrators and devise effective methods of protection.

22. Statistics on conflict-related emergencies remain disturbingly vague, as most are based on estimates, which vary dramatically. In 2003 the United Nations Children's Fund (UNICEF) stated that 121 million children were affected by armed conflict,⁹ yet in 2000 the United Nations Educational, Scientific and Cultural Organization (UNESCO) had put the figure at 104 million.¹⁰ A comprehensive review in 2004¹¹ estimated the number of children and adolescents affected by armed conflict and without access to formal education to be at least 27 million, most being internally displaced persons (90 per cent).

23. The number of refugee and displaced children receiving no education outside the camps of the Office of the United Nations High Commissioner for Refugees (UNHCR) remains unknown, like the number of illiterate young people, adolescents and adults who have no educational opportunities.

24. Clearly there is a lack of precise data on the affected populations, but equally clearly the impact of emergencies has been enormous.¹²

25. Emergencies impact particularly severely on people with disabilities. In her report "Impact of armed conflict on children", Graça Machel noted that, for every child killed, three are seriously injured or permanently disabled. According to Ms. Machel, armed conflict and political violence are the leading causes of injury and physical disability and primarily responsible for the conditions of over 4 million children who currently live with disabilities and for the lack of basic services or minimum support.¹³

⁸ E/CN.4/2005/50, párr. 119.

⁹ UNICEF, *Estado Mundial de la Infancia: Las niñas, la educación y el desarrollo*, Nueva York, 2004.

¹⁰ UNESCO, *Informe de seguimiento de la EPT en el mundo 2003/2004*, París.

¹¹ Women's Commission for Refugee Women and Children, *Global Survey on Education in Emergencies*, 2004, Nueva York.

¹² Sommers, M., *Youth: Care & Protection of Children in Emergencies: A Field Guide*. Washington, D.C. Unidad de niños en crisis de Alianza Internacional Save the Children (Estados Unidos de América).

¹³ Informe de la experta del Secretario General, Graça Machel, sobre las repercusiones de los conflictos armados sobre los niños (A/51/306).

26. This lack of support is compounded by economic decline and the health problems that accompany emergencies. There is no reliable statistical data permitting a comparison of the impact of natural disasters and the impact of armed conflict. However, one fact can be identified: around 90 per cent of those affected by natural disasters live in States with limited capacity to cope with that impact.¹⁴

27. In 1998 hundreds of schools in Central America were damaged by Hurricane Mitch and many others were turned into shelters. In Aceh, Indonesia, 1,000 teachers were lost after the tsunami in 2004, and 50 per cent of schools were destroyed, leaving 140,000 elementary students and 20,000 junior high school students with nowhere to study. The tsunami destroyed 112 schools in Sri Lanka.¹⁵

28. Even though natural disasters are “statistically less lethal” than conflicts, causing one third the number of deaths, in the 1990s natural disasters affected seven times the number of people that conflicts did.¹⁶ An important point is that natural disasters are on the rise, occurring three times as often in the 1990s as they did in the 1950s.

29. Statistics are not always useful in showing the degradation and destruction of education systems when an emergency arises, particularly in the case of armed conflict.

30. During times of conflict schools can become recruitment centres for children, who are forced to become soldiers, which is in itself an attack on children’s education and lives. Teachers, students and parents become the targets of violence. Parents keep their children at home to avoid the risks involved in the trip to and from school and also to avoid falling victim to landmines. Few statistics record the impact of violence in schools themselves in times of conflict, despite reports that levels of teacher violence against students also intensify.

B. Importance of education in emergencies

31. The Special Rapporteur strongly questions the way humanitarian aid focuses on the three classic areas of food, health and shelter, because it is clear that these days humanitarian assistance should be geared to people’s overall welfare. Aid that merely supplies calories for the stomach and water for the throat reduces people to things.¹⁷

¹⁴ *Burde, D.*, Education in crisis situations: Mapping the field, *Washington D.C.*, diciembre de 2005, pág. 8. *Basic Education Policy Support activity (BEPS)*, Creative Associates, y CARE International. Texto disponible en www.beps.net/crisis_situations/crisis_situations.htm.

¹⁵ *Ibíd.*, págs. 8 y 9.

¹⁶ *Ibíd.*, pág. 9.

¹⁷ *Vaux, T.*, *The Selfish Altruist: Relief Work in Famine and War*, Earthscan Publications Ltd., 2001.

32. Learning encompasses our past and future at once; it is an aspect of life that comprehends everything that makes development possible. To learn is to adapt, to cooperate, and to transform our environment. It is the process by which people communicate, put forward ideas and bring them to fruition; learning is the organizing principle of every society.

33. Nearly all communities affected by emergencies organize themselves rapidly: they identify representative leaders, provide assistance to their people and determine priorities and needs.¹⁸ these include education, which is always demanded by populations affected by emergencies.

34. Although the Special Rapporteur is opposed to the tendency to treat education as no more than a tool, he recognizes that, beyond the human rights imperative, education also provides physical, psychosocial and cognitive protection that can be both lifesaving and life-sustaining. Education offers safe spaces for learning, as well as the ability to identify and provide support for affected individuals, particularly children and adolescents. Education mitigates the psychosocial impact of conflict and disasters by giving a sense of normality, stability, structure and hope during a time of crisis, and provides essential building blocks for social reconstruction and future economic stability.

