

Brief on human rights and the right to education in emergencies

**Input to the 2010 revision of the Inter-agency Network
for Education in Emergencies Minimum Standards
Handbook**

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promoting mobilisation and legal accountability



Disclaimer: Please note that the following does not necessarily reflect the final incorporation into the INEE MSH, as published in 2010. It is a contribution towards it. Afterwards it has gone through a rigorous peer-review and has been split up, finding impasse at different points of the Handbook, both in the Introduction, in the different Chapters, as well as in References and Annexes. The author is the INEE Focal Point on Human Rights for the revision update process. Please see www.ineesite.org for more information.

Definition of issue and key terms

Human rights; human rights in emergencies; right to education; a human rights-based approach; key international treaties; enforceability; advocacy

Human rights are means to a life in **dignity**. They are universal and inalienable; they cannot be given, nor can they be taken away. They may be divided into civil, cultural, economic, political and social; all are interrelated, indivisible and interdependent. Some are subject to immediate implementation (non-discrimination, protection and right to life), and some to progressive realisation (education)

Human Rights Law (HRL) is the body of international legal treaties and normative standards that guarantee and regulate human rights. Under HRL it is the **State** that has the duty to respect, protect and fulfill the rights of any individual within its territory or sphere of influence. The relationship between **rights-holder** (individual) and **duty-bearer** (State) is the most important in human rights. Other states and the international community have a right and duty to assist or intervene if a State cannot or will not live up to its obligations. The State affirms its duties through its constitution, national laws, policies, budget allocations and the ratification of international human rights treaties. Accountability, the **rule of law** and access to justice mean that there is a system in place to uphold and protect people's rights. Judicial systems are not enough and human rights rely on vibrant civil societies to challenge and interpret them, and to understand both the possibilities and limitations of the law. Here rights become political tools, not just legal entities. Equally important is it that rights are sustained and embedded through awareness raising and human rights education, leading to shared values and a culture of respect.

Human rights in emergencies are the same as human rights at all times and in all situations; they do not disappear, cannot be diluted, or put on hold, this is especially so for non-discrimination. However, it may be necessary to prioritise in the early stages of an emergency and recognise the need for a progressive realisation of rights, since challenges to secure rights do grow in emergencies and the risks of their violation multiply. It is equally important to remember how emergencies create ruptures that may also help to further embed a long-term culture of rule of law, emergencies, for all their adversity, may thus also serve as windows of opportunity.

Disasters and conflict are both subject to HRL. During conflict, however, **International Humanitarian Law (IHL)** applies as well, underpinning HRL, regulating hostilities, protecting civilians, and placing duties on those actors who may challenge, supplant or

act on behalf of the State. IHL is therefore between individuals as well as between the State and the individual, and violations of IHL may be war crimes carrying criminal responsibility.

Refugee law is a third body of law, regulating the duties of host-states, camp authorities, the international community and humanitarian actors in the safeguard and care of populations displaced over national borders. Internally displaced people (IDPs) must be afforded the same protection as everyone else under IHL and HRL.

To know and at all times act in accordance with international law is the responsibility of States, humanitarian actors and others who temporarily take on the role of duty-bearer. Providing adequate and up-to-date human rights education to these key actors is therefore of utmost importance.

The right to education is a human right and an end in itself: ensuring humans can reach their full potential and claim their other rights; it offers protection and structure in times of instability, aiding children and those most vulnerable to retain a normal life and build the best foundations for a better future. Education is not just about access, but foremost about quality. If children do not learn anything, then enrolment rates has little meaning. The key provision is non-discrimination and access to basic education, which must be fulfilled at all times. Other parts of education, such as secondary and higher, may be subject to a more progressive realisation.

The meaning and content of the right to education may be described by using a simple four-part illustration, applicable as standards for at all times, ensuring that education is of the highest quality at all times:

- **Availability:** duty-bearers must ensure free and compulsory good quality education available for all children up to a defined age minimum, with safe schools and appropriate infrastructure and facilities, especially trained teachers.
- **Accessibility:** duty-bearers must eliminate any discrimination on the basis of internationally prohibited grounds: ethnicity, economic status, disability, gender etc; education must be free and physically accessible, protected from attacks.
- **Acceptability:** duty-bearers must ensure that education is acceptable to children, parents and teachers, with relevant content and methods, respecting everyone's rights; utmost attention must be paid to the needs of minorities and indigenous.
- **Adaptability:** duty-bearers must ensure that education is adaptable to the child's specific situation and ability; emergencies create enhanced vulnerability to disability and maiming, and the reality of displacement, for month and years.

These four provisions apply equally in times of peace as in war, conflict, and disasters. They are reflected in human rights law, their achievement defines a process as well as an end, and they challenge inequalities and abuse, teach citizenship, shared values, peace and reconciliation.

