

22 June 2018

Joint written contribution to the sixth formal consultation on the Global compact on refugees

Title: Suggestion for paragraph 68 related to the right to education of refugees` (draft 3)

Organisations submitted the written contributions:

- Global Initiative for Economic, Social and Cultural Rights
- Right to Education Initiative
- UNESCO

Taking into account the importance to emphasize that education is a human right, universally recognised under international law¹, we strongly suggest the following changes in paragraph 69 related to education:

68. In line with *international human rights law and national education laws, policies and planning, and in support of host countries, States and relevant stakeholders² will strengthen the legal protection of the right to education and, contribute resources and expertise to expand and enhance the quality and inclusiveness of national education systems to facilitate access by refugee and host community children (both boys and girls) and youth to primary, secondary and tertiary education. More direct financial support and special efforts will be mobilized to minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival.*

Note:

International human rights law recognises the right to education of refugees on the basis of the principles of non-discrimination and equality.

Article 1 of the Universal Declaration of Human Rights states that ‘all human beings are born free and equal in dignity and rights’ and that ‘everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind’, including the right to education recognised in Article 26. The core international human rights instruments guaranteeing the right to education also affirms the principles of equality and non-discrimination, including the International Covenant on Economic, Social and Cultural Rights (Article 2.2 and Articles 13 and 14), the Convention on the Rights of the Child (Article 2.1 and Article 28 and 29) and the UNESCO Convention against Discrimination in education. In application of these key human rights principles, *everyone* has the right to education. States have an immediate obligation to ensure equality and non-discrimination in the access and

¹ The right to education is recognised in Article 26 of the Universal Declaration of Human Rights and, except the US, every states have ratified the Convention on the Rights of the Child that recognised the right to education in Article 28 and 29.

² In addition to ministries of education and national education planning bodies that include teachers and civil society representatives, this could include the United Nations Children's Fund (UNICEF), the Connected Learning in Crisis Consortium, the Global Partnership for Education, UNHCR, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Connected Learning in Crisis Consortium, the UNESCO International Institute for Educational Planning, the UNESCO Institute for Statistics, UNRWA, Education Cannot Wait, the Inter-Agency Network for Education in Emergencies, international non-governmental organizations, and the private sector.

enjoyment of the right to education.³ States should ensure that their laws, regulations and administrative practices do not discriminate against refugees.

In addition, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol⁴ contain specific provisions related to the right to education of refugees in Article 22 of the Convention.

The organisation mentioned above consent to this written contribution being posted online.

³ CESCR, General Comment 13, para. 43: http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CESCR_General_Comment_13_en.pdf

⁴ Convention Relating to the Status of Refugees (1951) and Protocol relating to the Status of Refugees (1967), available at: <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html> (accessed 30 Jan. 2018). The Protocol removes the temporal and geographic restrictions of the Convention.