35. Education can also save lives by protecting against exploitation and harm, including abduction, recruitment of children into armed groups and sexual and gender-based violence. Lastly, education provides the knowledge and skills to survive in a crisis through the dissemination of lifesaving information about landmine and cluster bomb safety, HIV/AIDS prevention, conflict resolution mechanisms and peacebuilding.¹⁹

II. INTERNATIONAL LEGAL AND POLITICAL FRAMEWORK

36. The international legal and political framework of education in emergencies is the product of several global developments - the ever-increasing number of natural disasters, the changing nature of conflict and the fight against terrorism - and an unwavering perception of what education should be and the quality and kinds of education that should be available.

37. As parties to human rights treaties, States have an obligation to respect, protect and fulfil the right to education, whether or not an emergency situation prevails. In addition, the right to education inheres in each person regardless of legal status, whether refugee, child soldier or internally displaced person.

38. However, this introduces a complexity that the Special Rapporteur anticipated in his previous report:²⁰ although each person has the same right to education, few individuals have the same educational needs.

¹⁸ Martone, G., *Educating Children in Emergency Settings: An Unexpected Lifeline*, 2007.

¹⁹ Normas Mínimas para la educación en situaciones de emergencia, crisis crónicas y reconstrucción temprana. En: www.ineesite.org.

²⁰ A/HRC/4/29.

39. Moreover, States have the primary responsibility in law for guaranteeing education, even if they lack the capacity needed to do so. This is why, since the international community's legal undertakings have been conceived to fully meet people's needs, these undertakings include the provision of educational cooperation, as provided for in article 28, paragraph 3, of the Convention on the Rights of the Child.

40. Although States are committed to adopting a human rights perspective on the provision of education, these commitments have not translated often enough into collective responses to emergencies.

A. Legal framework

41. The Universal Declaration of Human Rights establishes in article 26 the right to free compulsory elementary education. Article 13 of the International Covenant on Economic, Social and Cultural Rights defines the scope of this right more precisely, requiring that education should be available to all who have not received or completed primary education.

42. The Convention on the Rights of the Child obliges States to ensure, without discrimination of any kind, access to education for all children living in their territories.²¹ Article 28 of the Convention promotes free compulsory primary education, urges States to develop accessible secondary education and other forms of education and encourages international cooperation in educational matters. In support of this, the Convention refers to the best interests of the child (art. 3) and the right to life and to survival and development to the maximum extent possible (art. 6).

43. The threat to each of these principles becomes more acute in times of emergency, and particular care and effort are needed to secure them. Special attention must also be paid to the real aims of education, which are interpreted by the Committee on the Rights of the Child as transcending mere access to formal schooling and embracing a broad range of life experiences and learning processes that enable children, individually and collectively, to develop their personalities, talents and abilities and live a full and satisfying life within society.²²

44. Moreover, under article 22 of the Convention, States are obliged to ensure that a child who is seeking refugee status receives appropriate protection and humanitarian assistance, and enjoys all the rights set forth in the Convention. This includes the obligation to provide prompt and full access to education and rapid integration into the regular education system.²³

²¹ Arts. 2 y 28.

²² Observación general N°1, sobre los propósitos de la educación (CRC/GC/2001/1). Véase también el artículo 29 de la Convención sobre los Derechos del Niño.

²³ Observación general N°6, sobre el trato de los menores no acompañados y separados de su familia fuera de su país de origen (CRC/GC/2005/6), párrs. 41 y ss.; también documentos CRC/C/OPAC/KGZ/CO/1, párr. 16, inciso b); y CRC/C/15/Add.126, párr. 50.

45. Of particular importance is article 38 of the Convention, which calls on States to respect and ensure respect for international humanitarian law.²⁴ In addition, under article 39, States should take all appropriate measures to promote physical and psychological recovery and social reintegration of victims of armed conflicts, *inter alia*.

46. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict has the potential to reduce the number of children recruited into regular armies and irregular armed groups and mitigate the implications for their educational opportunities.²⁵ The Optional Protocol has been followed by several Security Council resolutions, notably resolution 1612 (2005), which establishes a monitoring and reporting mechanism on children and armed conflict.

47. The accountability mechanisms of the Committee on the Rights of the Child remain weak, for they provide for no more than State party reports. But the Committee has shown a special interest in, and commitment to, the issue of education in emergencies, as reflected in its guidelines for submission of reports, its written and oral questions and its recommendations. The Committee is to organize a general discussion on the right to education in September 2008.

48. According to the Convention relating to the Status of Refugees, refugee children should be accorded the same treatment as is accorded to nationals with respect to elementary education (art. 22, para. 1) and treatment no less favourable than that accorded to foreigners with respect to education other than elementary education (art. 22, para. 2). In 1993 UNHCR adopted a policy on refugee children that includes the guiding principle that, in all actions concerning refugee children, the child's best interests should be given primary consideration.²⁶ However, accountability mechanisms for the Member States that fund the work of UNHCR of greatest relevance to refugees are not very well developed.

49. Much of the work of UNHCR has been geared towards the protection of displaced persons, despite the fact that its statute gives it no specific mandate for such work.²⁷ In 2005 the Inter-Agency Standing Committee's Education Cluster decided to create a group to improve the

²⁴ El párrafo 1 del artículo 38 dispone que los Estados Partes se comprometen a respetar y velar por que se respeten las normas del derecho internacional humanitario que les sean aplicables en los conflictos armados y que sean pertinentes para el niño.