A human rights based approach (HRBA) to education planning takes the language and spirit of human rights law as its foundation and can be achieved by understanding, respecting and bringing to life the following five PANEL concepts:

- **Participation:** mechanisms must ensure that all affected groups, especially learners most at risk, participate in the planning and realisation of education. In emergencies channels must be open for participation, so all voices are heard, and this is the key obligation of the various duty-bearers.
- **Accountability:** all decisions must be fully transparent, budgets must be open for scrutiny, to counter corruption and neglect by duty-bearers, a particular concern in times of emergencies where normal oversight mechanisms may be dysfunctional given the sudden influx of other service providers and duty-bearers than the State.
- **Non-discrimination:** it is the core human rights obligation of any duty-bearer to ensure that everyone has equal access to education, especially the weakest and most vulnerable groups. The grounds for discrimination often multiply in emergencies, and many more groups will be marginalised in unexpected ways.
- **Empowerment:** participation builds ownership and empowerment, giving people a voice to claim their rights and assist others; this is especially important in emergencies, where normal structures will have ceased to function. Voices are the democratic means by which rights-holders can hold duty-bearers to account.
- **Link to the law:** the knowledge of human rights law must be used to challenge existing practice and to embed new improved standards. In emergencies, possibly with suspended rule-of-law, such knowledge must be used to document violations and access the mechanisms afforded by law, immediately or in the near future.

Key international treaties and their relevant provisions are:

a) International Human Rights Law:

- UDHR - *Universal Declaration of Human Rights* (1948): art. 2 (non-discrimination), art. 26 (education)
- ICCPR - *International Covenant on Civil and Political Rights* (1966): art. 2 (non-discrimination)
- ICESCR - *International Covenant on Economic, Social and Cultural Rights* (1966): article 2 (non-discrimination), art. 13 (availability, accessibility, acceptability and adaptability of education), art. 14 (primary education)
- CEDAW - *Convention on the Elimination of all forms of Discrimination against Women* (1979): art. 10 (education)
- CRC – *Convention on the Rights of the Child* (1989): art. 2 (non-discrimination), art. 28 (education), art. 29 (aims of education), art. 30 (minorities), art. 38 (child protection in conflict)
- CRDP – *Convention on the Rights of Persons with Disabilities* (2006): art. 24 (education)

b) International Humanitarian Law and Refugee Law:

- *Geneva Conventions IV* (1949): art. 24, 50 (education), art. 3; *Additional Protocol II* (1977): art. 4(3)
- *Convention Relating to the Status of Refugees* (1951): art. 3 (non-discrimination), art. 22 (education)
- *Rome Statute of the International Criminal Court* (1998): art. 8(2)(e)(iv)
- *Guiding Principles on Internally Displaced Persons* (non-binding) (1998): para. 23 (education)

See also *General Comment 13* of the Committee under the ICESCR, and other UN system General Comments interpreting the meaning of the legal provisions. There are also a number of **regional mechanisms** (for Africa, the Americas, Europe). All have relevant articles on education, protection and non-discrimination. These are often closer to 'home' and more enforceable in domestic legal systems.

Enforceability covers a wide range of actions available to hold the State to account. It must however be stressed that using the legal avenues should always be the last resort. In a narrow sense enforceability may mean the possibility of courts and quasi-judicial bodies to consider claims on alleged violation of the rights and, when appropriate, to provide remedies. Human rights set standards for how law and access to justice must look, and may inspire to question the protection offered or any domestic laws that may contradict international standards.

Under the State's obligation to protect and respect the rights of anyone residing on its territory is the key provision of basic access to justice. In times of emergency, such access may be denied or suspended, or the justice rendered may even be the cause of conflict. Nor may it be possible for logistical reasons: the gathering of evidence, the protection of witnesses, the economic resources needed, etc., will hinder efforts. Hence it is the responsibility of any duty-bearer, be it the State or other actors fulfilling the role of protection, to ensure that utmost care is taken to carefully document and keep evidence of violations for use at the first available instance, upon return to relative stability and the rule of law, or for the attention of international courts. If national remedies are either exhausted or found to be lacking, one can take a violation to the regional or international level. In times of emergency, however, this may not be possible either, and may not even be seen as a top priority in the early phases of intervention and recovery.

The International Criminal Court deals specifically with crimes committed during war and emergencies, and will be relevant with regards to the attack on schools, teachers or learners, systematic abuse of students, or the use of schools as recruitment grounds for child soldiers. In this fight against the impunity of perpetrators the law should not be the last resort and attacks are not just criminal offenses, they are human rights abuses that infringe upon the right to freedom of education.

Advocacy to promote and protect the right to education in emergencies is something one can engage in as an organisation or individual. The following are examples*. However, it is important that each potential action be evaluated against the particular situation, as not all actions would be appropriate or safe in all situations.

