



Australian Refugee Rights Alliance

"No Compromise on Human Rights"

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Education as a Protection Measure

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INTRODUCTION

'States to accord importance to primary and secondary education for refugees, including by providing funding to host states and UNHCR, in recognition that education is an important tool of protection'. Agenda for Protection, Goal 6 Objective 2.¹

Protection for children and women in refugee camps not only means ensuring their fundamental rights – sufficient shelter, food, water, security and health measures – but also the provision of education. To prevent violations of rights against children and women, further intervention strategies and protection measures need to be implemented. Education as a protection measure has been recognised by UNHCR in the Agenda for Protection² and the Education Strategy 2007 – 2009.³ Educational programmes are required as a priority for the prevention of violations, protection and development at all stages for refugee children and women.

Education as a right

'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.' Universal Declaration of Human Rights 1948, Article 26 (1).⁴

It is well established that education is a right that has been enshrined in numerous conclusions, declarations, conventions and strategies. Taking a rights based approach to the provision of education emphasises the *entitlement* to education rather than the *need*. Education complements and links to other fundamental rights and it can provide protection and overall wellbeing. It is a duty of States to provide education and must be regarded as a 'human right' rather than a service, a privilege or an option. Education must be delivered in safe, secure and child-centred environments for the protection of children and women and the realisation of their rights.

Education for refugees

'The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education...' Convention Relating to the Status of Refugees 1951, Article 2 (1).⁵

The value and benefit of education for refugee children and youth is indisputable. Education is a prime concern for refugees themselves, but is often less valued by the international community.⁶ Significant challenges remain in the provision of education for refugee children and youth at primary and particularly post-primary levels. Some of the major obstacles include: lack of funding, resources, freedom of movement and access to safe and quality learning environments. To address this, the goal of UNHCR's 'Education Strategy 2007 – 2009' is to 'increase school enrolment rates by 30% by 2009 (10 per cent/ year) through reducing education gaps in terms of accessibility, safety and quality, and post-primary education.'⁷ The 2007 ExCom 'Conclusion on Children at Risk'⁸ highlighted access to education 'at all stages of the displacement cycle.' This Conclusion also recognised the importance of additional educational activities that are essential for refugee children and youth including 'life skills, vocational training, recreational activities, sports, play and cultural activities'.

Education for refugee girls and women

'In the context of war, flight, and displacement, education is essential for the protection of women and girls and for the sustainability of durable solutions.' UNHCR, 2008 'Handbook for Women and Girls'.⁹

Gender discrimination limits access to education for refugee girls and women. Providing education for girls and women links to being able to achieve health standards and self-reliance and to protect children from military recruitment, sexual exploitation, sexual and gender-based violence, and early and forced marriage.

Educational programmes can encourage empowerment and dignity through increasing the awareness of rights, building self-esteem and independence and by creating new opportunities. This can be achieved through both formal and informal education. The ExCom 'Conclusion on Women and Girls at Risk'¹⁰ recognises that in order to 'strengthen women's and girl's capacities', access to safe, quality education at a primary and secondary level, 'livelihood opportunities, freedom of movement and economic independence' must be available. The participation of girls and women in the development of schools and educational programmes is essential.

Education for social wellbeing

'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.'
International Covenant on Economic, Social and Cultural Rights 1966, Article 13 (1).¹¹

Education for social wellbeing goes beyond literacy and academic skills. It can counteract the message of violence through peace studies, encourage recreation and promote health awareness. The delivery of education in emergency, protracted and post-conflict situations can create stability, build resilience and increase wellbeing of children, young people, their families and the wider community. A participatory approach to the development of schools, education styles and practices is important. Schools can act as hubs for community engagement. Schools are symbols of hope for the future, for children, their families and the community. Safe schools can provide child-centred spaces that allow for development and offer motivation and growth. Involving parents and educating families on child protection and human rights will increase effectiveness and build social and human capital. Participation in quality education can help refugees to realise their potential by developing coping strategies and providing routine in an otherwise unstable environment.