²⁵ Los protocolos I y II de los Convenios de Ginebra, la Carta Africana sobre los Derechos y el Bienestar del Niño, el Convenio N° 182 de la Organización Internacional del Trabajo (OIT) sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación, de 1999, y el Estatuto de Roma de la Corte Penal Internacional también prohíben el reclutamiento de niños.

²⁶ ACNUR, Directrices sobre protección y cuidado, Ginebra, 1994, pág. 73.

²⁷ La Asamblea General atribuyó progresivamente la competencia sobre los asuntos relacionados con los desplazados internos, basándose en el artículo 9 del Estatuto del ACNUR.

predictability and accountability of response within the United Nations. However, despite having accepted a lead role in some components, UNHCR still lacks sufficient resources to perform that role.²⁸

50. The growing number of displaced persons and the lack of specific legal protection prompted the development of the Guiding Principles on Internal Displacement,²⁹ on the basis of international humanitarian law and international human rights law. The Guiding Principles affirm the right to free compulsory education, and in particular the full and equal participation of women and girls (principle 23).

51. Although they are not legally binding, the Guiding Principles have been disseminated widely among States and international agencies and are increasingly being used to guide protection and assistance strategies. Guidance is not the same as responsibility, however.

52. International humanitarian law establishes a regulatory framework protecting the right to education during armed conflicts. The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states that measures should be taken to ensure that children who are orphaned or separated from their families as a result of a war have access to education.³⁰

53. Additional Protocol II to the Geneva Conventions, of 1977, applies to non-international conflicts and is therefore of the utmost relevance today, as it covers the actions of non-State armed groups and establishes in article 4, paragraph 3 (a), the obligation to provide children with the care and aid they require, and the right to receive education.³¹

54. Of particular importance is article 8 of the Rome Statute of the International Criminal Court, which states that all intentional attacks on buildings dedicated to education constitute war crimes and are therefore subject to the Court's jurisdiction.³²

²⁸ En 2007 el ACNUR diseñó una estrategia con el fin de asumir su papel como líder de las áreas de protección, refugio de emergencia, coordinación de campos y administración, la cual incluye provisiones en materia de presupuesto y personal. Véase EC/58/SC/CRP.18.

²⁹ E/CN.4/1998/53/Add.2.

³⁰ Ver también el artículo 50 del Convenio, referente a las obligaciones de la potencia ocupante, y el artículo 78 del Protocolo adicional I, referente a la protección del derecho a la educación en evacuaciones.

³¹ Además, las normas del derecho internacional humanitario consuetudinario, que se aplican a todo tipo de conflictos, incluso en el territorio de los Estados que no han ratificado los Protocolos adicionales, establecen que los niños y niñas afectados por conflictos armados son titulares de ciertas garantías, incluyendo el acceso a la educación. Véase Jean Marie Henckaerts y Louise Doswald-Beck, *Customary International Humanitarian Law*, vol. I, *Rules*, Comité Internacional de la Cruz Roja, 2005, pág. 481.

³² Art. 8, párr. 2, inciso e), iv).

55. In 1999 the Security Council adopted resolution 1261 (1999) condemning all attacks on “objects protected under international law”, including schools, and calling on all parties concerned to put an end to such practices.³³

56. The case law of the International Criminal Court is still in its infancy. As it develops, it offers an opportunity to send a powerful message to those who continue to undermine the right to education: the impunity with which education has been attacked for so many years must stop now.³⁴

B. International political responsibilities

57. The recognition given in articles 4 and 28 of the Convention on the Rights of the Child to the need for international cooperation in order to implement the right to education has not translated fully and clearly into political responsibilities for the international community.

58. The goal of education for all set up by the World Conference on Education For All, held in Jomtien, Thailand, in 1990, certainly moved the language of human rights obligations towards a future responsibility concerning the establishment of minimum standards in basic education. Although Jomtien did include other topics, education in emergencies received scant attention.

59. The Dakar Framework for Action on Education For All was adopted at the World Education Forum, held in Dakar in 2000. The World Forum paid greater, albeit still insufficient, attention to the educational consequences of emergencies, placing special emphasis on children affected by conflict, natural disasters and instability and on the conducting of educational programmes in ways that promote mutual understanding, peace and tolerance, and that help to prevent violence and conflict. The date by which these needs should be met was set at 2015.

60. There is an interesting statement in the Dakar Framework for Action to the effect that “no countries seriously committed to education for all will be thwarted in their achievement of this goal by a lack of resources”. The implication is clear: any State desirous of ensuring primary education, but incapable of doing so, should be able to obtain the funds essential for that purpose.

61. The Millennium Development Goals do not use the language of States rights and obligations, assigning educational goals to a development rather than a rights agenda. This

³³ Véanse también resoluciones del Consejo de Seguridad 1314 (2000), 1379 (2001) y 1539 (2004).

³⁴ Existen precedentes del Tribunal Penal Internacional para la ex Yugoslavia en los que se afirma que la destrucción de edificios destinados a la educación constituye un crimen de guerra. Ver *Blaskic* (Trial Chamber), 3 de marzo de 2000, párr. 185, y *Naletilic and Martinovic* (Trial Chamber), 31 de marzo de 2003, párrs. 603 a 605.

narrow view of quantifiable access to a full primary education that is free, compulsory and of good quality by the year 2015 (Goal 2) and the promotion of gender parity by the year 2005 (Goal 3), has also had the effect of diverting attention from other educational goals, which are of crucial importance in emergency situations.