- Link up with other organisations/networks working on education
 - Work directly with communities to inform people of their rights, facilitating human rights education
 - Work with communities to develop an advocacy campaign
 - Write news articles for local publications or the attention of national and international media
 - Create a petition on a specific issue and collect signatures
 - Meet with government officials, UN agencies and other international, regional and national decision makers
 - Write letters to decision makers
 - Challenge and test the justice system
 - Assist and support human rights lawyers and organizations, to monitor and to document human rights violations
 - Empower people to make rights-based budget reviews
 - Act on government reports submitted to international treaty-monitoring bodies (e.g., CRC, CECSR, CEDAW, etc)
 - Work with local communities to write 'shadow' reports when their country is submitting reports to international treaty monitoring bodies.
 - Encourage UN Special Rapporteurs/Special Representatives to visit and report
- (*Inspired by the Women's Commissions *Right to Education During Displacement*, 2006)

Annex A

Resources and tools, extended list

A - Recommended tools and resources

A.1: General Comments by the UN system

- General Comments by the UN Committee on the Rights of the Child:
 - no.1: The Aims of Education
 - no. 5: General measures
 - no. 6: Treatment of Unaccompanied and Separated Children outside their Country of Origin
 - no. 7: Implementing Child's Rights in Early Childhood
 - no. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment
 - no. 9: The rights of children with disabilities
 - no. 11: Indigenous children and their rights under the Convention

- General Comments by the UN Committee on Economic Social and Cultural Rights:
 - no. 3: The nature of state parties obligations
 - no. 9: The domestic application of the Covenant
 - no. 11: The Plans of Action for Primary Education
 - no. 13: The Right to Education
 - no. 16: The Equal Right of men and women to the enjoyment of all Economic, Social and Cultural Rights
 - no. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2. 2)
 - no. 21: Cultural rights

- General Comments by the UN Human Rights Committee / Committee on Civil and Political Rights:
 - no 18: Non-discrimination
 - no 29: Derogations during a State of Emergency

A.2: Guidelines and other publications

- Erica Harper: International Law and Standards Applicable in Natural Disaster Situations (IDLO, 2009)
- Right to education in emergency situations - Report of the Special Rapporteur on the right to education (2008), UN Document A/HRC/8/10
- Committee of the Rights of the Child (CRC), Recommendations from “Day of General Discussion on The Right of the Child to Education in Emergency Situations” (2008)
- Guiding Principles for Human Rights Officers Working in Conflict and Post-conflict environment (2008)
- UNICEF: The Implementation Handbook for the Convention on the Rights of the Child, 3rd revised and updated edition, (2007)
- ICRC: IDRL Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (2007)
- UNESCO: Education under Attack (2007)
- Standards in Humanitarian Accountability and Quality Management. Humanitarian Accountability Project (2007)
- IASC Operational Guidelines on Human Rights in Natural Disasters (2006)
- Inter-Agency Standing Committee Operational Guidelines on Human Rights and Natural Disasters (2006)
- Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates (Brookings-Bern Project) (2006)
- Women’s Refugee Commission: Right to Education During Displacement. A resource for organizations working with refugees and internally displaced persons (2006)
- Customary international humanitarian law study: a contribution to the understanding and respect for the rule of law in armed conflict, ICRC, (2005)
- Guiding Principles on Internal Displacement (1998)
- UNHCR Refugee Children: Guidelines on Protection and Care (1994)
- The Limberg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1987)

A.3: Human Rights Based Approaches

- Global Campaign for Education and ActionAid: Education Rights: A guide for practitioners and activists (2007)
- UNESCO/UNICEF: A human rights based approach to Education for All (2007)
- Office for the High Commissioner for Human Rights: Frequently asked questions on a human rights-based approach to development cooperation (United Nations, 2006)
- Tomasevski, Katarina and UNESCO Bangkok: Manual on Rights-based Education (2004)

B - List of international legal standards relevant to education and emergencies

B.1: International Human Rights, Humanitarian and Refugee Law

- UDHR Universal Declaration of Human Rights (1948)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- Geneva Convention no. IV relative to the Protection of Civilian Persons in Time of War (1949)
 - Additional Protocol I relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)
 - Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts (1977)
- UNHCR Convention relating to the Status of Refugees (1951)
 - Protocol relating to the Status of Refugees (1967)
- UNESCO Convention against Discrimination in Education (1960)
- ICCPR International Covenant on Civil and Political Rights (1966)
- ICESCR International Covenant on Economic, Social and Cultural Rights (1966)
 - Optional Protocol to the ICESCR
- CERD UN International Convention on the Elimination of All Forms of Racial Discrimination (1969)
- ILO Convention Concerning Minimum Age for Admission to Employment (1973)
- CEDAW Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- CAT UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- CRC UN Convention on the Rights of the Child (1989)
 - First Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC 1)
 - Second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC 2)
- ILO Convention Concerning Indigenous and Tribal Peoples (1989)
- Convention on the Protection of the Rights of All Migrant Workers and Their Family (1990)
- Rome Statute of the International Criminal Court (1998)
- ILO Convention on the Worst Forms of Child Labour (1999)
- UN Convention Against Corruption (2003)
- CRPD UN Convention on the Rights of Persons with Disability (2006)