Education for economic wellbeing

'...to realize the social and economic well being of persons of concern to UNHCR, including by enhancing education and skills training for young people.'
UNHCR's Overall Strategic Objectives (2008-2009) Objective 3¹²

Economic wellbeing empowers people to take control of their lives and gives them choices. Education can link and lead to self-reliance through the development of skills and knowledge. Effective livelihoods programmes create opportunities and alternatives for survival, especially for women. With limited or no other options to support their families and themselves, some women resort to survival sex, early marriage and restrictive domestic duties. As the number of protracted refugee situations increases, so does long term dependency on humanitarian aid. Post-primary, vocational and skills training programmes that challenge gender roles and lead to sustainable incomes are required. Programmes that are realistically tailored to the local economy provide immediate relevance and purpose. Taking a community and rights based approach through the participation of the women and youth involved will take into account existing experiences and skills, interests and aspirations. Building self-reliance gives women the opportunity to be actively involved in post-conflict rebuilding, local integration or resettlement. Increasing the ability to contribute and to be self-reliant brings dignity and overall wellbeing.

Education for life

'State parties agree that the education of the child shall be directed to...the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.'
Convention on the Rights of the Child 1989, Article 29 (1d).¹³

Education saves, rebuilds and develops lives. It must be regarded as a priority and recognised as being a fundamental right for life. Education in a refugee camp has to be looked at broadly. Basic education needs to be defined beyond primary level basic academic skills to encompass formal and informal education that develops a range of academic, vocational and life skills. Education on land mine awareness, peace and health issues can save lives. Quality education brings quality of life.

CONCLUSION AND RECOMMENDATIONS

Conclusion

The rhetoric on education needs to be turned into action. This requires a united approach from States, UNHCR, NGOs in partnerships. The current limitations on funding and resources restrict the implementation of sustainable and effective educational and livelihoods projects. To ensure stability and development, long-term adequate funding levels need to be maintained. Education is essential and needs to be recognised as a priority. A holistic approach is required to deliver quality education to, at a minimum, a post-primary level. There has been a focus on education through the Millennium Development Goals, 'Education for All' initiatives as well as many international laws and strategies. Education can prevent, protect and provide solutions but to do so it needs to be a priority.

Recommendations

- Establish long term secure funds, foundations, scholarships dedicated to post-primary, skills and vocational training
- Increase awareness raising campaigns internationally focussing on refugee education
- Develop functional partnerships between UNHCR, other UN agencies and NGOs with expertise in delivering education and livelihoods programmes
- Strengthen education cluster
- Ensure that monitoring and evaluation mechanisms lead to implementation of the Education Strategy¹⁴, Strengthening Capacity Project · Protection Gaps Framework¹⁵ and Safe Schools Guidelines¹⁶ in order to meet objectives

ABOUT ARRA

ARRA: Australian Refugee Rights Alliance is a consortium of Australian Non Government Organisations attending the UNHCR Annual Consultations with NGOs and the Executive Committee of the High Commissioner's Programme. Its members advocate for change at the international level.

¹ UNHCR 2003, *Agenda for Protection*, Third Edition UNHCR Geneva.

² Ibid.

³ UNHCR 2007, *Education strategy 2007 – 2009*, UNHCR Geneva p.5.

⁴ OHCHR <<http://www2.ohchr.org>>.

⁵ OHCHR <<http://www2.ohchr.org>>.

⁶ UNHCR 2001, *Learning for a future – refugee education in developing countries*, UNHCR Geneva p. iii.

⁷ UNHCR 2007, *Education strategy 2007 – 2009*, UNHCR Geneva p.5.

⁸ UNHCR 2007, *Conclusion on children at risk*, 5 October 2007. No. 107 (LVIII) (8), UNHCR Geneva.

⁹ UNHCR 2008, *Handbook for the protection of women and girls*, UNHCR, Geneva, p. 295.

¹⁰ UNHCR 2006, *Conclusion on women and girls at risk* Executive Conclusions No. 105 (LVI) (k:ii), UNHCR Geneva.

¹¹ OHCHR <<http://www2.ohchr.org>>.

¹² UNHCR 2008, *Overall strategic objectives (2008-2009)* Objective 3, UNHCR Geneva.

¹³ OHCHR <<http://www2.ohchr.org>>.

¹⁴ UNHCR 2007, *Education strategy 2007 – 2009*, UNHCR Geneva p.5.

¹⁵ UNHCR 2006, *Protection gaps framework for analysis - enhancing protection of refugees*, UNHCR Geneva.

¹⁶ UNHCR 2007, *Safe schools and learning environment*, UNHCR Geneva.