62. Political commitments on education are welcome. A commitment to long-term development goals is not effective, however, in prioritizing education as a human right in emergencies, or in holding States accountable.

63. In emergency situations States still have the obligation to ensure the right to education, but they may not have the capacity they need to do so. A variety of actors have tried to pick up this responsibility in Governments' stead, such as international NGOs, national and international agencies and some donors, all of whom act in accordance with their own particular views.

64. The recognition of the growing coordination among all the actors involved in education in emergencies, with delimited responsibilities and shared examples of best practices, has resulted in the creation of qualitative standards and indicators which, among other effects, broaden the legal and political framework in which these actors are expected to operate.

65. More specifically, the Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction were developed starting in 2004 by the Inter-Agency Network for Education in Emergencies (INEE), as a result of the fact that international humanitarian responses were neglecting education. Even the "Sphere Standards", which had codified a system of principles of humanitarian aid, referred to human rights but left out education.

66. The INEE Minimum Standards offer a harmonized framework of principles and paths of action to all actors who may be involved in the provision of education during emergencies, for them to coordinate their educational activities and, even more importantly, to promote the acceptance of responsibilities. These Minimum Standards need to be strengthened in this latter aspect, and the Special Rapporteur urges the international community to redouble its efforts in working towards this goal.

67. Despite the growing awareness of the need for delivery of education in emergencies and the progress made in doing so, there still remains an enormous gap between the legal and political responsibilities of the international community and its action and funding priorities. The reasons for and consequences of this gap will be considered in the following section.

III. DONORS' ACTION AND PRIORITIES

68. The Special Rapporteur has observed that, with notable exceptions, the international community is tolerant of violations of the right to education in emergencies. This is clear from the priorities for action and from the perception, which here we challenge, that education is a facet of development rather than a humanitarian activity, and even less a human right. By operating on that basis, countries have fallen short of the responsibility enshrined in the international instruments which define the nature and the content of the right to education.

A. Priorities for action

69. UNICEF and UNESCO, the United Nations agencies that have taken on the leadership for the area of education in emergencies, are formally committed to the right to education. However, this is not always matched by the educational strategies of large sectors of the international community, including other United Nations agencies, intergovernmental organizations, development banks and private sector and civil society agencies.³⁵ Although some progress has been achieved, especially with the creation of the Inter-Agency Standing Committee's Education Cluster, education as a priority in humanitarian assistance will go on being out of reach until this priority is recognized by all, including, primarily, Governments.

B. Donors

70. Humanitarian assistance is underfunded, barely receiving two thirds of the amount that is requested.³⁶ Consequently, when priorities are set, education in emergencies is not high on the list. In 2004, only approximately 1.5 per cent of the total humanitarian commitments were intended for educational programmes.³⁷ Also, estimates for the years 2001 to 2005 show that the actual financial contributions made for education averaged 42 per cent of the real needs, as compared with 66 per cent in all the other humanitarian sectors.³⁸

71. There is a steady increase in the literature covering the challenges relating to the financing of education in emergencies. The Special Rapporteur wishes to highlight a selection of those challenges, calling for monitoring, evaluation, dialogue and dissemination of best practices and innovations. Further, the Special Rapporteur repeats his call to the international community that provision of funding for education in times of emergency must be the result of a commitment to a human right, rather than of an exercise in risk avoidance.

72. The challenges that are discussed most often with regard to education in emergencies include the following:

(a) The lack of sufficient and suitable funding for education in general and the failure to keep promises, despite the adoption of policies and the support of many donors who promote Education For All and the Millennium Development Goals;

³⁵ UNESCO, informe del Director General sobre el Plan de Acción para alcanzar los objetivos de la educación para todos (doc. 174 EX/9), marzo de 2006, párr. 8.

³⁶ CIDA-INEE, *Policy Roundtable in Emergencies, Fragile States and Reconstruction: Addressing Challenges and Exploring Alternatives*, CIDA-INEE Policy Roundtable Report, 2006, pág. 36.

³⁷ Winthrop, R. y Mendenhall, M., *Education in Emergencies: a critical factor in achieving the Millennium Development Goals*, The Commonwealth Ministers Reference Book, 2006.

³⁸ *Op. cit.* (nota 37 *supra*), pág. 13.

(b) The existence of a dominant paradigm of aid, based on the widely-held premise that assistance is most effective in States with stronger policies and institutional adjustments.³⁹ Despite bilateral donors' emphasis on the importance of assisting the countries with the most pressing needs, such countries - also called emergency-affected fragile States - receive approximately 43 per cent less funding than they would need based on the size of their population, their degree of poverty and their level of political and institutional development. Also, their flows of aid have been twice as volatile as those of the low-income countries;⁴⁰

(c) Donors are reluctant to consider education as part of aid and humanitarian response, despite the fact that emergency situations can, and often do, last for many years;

(d) The priorities of the donors have moved from the financing of long-term development needs, to concentrate instead on humanitarian disaster relief. This frequently causes donors to concentrate on activities in the traditional fields of food, health and shelter;⁴¹

(e) Lack of continuity in funding between the onset of an emergency and reconstruction (often divided into "humanitarian phases" and "development phases");

(f) Limited evidence concerning the effectiveness and responsibility of the providers of education in emergencies.

73. The limited involvement of donors in the implementation of the right to education has hampered coordination, the development of partnerships, examination of alternative funding models and the building of risk-management capabilities. Currently a number of worthy measures to tackle these questions are being taken, but there is a need for encouragement by way of a greater commitment by the international community as a whole.