B.2: Regional conventions

- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)
- American Convention on Human Rights (1969)
 - Additional Protocol of San Salvador to the American Convention on Human Rights (1988)
- African Charter on Human and People's Rights (1981)
- Cartagena Declaration on Refugees in Central America (1984)
- African Charter on the Rights and Welfare of the Child (1990)
- European Social Charter (1961, amended 1996)
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (1998)
- Convention on the Protection and Assistance of Internally Displaced Persons in Africa (2009)

B.3: Declarations and recommendations

- UNESCO/ILO Recommendation concerning the status of Teachers (1960)
- Jomtien Education for All Declaration (1990)
- Declaration of Human Rights in Islam (1990)
- Declaration of the Rights and Care of the Child in Islam (1994)
- The Sphere Project's Humanitarian Charter (1998/2010)
- Dakar Framework for Action: Education for All (2000)
- United Nations Declaration on the Rights of Indigenous People (2009)

Annex B

Reference group on human rights in INEE MSH: Comments, discussions, recommendations. Compiled by Peter Hyll-larsen and with inputs from: Suraina Pasha; Audrey Nirrengarten; Eva Ahlen; Elise Legault; David Archer; Christian Curtis; Felisa Tibbitts; Salim Vally; Sheldon Shaeffer; Hannah Lily; Dan Seymour; Dina Craissati; Ed Schenkenberg

Introduction

The following is a summary of the discussion of the INEE MSH update reference group on the role and place of human rights. The opening of the discussion stated that it is crucial to get beyond the present use of rights in MSH, which is sometimes at a linguistic level or in 'mere' reference to treaties and int'l standards. Important as these are - as norms and expressions of shared values - they must not stand alone, unexplained and inaccessible to non-lawyers or practitioners. Therefore: how accountability becomes meaningful and participatory? What practical tools and applicable benchmarks, and can we embed them directly in the MSH? How convince humanitarian actors to take these onboard, how to de-mystify and is there a need for compromise, if so: where?

The discussion went well beyond these early framing questions. It cannot be captured here in its totality, but a few over-all headings lend themselves:

- **meaning of rights, HRBA, right to education and justiceability;**
- **language;**
- **standards, indicators, universality vs cultural appropriateness;**
- **different actors, their roles and responsibilities;**
- **advocacy;**
- **protection issues and IDPs**

Some comments were so direct and applicable that they were best reflected in the proposed track-changed version, rather than here, and some comments on other issues than rights were forwarded to the relevant focal points.

Lastly, there are 2 annexes:

- **Major developments in IHL, IHRL, disaster response law (IDRL), refugee law, principles, the last few years.**
- **Additional inventory of new research, tools and knowledge on education rights (since 2005)**

Please note: The following does hold contradictions, as there were disagreements on some issues. Attempts have not been made to iron out, but rather to represent all views. Most of the comments were made in emails to all, but some were also made directly to the moderator.

Discussion

Meaning of rights, HRBA, right to education and justiceability;

Main structural and content recommendation:

In the Introduction there should be added pages, in a systematic fashion, on rights, responsibilities, roles, duty-bearers, explaining what IHRL, HRBA and RTE means and what it means in emergencies. Thus a reference which can be pointed to throughout the book every time there is a need to refer to legal standards and mechanisms.

As it is readers will have to wait till p. 74 before they are told which international instruments and declarations uphold the right to education. These pages or section, either in Introduction or in a place in a possibly moved-forward Chapter 5 must deal with the following, in this order:

- *The meaning of int'l law and the relationship btw IHRL, IHL, IDRL, Refugee Law – in emergencies, conflicts and natural disaster. (1) NGOs should themselves uphold the standards set by the international human rights legal framework in their own work; and (2) NGOs should advocate, and enable individuals affected by emergencies to advocate, for States (and Int'l Community) to uphold their legal obligations to them. At the moment MSH only seems to address (1). Regional instruments are not referred to, and this omitting a useful resource.*
- *The meaning of a HRBA, explaining it using PANEL: Participation, Accountability, Non-discrimination, Empowerment, Link to the Law – making sense of these words and showing what they mean in emergencies. Thus we also encourage the use of the term human rights-based approach (HRBA) within the document.*
- *The scope and meaning of right to education, explaining it using the 4As: Availability, Accessibility, Acceptability, Adaptability – what does these words mean.*
- *The meaning of justiceability: The MSH at the moment refers to international instruments / guidelines collectively, and does not differentiate between hard law (which is justiciable i.e. enforceable through the legal system) and soft law (which may set international expectation, but which may not be legally binding).*
 - o From an enforceability point of view, there is a big difference between the two, with the former representing a real bottom line, one which it would be good to make clear, in a handbook that is specifically talking about 'minimum standards'. The justiciability of each convention may depend on (i) the nature of the document itself, (ii) whether, and to what extent, the relevant country

has ratified it, (iii) the nature of the legal system in the relevant country (i.e. do international treaties need domestic legislation to give them direct effect), (iv) the state of the judicial system and rule of law in the relevant country, and (v) the local legal system and structures. Factor (i) could be explicitly stated in MSH. The importance of the other factors could be mentioned, with guidance for how to find the information for individual countries.

If it sticks to the fundamental Conventions, it wouldn't actually be very long, and is pretty 'plain English'. The hope being that this would not be intimidating for non-lawyers, but empower and give an essential crib sheet for humanitarian actors to refer to. This will go a long way to provide clearer parameters, particularly on the scope and meaning of the right to education. If this can then also be used to advocate for stronger language on education in the explanation of the IASC Assessment Framework (page 29), then much will be achieved. In line with this, and how the IASC matrix also reflects reality: from the beginning the MSH relates the right to education to the right to life with dignity. Although this is not an unhelpful link, the two may not need to be so closely linked as is made out, and over-emphasising this link may detract somewhat from the right to education as a stand-alone right.

Dealing more clearly with rights, in the Introduction, means also that we may address the problematic absence of any references to the various commentaries on the different normative frameworks (e.g. General Comments by the CRC as related to ECCD and quality) which would bring a more practical dimension to the above. What do we mean by reference: Just a foot note? An entry in a bibliography? A system (suitably explained) to appear every time we should refer to a place in a normative text and/or its official commentary? What do we hope to gain by such references? There is a need to keep the book short, so either we have a ref to external docs, which few may arrive at (and fewer still understand, esp legal ones), or we prioritise a few central references, which we then 'open-up' to the lay man, explain their use (as norms, benchmarks, universal values, definitions etc) and where they come from.

The above *must* also be seen in the light of the role that MSH wish to ascribe to the Humanitarian Charter (HC) of the Sphere Handbook. This HC is currently being revised (as are the Sphere standards themselves, time-line similar to MSH) and a question would be if there should be much stronger ref. to HC in the MSH Introduction. If so, then many conceptual issues would resolve themselves. The current Sphere thinking is also to recommend a one-pager next to the HC on IHRL, IHL, Refugee Law and Protection, ie. Similar to our recommendations above – though it would not address the specifics of RTE nor possibly the meaning of HRBA.

We may need to keep in mind that the update is only to simplify, update and strengthen some issues. To adopt a real rights-based approach would mean a more comprehensive revision. In that case, it would have to be based on settings and not

issues, like the MSH are now. If the RBA would apply then the settings may be e.g. for refugees: Camp setting, Urban Area setting, Reintegration/Local Integration setting etc and identify the key stakeholder for each setting. This would be a more substantive work, which might not fit in the frame of the current updating process.

Language

There is too much discussion of "meeting educational needs" (e.g., pages 8, 16, 21) and not enough of "fulfilling educational rights". By addressing this issue, in particular by replacing many 'needs' with 'rights', one helps to place rights and duties at the forefront and demonstrate an active use of RBA, and hopefully to stress the important conceptual distinction between needs and rights. Thus, for example, the "educational action plan" (page 17) must also be done in order to "gain agreement on the essential education rights of the affected population" - and not just of their needs. However, it is also important to be careful and not just to a search-and-replace, as this can be counterproductive in that it fails to differentiate between rights that must be upheld, and standards that are aspirational rather than imperative (see below), as is the case in the MSH.

HR and Standards and indicators

Although the MSH is stated to be about **minimum** standards, it doesn't always read like this e.g. with reference to the standards not being prescriptive, but rather detailing how actors 'may respond'. Some of the standards do derive from rights, but others are more aspirational-type standards to aim for, that may not be imperative and can be adapted to the context and resources available. This is somewhat in line with Sphere, which sets minimum standards while acknowledging that these may not be realisable in some contexts. But clearly there is a difference between such 'minimum's that may be optional, and fundamental human rights. Could this be made clear in the MSH? And where a standard is one that is derived from a legal requirement (e.g. that refugees should be afforded the same access to public education as national children) it should be flagged that this is a 'must', not a 'may'. Thus making a differentiation between: rights and best-practice; between bottom-line 'musts' for all, and more variable / discretionary elements.

Universality vs cultural appropriateness

Is there is a danger of undermining universality by giving too much scope for the community to continue embedded forms of discrimination against certain groups? How avoid cultural insensitivity and lack of respect for local and community structures? sounding paternalistic/Western? Should there be much stronger language in e.g. Community Participation Standard 1 (p15), demanding a much stricter adherence to universal values; and the same with Teaching and Learning Standard 1 (p 56)?