IV. EDUCATION PROVIDERS IN SITUATIONS OF EMERGENCY

74. There is no single agency to which States requiring educational assistance can turn in an emergency. Nor is there a single funding mechanism for channelling financial resources.

75. On the contrary, a plethora of actors take the stage, each with its own expertise, agenda and distinct priorities, mandates, capacities, spheres of influence, field presence and financial bases. They include both agencies and other bodies of the United Nations system; bilateral and

³⁹ McGillivray, M., *Aid Allocation and Fragile States*, Instituto Mundial de Investigaciones de Economía del Desarrollo, Finlandia. Documento de información para el Foro de alto nivel para el desarrollo de la eficacia en Estados Frágiles, 13 a 14 de junio de 2005, Lancaster House, Londres.

⁴⁰ Ibid.

⁴¹ Declaración para su adopción por el Secretario General de las Naciones Unidas, Simposio sobre la nutrición en situaciones de conflicto y crisis, 12 y 13 de marzo de 2002, 24 *SCN News*, Comité Permanente de Nutrición, julio de 2002.

multilateral donors, international and domestic NGOs and affected communities. Very prominent are many NGOs and of course the Inter-Agency Network for Education in Emergencies. But is this a sufficient indicator of an effective and appropriate collective response?

76. Education in emergencies enjoys a high level of awareness within the United Nations. UNESCO works in collaboration with UNHCR and UNICEF. UNHCR is responsible for refugee protection in emergencies and is the lead agency for the protection of internally displaced persons. UNICEF is the body responsible for children and adolescents.

77. UNESCO has as its mandate to contribute to peace, security and development through education and intellectual cooperation. A major effort that it has deployed since its foundation has been to ensure the right to education of persons affected by armed conflicts, through advocacy for a comprehensive understanding in the interests of peace. Although it has a wide-ranging mandate, UNESCO is painfully short of funds and other resources.

78. In addition, often at the request of Governments, UNICEF pays particular attention to internally displaced populations and to returnees and their reintegration, since it is the lead agency for assistance in the provision of primary education in post-emergency situations.

79. In general, the interventions of the agencies of the United Nations system are characterized by their concentration on primary education and by a concomitant lack of attention paid to tertiary education, particularly in fragile States. It is evident that coordination between the agencies is improving, but there is not a clear division of labour, which means that there are still gaps, confusion and duplication.

80. If the agencies of the United Nations are to fulfil their mandates more completely, they will need to be adequately financed by the Member States. Also, they will need to revitalize their coordination efforts and raise the profile of the place occupied by education as a right in emergency situations.

81. Finally, although the World Bank has made important contributions to education in emergencies, it continues to be working outside the human rights framework, a position which reflects its strategy on education, which is to concentrate on support to education in the reconstruction stages following emergencies. Also, the Bank identifies with the utilitarian concept of education as a tool for economic development, since it considers it only as a major factor in the achievement of the Millennium Development Goals. Together with the narrow focus on primary education, this demonstrates a degree of disregard for the Education For All agenda.

A. Inter-Agency Standing Committee's Education Cluster

82. The Special Rapporteur notes with satisfaction the recent creation of the Inter-Agency Standing Committee's Education Cluster,⁴² since this constitutes a first step towards the inclusion of education as a priority component of the humanitarian response.

⁴² El Grupo Integrado de Educación fue aprobado por el Grupo de Trabajo del Comité Permanente entre Organismos en su reunión de 15 de noviembre de 2006.

83. The Special Rapporteur stresses in particular the shared leadership of the United Nations agencies, especially UNICEF and the international NGOs. There are high hopes for this collaboration.

84. The Education Cluster must act to meet the need to ensure a greater responsibility on the part of the international community, including the United Nations, donor agencies and countries and local and international NGOs. The Cluster should become the proper mechanism for determining the educational needs in emergency situations and responding to them in a coordinated manner, for which purpose it should use and develop the tools laid down by the Inter-Agency Network for Education in Emergencies.

85. The Education Cluster must also ensure that donors are ready to provide the funds needed to respond to any emergency, making available the resources necessary for education as a component of early response.

V. AFFECTED POPULATIONS

86. The specific education-related responses to emergencies increasingly reflect the challenges particularly encountered by the affected populations, which are often not homogeneous, with differences depending on situation or status.

87. The potential that assistance may be differentiated or demarcated brings with it the risk of introducing in education an additional component of the discrimination which these marginalized populations often experience.

88. Opportunities for education are, even in times of peace, frequently unequal and discriminatory. In times of emergency, inequality and discrimination increase for marginalized groups, groups such as women and girls, persons with disabilities, persons living with HIV/AIDS, ethnic minorities, and indigenous and migrant communities. Such persons and communities suffer a double or perhaps multiple discrimination.

A. Refugees and returnees

89. The educational options for this population are determined to a large degree by the repatriation efforts led by UNHCR.

90. The aim of bringing about successful repatriation and reintegration of returnees, both teachers and students, has led to an emphasis in the study plans on all those aspects that recall the country of origin. This approach is not always possible, as the relevant teaching material is often unobtainable or unsuitable. Such materials may be, for example, a version of the curriculum as it existed before the conflict, and may even have contributed to the conflict itself, or may be a mixture of the local model of the study plan plus innovations made to it by an NGO.