These are largely philosophical questions, difficult (and perhaps not desirable) to document directly in the book. However, there is a strange and dangerous contradiction between the clear statement that the minimum standards are meant to be "universal and applicable in any environment" (page 9) and other statements that stress the role of the immediate community in defining educational needs and learning content (page 53) as well as for example the need to respect local culture and educational traditions (such as no education for girls?) For example, on page 53 curricula are meant to be "gender-sensitive" - but not if the local community doesn't agree? The Psychosocial Checklist, in a most egregious example on page 49, has information being gathered on whether parents are "seen beating their children more than is normally permissible within their cultural framework"! Does the emergency response then do nothing about this "culturally-permissible" behaviour? Such instances are where one must be very clear about universality as opposed to cultural appropriateness. This relates also to the concept of inclusivity and inclusive education (inadequately dealt with in the standards) as this implies the need to go beyond recognizing, tolerating, and even respecting difference and diversity to welcoming it and seeing it as an opportunity for better education.

As said, it is difficult to know exactly how to deal with this in the MSH, but it might be preferable to highlight the issue, discuss trade-offs and possible tensions in a frank way in order to help MSH users keep it in the back of their mind as they are doing their every day work. The fact that there is still some ambiguity within the MSH on this issue suggests that the concept of rights itself, and by extension, the right to education, has not been clearly defined. At the bare minimum - and more may not be necessary - it should be referred to in the opening one-pager on rights, or somewhere else in the Introduction. This will also give the MSH the opportunity to state its opinion clearly, once and for all.

The question is of course if one can then have strict, unchangeable standards and indicators in this context. However, the MSH are situated in the world of implementation, and although academic and political debates are still continuing between the universalist and cultural relativist camps, the actual international human rights *framework* (i.e human rights treaties, declarations, UN processes etc) is rooted in the universalist understanding of human rights.

Actors, their roles and responsibilities

There is a lack of discussion over roles and responsibilities, and who is the handbook addressed to. It may be for NGOs, international organizations (IOs), institutions, and Governments, but these all have different roles, are accountable to different groups, have different rights and duties, different capacities and resources. Thus. In the proposed smaller section in the Introduction, it will address this with regards to roles and responsibilities, legally defined. Following this, in the ‘community participation’ section, there should be a prominent discussion about local and national *institutions*— i.e. involving communities is obviously very important, but if it is done by by-passing institutions (such as local and national governments, teachers unions, NHRI) it can be problematic and fundamentally unsustainable.

The state as duty-bearer is barely mentioned. This is compounded by the rather ambiguous stating in several places that ‘rights must be upheld’, with no breakdown of by whom and against whom and how. It is only on page 44 that the reader first learns that national governments have the ultimate responsibility to ensure education. Otherwise, to take a couple of examples, where ‘community education committee’ is defined (page 16) it does not seem to include any state actors. The suggestion then given that the committee may communicate with national and local authorities seems to be given as optional. Later ‘stakeholders’ is used without specifying whether / when this should include state actors, and although it is good that it is suggested that assessment finding should be shared with the authorities (page 23) it does not say why, or what the state’s duty / role is. Lastly, MSH recommends ‘collaboration and co-ordination with concerned authorities’ (page xx) – this is just not clear enough (when is this appropriate, when may stronger more demanding action be appropriate?)

As it is (see above), the handbook is very focused on needs, not so much on rights and even less on duty-bearers. However, if we recognize there are rights, we must also clearly outline who are the duty-bearers, yet there is little discussion about whose responsibility it is to provide education services in an emergency and more importantly, in the transition to the development phase. Because the reality of emergencies means that in many cases, NGOs or IOs will be the direct provider of education services, at least for a time, this situation is almost taken for granted throughout the MSH, without a clear discussion on the fundamental challenges it can create for sustainable public education systems. This is not to say that NGOs and IOs do not have a role to play – but when and how should the necessary transition to Government occur, and what kind of principles should be followed during the emergency phase to ensure that unintentional road-blocks to a fair, accessible and sustainable public education system in the long-run are not put in place by well-meaning NGOs and IOs. For example, there could be an acknowledgement that there is a tension between NGOs or IOs striving to provide the best possible educational services and attain high standards, and the necessary transition to government responsibility sooner than later. By becoming better at what they do, these organizations can unintentionally make the gap larger and the transition

harder. This does not mean not thriving for minimum education standards in emergencies, but concerns over transition should be at the forefront of all discussions and planning of activities.

This all may be especially problematic in the context of natural emergencies, or emergencies confined to a specific region of the country (ex: the conflict in Northern Uganda). In these cases, there can very well be a functioning public education system in place and there is a danger in NGOs and IOs coming in and setting-up a parallel system, **relieving the government of responsibility** for the provision of education, or disempowering the community. This risk can be greatly mitigated by seeing the state as a key figure, and adopting a RBA from the outset.