91. Poor use of teaching materials may create problems relating to the accreditation of the teaching received, with refugees and/or returnees being accepted neither by the national education system of their host country nor by that of their country of origin, creating a source of social tension.

B. Internally displaced people

92. The people in this category are disproportionately denied the right to education. It has been suggested that the number of internally displaced persons without the right to education is generally 90 per cent. This may be due to the ongoing lack of security, the lack of an international agency specifically mandated to respond to their needs, the lack of physical access for education providers, the lack of political will in governments to allow education providers to offer such people real opportunities, or to the simple reluctance of governments to commit to providing them with an education.

C. Women and girls

93. Gender parity in education is the focus of a global educational strategy that is obviously inadequate. In the context of emergencies, the relevant literature tends to concentrate on the challenges other than parity: those created by the greater vulnerability of women and girls, including their problems of security, hygiene and the lack of adequate sanitary facilities within the educational institutions, as well as the shortage of female teachers and the fact that girls are also required to do housework.

94. The impact of emergencies on girls is more serious given that historically they have been the victims of exploitation and emotional and physical aggression, especially sexual aggression. For this reason it is of fundamental importance for early response to emergencies to develop appropriate curricula that can be adapted to their needs and rights. There is a need to go further in providing comprehensive protection for young and adolescent girls, guaranteeing their safety en route to and from school and environments free of aggression, by means of strategies that will encourage them to stay in school. To achieve this goal, it is essential to work with women teachers.

D. Child soldiers and combatants

95. It is estimated that around 250,000 boys and girls worldwide have been recruited to serve not only as soldiers, but also in the detection of mines, or as spies, messengers and members of suicide missions.⁴³

96. A large portion of international attention has been focused on their demobilization and reintegration, in line with international disarmament principles and the reintegration and demobilization standards laid down in the Convention on the Rights of the Child. If such programmes are to be effective, there is a need to deal with the imbalance in the attention that donors pay to demobilization as compared with reintegration.

97. A rights-based approach is needed to ensure that all educational programmes deal with the multiple discrimination experienced by adolescents, minorities and persons with disabilities, among others.

⁴³ Mireille Affa'a Mindzie, *Children associated with armed forces*. Ciudad del Cabo (Sudáfrica), 2008, Centre for Conflict Resolution.

98. Formal and informal education, vocational training and social capacity-building in general have been identified by many former child soldiers or combatants as essential to their long-term well-being,⁴⁴ and their prioritization should be a guiding principle for the help offered to such people, and their participation in those processes should be fully guaranteed.

E. People with disabilities

99. People with disabilities, of either sex and of all ages, and in most parts of the world suffer from a pervasive and disproportionate denial of their right to education.⁴⁵ In emergencies, however, particularly during conflicts and the post-conflict period, their right to receive special support and care is not always recognized by communities or States.

F. Young people and adolescents

100. The education of young people and adolescents has been traditionally disregarded by governments and the international community, since priority is always given to primary education. There are justifications for this emphasis, but the result should not be a total lack of attention to the other levels.

101. However, there are an increasing number of experiments in accessible, realistic, relevant and flexible learning, promoted primarily by international NGOs, that offer youngsters an alternative basic education. These initiatives have largely been ignored by governments and donors, possibly owing to their lack of emphasis on standardization.

G. Consultations with children

102. In preparing his report, the Special Rapporteur has been very concerned to consider the direct experiences of boys and girls who have lived through conflict situations.

103. To assist with this, the International Save the Children Alliance organized two meetings, one in Colombia and one in Côte d'Ivoire, during 2007. In Côte d'Ivoire, the Special Rapporteur was invited to meet two separate groups of children aged between 8 and 12, as well as a small group of boys and young adults who had previously lived in military camps.

104. The meetings in Colombia covered three groups, with ages ranging from 6 to 18.

105. Some of the concerns raised by the boys and girls in the two countries were very similar and might be representative of the problems facing States with long-running conflicts.

106. It is evident that conflict has a serious impact on the enjoyment of the right to an education that is free of charge, compulsory, relevant and of good quality, especially for the children living in the affected areas.

⁴⁴ Así lo comprobó personalmente el Relator Especial en su visita a Côte d'Ivoire, por invitación de la Alianza Internacional Save the Children.

⁴⁵ Véase A/HRC/4/29.

107. As the children said, access to education and whether or not children remain in school depends to a large extent on the cost of education, including uniforms, teaching materials, food and travel. This is an obstacle, since many of the children fled their communities of origin, together with their families, and now find themselves in conditions of extreme poverty.

108. They also voiced concerns regarding the dreadful state of the school infrastructure; some of the children stated that they had to walk long distances to reach school and were afraid of being attacked by armed groups.

109. When the children were questioned regarding matters to do with the curriculum, all without exception expressed the hope that the study plans would contribute to strengthening the peace processes.

VI. CURRICULUM AND SHARED LEARNING

110. The objectives of Education For All set forth in the Dakar Framework for Action clearly state that access to a quality education is a basic human right of the victims of conflicts and natural disasters.

111. Since education plays a role that shields people's life, dignity and security and also constitutes an area where all human rights converge, especially in emergencies, it is essential to focus on learning and the learners.

112. The transition from emergency intervention to large-scale reconstruction provides unique opportunities for curriculum design and for improving the quality of learning. This requires generating data and minimum standards and proposes introducing innovative, flexible and dynamic assessment systems.⁴⁶

113. One of the causes of problems in implementing the right to education is denial of this convergence of human rights, especially when it comes to groups that suffer social and economic discrimination. This not only results in the denial of the human right to education, but also damages its specific content, because knowledge not built upon personal development that is respectful of human rights is inferior knowledge.⁴⁷

114. The quality of education implies a collective responsibility that includes respect for the individual nature of all persons; it implies respect for and empowerment of diversity, since any learning demands the recognition of the other as a legitimate being. For this reason, the search for consensus and the recognition of differences constitute sources of education that are of crucial importance in the creation of cultures of peace.

⁴⁶ Bernard, Jean, *With peace in mind: Assessment as a tool for cultivating the quality of education in emergencies and long term reconstruction*. División de Educación Básica, UNESCO, 2008.

⁴⁷ E/CN.4/2005/50.

115. The development of the curriculum and the wide spectrum of teaching activities that this includes require democratic and participatory attitudes in teachers and students alike. These attitudes have to embrace all sectors of the community, above all the groups that have historically been marginalized.

116. In conflict and post-conflict situations, the new curriculum development that is required has to be based on a detailed analysis and an understanding of the role played by the previous education system, such that the emergency itself may turn into an opportunity for qualitative change. In other words, the context of each emergency has to impact the pedagogical approach to education in particular and to social reconstruction processes in general.

117. An urgent task for governments has to be education for peaceful coexistence. Education for peace shares the same objective as human rights and should involve education as a whole, not just isolated parts of the curriculum. Also, it must make it possible for everyone to understand the causes and consequences of emergencies.

118. Scant attention has been paid to these points to date.

VII. QUESTIONNAIRE

119. With the aim of gathering updated information, the Special Rapporteur sent a questionnaire to Governments, United Nations agencies, NGOs and independent experts.

120. At the time of writing, 16 countries⁴⁸ had responded to the questionnaire. Some of them are suffering various types of emergency and refer to the populations affected without specific reference to pupils or students, except in the case of Colombia and El Salvador. Colombia reported that between 1995 and 2007, 943,935 boys and girls aged between 5 and 14 were displaced by the armed conflict. El Salvador stated that 145,629 students were affected by flooding.

121. With regard to legislation, the responses reveal that the majority of reporting countries have mechanisms that provide for some action in the event that education is affected by emergencies. For example, Colombia has a special team set up by law, and Chile has adopted a budget Act which covers education in emergencies.

122. As to donor countries, Monaco, for example, has international agreements to provide international cooperation on natural and technological hazards. France organized a conference of European ministers of education in 2005, for purposes of providing assistance to the countries hit by the tsunami in December 2004.

123. The Special Rapporteur regrets that few of the States report on implementation of the INEE Minimum Standards.

⁴⁸ Arabia Saudita, Argentina, Burkina Faso, Chile, Colombia, Costa Rica, El Salvador, Georgia, Guatemala, Iraq (no se dispone de traducción), Líbano, Mauricio, Mónaco, Polonia, Rumania, Singapur y Turquía.

124. With regard to the components making up the right to education, the information provided is as follows.

A. Availability

125. All the countries that responded stated that they have systems to ensure that availability of education is maintained in emergency situations. Some stated that they have alternative systems that could be activated under such circumstances, such as distance learning or education beamed via satellite.

126. The Special Rapporteur wishes to draw attention to the inadequacy, and in some cases total absence, of statistics that would allow a precise evaluation of how the right to education is implemented in emergencies, at all educational levels. With the exception of three countries that cited the average pupil-teacher ratio, no exact figures were given.

B. Accessibility

127. With few exceptions, States have legislative mechanisms for guaranteeing access to education. Some of them provide assistance to affected students, such as exemptions from fees, or grants.

128. With regard to refugees and internally displaced persons, in general the States that responded to the questionnaire guarantee their access to education. However, some of them make access conditional on legal status, or do not have sufficient resources to guarantee children's access to education.

129. Persons with disabilities generally have a legal guarantee of access to education. However, some countries have not yet implemented the recommendations on inclusive education.⁴⁹

C. Acceptability

130. Generally speaking, there is significant interest in providing children with basic training on disaster prevention. By contrast, educational programmes on peace and human rights are rare.

131. As to monitoring the quality of the education, only very scant information is provided on the standards used.

132. Security in schools is in general the responsibility of the education authorities. Corporal punishment is prohibited, except in rare cases. None of the States provided information on attacks on schools or the designation of schools as peace zones.

133. It is important to point out that this component of the right to education is the one on which the fewest responses were received. Greater interest and action are needed to ensure acceptability in almost all countries.

⁴⁹ A/HRC/4/29.

D. Adaptability

134. The Special Rapporteur did not receive significant levels of information on this point, either.

135. According to the responses that were received, the period for resuming educational activities varies between 24 hours and two months. However, it can be observed that reintegration and resumption of school are not a priority for all countries, even though they are vital for educational development and for the continuity of education in emergency situations.

136. Information was provided on the provision of various psychosocial instruments to assist parents. The re-entry of children to school is a particular priority for Colombia, Costa Rica and Singapore.

137. Best practices described included the creation of “Schools for Forgiveness and Reconciliation” in Colombia, the “National Education Plan on Risk and Disaster Mitigation” in Costa Rica, the preparation and execution of national-level School Protection Plans in El Salvador, the anti-crime campaign in Georgia, the participation of children in school and civic life in Monaco, the introduction of the European emergency number in Romania and the construction of portable schools in Turkey.