A special mention of NHRI

There should be a more prominent discussion about the involvement of *institutions* (and not only individuals), which include local, regional and national governments, teachers' unions, and parents' associations, for example. The local legal community should also be mentioned as it may be a golden opportunity to support and encourage lawyers to pursue public interest law. This discussion would not be complete without consideration of the potential role of National Human Rights Institutions (NHRIs) and other Ombudsperson-like institutions. By virtue of their official status and legal mandates, independent NHRIs can (and should) act as a bridge between various stakeholders, including between government and civil society, and between national and international stakeholders. Some examples of ways in which NHRIs can contribute specifically within the context of the right to education in emergency situations:

- recommend the streamlining of HR and specifically the right to education within government emergency / disaster response plans;
- monitor fulfilment of the right to education for persons in emergency situations;
- investigate violations of the right to education for persons in emergency situations;
- educate authorities about the need for non-discrimination in access to education.

The CESCR has recognized that NHRIs should have a specific role in monitoring and facilitating implementation of ecosoc rights, which includes the right to education - see general comment on role of NHRIs in ecosoc implementation:

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/af81bf2fed39cec1802566d50052f53b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/af81bf2fed39cec1802566d50052f53b?OpenDocument). NHRIs have also been encouraged to take specific action to protect

internally displaced persons (IDPs):

<http://www.asiapacificforum.net/services/training/regional-workshops/idp/downloads/conclusion/concluding.pdf>

Advocacy

The MSH is currently not very useful as an advocacy tool. Advocacy - and the role of the NGO sector as the conduit to assist affected persons to claim their rights against their government – is essential to effective implementation of an RBA in emergencies. Presuming that MSH is primarily targeted at the non-governmental sector, a recommendation is to add a whole new section on advocacy. If MSH is also intended for use by government agencies, and it is considered that such an advocacy section may prejudice too much their buy-in, then perhaps a separate supplemental document, or addendum, could be produced?

Such a section could suggest the following strands:

- Raising awareness amongst affected people of their rights in emergency situations, and their responsibilities for emergency preparedness and response.
- Speaking out against abuses of human rights that may be witnessed.
- Trying to influence the policies of national governments, international donors, and private companies to ensure that people's rights are secured and protected in emergency situations.
- Raising awareness internationally of people's vulnerabilities and rights in emergencies.

It would be ideal if this could focus on participatory methodologies, and empowering communities to secure their rights (or obtain compensation for their breach) themselves. It is appropriate to recommend advocacy for improved practices from the State at very early stages of emergency response. It may be at this stage, when the government is most dependent on external assistance, and is in the public eye, that such advocacy may yield best results.

In preparation for advocacy work, monitoring of deficiencies / abuses of rights is important, and the NGO sector may often be uniquely placed to provide or co-ordinate this. This is different and separate from the (also important) monitoring of education coverage and standards etc. for evaluation and programme improvement purposes (which is covered in MSH) as it will focus more on gaps, on the specific activities of the state, and may be about gathering case studies for test cases etc. It is touched upon on page 46 with the reference to monitoring for harassment of girls. But it needs to be wider and more emphasised than this.

The 'legitimacy' section of the situation analysis (Appendix 2, page 30) is quite useful in starting to ask some of the questions that may feed in to such monitoring / advocacy. Questions to add may be about current power relations, and any inequality, exclusion or vulnerability arising from this – preferably including pre-disaster observation, if possible. The responsibility of the state to uphold individuals' rights is of course key, but the MSH is strangely silent or tentative on this (see above under Actors).

A note of caution on the topic as well: advocacy - as the conduit to assist affected persons to claim their rights against their government - is essential to effective implementation of an RBA in emergencies. However, as the MS do not target NGO only, but also governments and international organizations, we can not say that it is the role of each of the stakeholders targeted. The issue of advocacy can be addressed in a Guidance Notes developed by INEE, if this is the willingness of the INEE's members.

Protection issues and IDPs, ref to UNHCR 1951 Convention and the Guiding Principles on internal Displacement

The MSH states that there is no special protection afforded for IDPs. This reads a bit dismissively, and could perhaps be tempered by acknowledgement of the particular challenges faced by IDPs, and reference to the UN (OCHA) Guiding Principles on Internal Displacement, whose principle 23 is specific to education.

With refugee law, for example, the regional instruments (Cartagena Declaration in the Americas, the OAU refugee convention in Africa) would be a vital tool to prompt the rights of refugee populations in those regions.

The 1951 Refugee convention, article 22 on public education, must be quoted and brought more prominently to the fore. This reinforces that government is responsible for the provision of education.

Also note that in the recently released UNHCR Urban policy (sept. 2009), on host states and the international community to continue with their efforts to ensure that other refugees, including those in camps, are able to exercise all the rights to which they are entitled' including the right to education.