138. Many of the countries receiving the questionnaire responded in very general terms, giving only very generalized answers on a clearly stated topic. This means that the contribution of the responses is limited, for the purposes of the present report, which is not however to deprecate the high information value they offer for the evaluation of the current status of the right to education.

139. Additionally, nine organizations⁵⁰ responded to the request for information. Their responses are very diverse and give information on a variety of activities, the relevance of which varies considerably depending where they are carried out. In the regions or countries currently undergoing an emergency, the activities are more structured and effective. By contrast, in places where there is no emergency, more attention is paid, logically enough, to preventive activities or reintegration work.

140. Most of the organizations are members of INEE and are aware of, and put into practice, the Minimum Standards for Education in Emergencies. However, some make reference to aspects of these which ought to be improved, such as the excessive number of proposed indicators, very weak linkage between experts from countries of the North and those of the South, and a lack of implementation of practical strategies.

⁵⁰ Alianza Internacional Save the Children, Alianza Internacional Save the Children - Reino Unido, Alianza Internacional Save the Children - Suecia, GTZ, NRC-Colombia, NRC-República del Congo, Respect University, Visión Mundial Internacional, Windle Trust Kenya, y la Oficina Regional para el Sur de Asia del UNICEF.

141. The principal challenge that the responding organizations encounter is that education is not fully integrated in humanitarian assistance. Among the best practices, mention may be made of the schools which operate as “Peace zones” in Nepal⁵¹ and the programmes for safe access to school put into place by Visión Mundial Internacional.

142. It was also suggested that a greater level of awareness needed to be created, both of the importance of education in emergencies and of the possibilities for guaranteeing it. The organizations also proposed that the INEE Minimum Standards should be utilized effectively, and stressed the importance of supporting the Special Rapporteur.

143. The Special Rapporteur endorses the proposal made by the International Save the Children Alliance, to the effect that two mechanisms should be created to guarantee the implementation of the right to education in emergencies: firstly a standing committee to take charge of emergency situations and secondly a process of monitoring within the framework of the universal periodic review process of the Human Rights Council.

VIII. RECOMMENDATIONS

A. General recommendations

144. The Special Rapporteur urges the international community to commit more wholeheartedly to the implementation of the right to education in emergencies and recommends as a first step that this right should be recognized by States, donors, multilateral agencies and organizations as an integral part of the humanitarian response to conflicts and natural disasters.

145. He also recommends the following measures to guarantee the immediate priority of this right:

(a) Greater emphasis should be placed on guaranteeing the right to education during emergency situations, whereas currently attention is focused on post-conflict situations;

(b) More action should be taken to put an end to impunity for persons and armed groups, including regular armies, who attack schools, students and teachers;

(c) There is need for further research into the effectiveness of some of the measures prompted by the increase in violence against schools, teachers and students, such as armed responses in defence of communities and the promotion of resistance;

(d) The Special Rapporteur acknowledges with satisfaction the increased interest in the allocation and effectiveness of assistance in emergency situations. However, he believes that greater attention should be paid to assigning more resources, specifically to fragile States;

⁵¹ En una iniciativa del UNICEF.

(e) There should be prompt attention to the consequences of emergency situations for girls and female adolescents, and strategic measures developed to give physical and emotional protection in order to ensure that they go to school;

(f) There should be more thorough research into specific programmes for young people and adolescents, including the needs of persons with disabilities;

(g) Greater attention should be paid to understanding and the development of education for peace;

(h) There should be a shift away from the current emphasis on quantifiable, but often inaccurate, figures on school enrolment and dropout rates, for example, and greater use of qualitative methodologies which will make it possible to determine the degree of psychosocial care during emergencies.

B. Recommendations to States

146. The Special Rapporteur recommends that States should:

(a) Develop a plan that prepares for education in emergencies, as part of their general educational programmes, to include specific measures for continuity of education at all levels and during all the phases of the emergency. Such a plan should include training for the teachers in various aspects of emergency situations;

(b) Draw up a programme of studies that is adaptable, non-discriminatory, gender-sensitive and of high quality, and that meets children's and young people's needs during emergency situations;

(c) Ensure the involvement of children, parents and civil society in planning school activities, so that safe spaces are provided for students throughout the emergency;

(d) Design and implement specific plans to avoid exploitation of girls and young women in the wake of emergencies.

C. Recommendations to donors

147. The Special Rapporteur recommends that donors should:

(a) Include education in all their humanitarian assistance plans and increase the education allocation to at least 4.2 per cent of total humanitarian assistance, in line with need;⁵²

(b) Support the Inter-Agency Standing Committee's Education Cluster;

⁵² Alianza Internacional Save the Children, *Last in Line, Last in School: How donors are failing children in conflict-affected fragile states*, 2007.

(c) Use the Inter-Agency Network for Education in Emergencies (INEE) Minimum Standards as a basis for the educational activities that are part of humanitarian response.

**D. Recommendations to intergovernmental
and non-governmental organizations**

148. The Special Rapporteur recommends that intergovernmental organizations and NGOs should:

(a) Guarantee that educational responses to emergencies are in line with the INEE Minimum Standards;

(b) Seek mechanisms to ensure greater and more effective NGO involvement in the Inter-Agency Standing Committee, with a view to improving the coordination of the humanitarian response in the area of education;

(c) Organize and coordinate efforts for the effective implementation of quality programmes of inclusive education during the emergency response.