With regard to IDPs, mention should be made of the IASC Humanitarian reform, which sets up a cluster approach to respond IDP-related issues. There is a need for having different target groups e.g. IDPs, Refugees, Nationals etc instead of issues. The legal instrument particular for each group may be spelled out and be clearer for the reader. It should also be reminded that the national authorities of the country are primary responsible for protecting internally displaced persons. The role of international actors is to reinforce, not replace, national responsibility. This requires a two-pronged approach of encouraging States and other authorities to meet their protection obligations under international law while also supporting the development of national and local capacities to fulfill these protection responsibilities.

There are countries that have ratified the 1951 Convention and countries that have not. Some countries that have ratified the convention do not fulfill its accountability and some countries that have not ratified the Convention may apply to this convention

anyway. We may highlight that accountability system should refer to existing instruments. Linkages should be built with national Education Monitoring and Information Systems, in the framework of reporting the progress and achievements towards the MDG.

Education committee

Their role and composition (with the participation of the government and/or the local authorities for education) should be strengthened, as it ensures “ownership” of the programmes by the communities, with a higher probability of success. But it must be clearly stated that the duty to deliver lies with the State, not with this committee.

The contributions of the community education management committees should include:

- mobilising the contribution of voluntary labour for the construction, maintenance and repair of classrooms, latrines and other facilities and for school security;
- mobilising supplementary materials and volunteer resources for school and youth activities;
- organising home visits by teachers and community volunteers to promote enrolment in school and prevent drop out;
- promoting the education of girls and generally ensuring gender equity and sensitivity, including advocacy within the community, and advising the education programme on measures to prevent drop out;
- supporting community-based pre-schools with volunteer teachers (important for promoting girls’ education);
- promoting the enrolment and retention of children in primary school from the initial grades of school through to the end of the eighth year of schooling;
- ensuring good use of school resources including teacher attendance;
- reporting any harassment by or of teachers or students, and making arrangements for their safe transit to and from school, in groups if necessary;
- organising voluntary systems of mentoring and after-school child to child tutoring for students in danger of dropping out;
- liaising with community groups and with administrators regarding problems such as absenteeism due to timings of food distribution, water supply, etc.;
- working with the head-teacher and senior school staff to prepare and update the school development plan.

(the above are taken from the UNHCR Education Field Guidelines, 2003)

Format and order of chapters etc.

There was a discussion during the INEE conference in Istanbul to move the “Education Policy and Coordination” (currently section 5) to the “Common to All” section 1 at the beginning. This is a good idea as it would put it at the forefront and highlight that the bigger picture of education policy must be kept in mind even as concerns over more immediate needs are addressed. In this section the fundamental role and responsibilities of Government should be highlighted (see above section on **meaning of rights, HRBA, right to education and justiceability**)

Human rights education

The reference (pg 58) to including human rights on the curriculum of persons affected by emergencies is good. In general it is a great opportunity to highlight more often the obligation to provide human rights education, for peace and citizenship. It would be good if this was not just abstract, but founded in the national context, and empowering practical realisation of such rights. Knowing your rights is not just a right in itself, but also one of the best ways of assisting conflict mitigation and empowering people to have a greater focus (demand) on accountability, transparency and non-discrimination. It would also be good for the curriculum to cover disaster preparedness and disaster risk reduction.

Addendum 1 and 2

Addendum 1 - Major developments in IHL, IHRL, disaster response law (IDRL), refugee law, principles, the last few years

To take note of, refer to or to inspire in the update. The following quotes (marked “”) are all from *Is it time to review the Sphere Humanitarian Charter?* (A background study prepared by Mary Picard, Geneva, September, 2009, unpublished), but deemed very relevant for the INEE process and update as well. Again: it is important to clarify the role and place of the Humanitarian Charter (to be revised and updated over the coming months) *in* the INEE MSH: will it be quoted, referred to, be held up as *the* guiding principle, mentioned in passing (as now)?

Developments in IDRL:

“In normative developments, the *Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance* (the “IDRL Guidelines”) were unanimously adopted at the 30th International Conference of the Red

Cross and Red Crescent in 2007.¹ The Guidelines are primarily directed to states, aiming to assist governments to ‘become better prepared for the common legal problems in international response operations’.² The approach, encapsulated within the IDRL Guidelines, is to recognize the primary role of the affected states, while at the same time setting out clear guidance on how governments can facilitate effective and timely disaster response once they determine a situation exceeds the national capacity to respond.“

One aspect of the IDRL Guidelines that is especially relevant to the content of the Humanitarian Charter, is the description of the relative duties and responsibilities of states and ‘assisting actors’ in disaster response (See Part 1 of the Guidelines, Core Responsibilities). Although couched in legal terms, the relevance of this section goes well beyond law, to general questions of duty and responsibility in humanitarian action that are relevant to the Charter and Sphere more generally. The IDRL Guidelines also take what may be described as a devolutionary approach to disaster response, emphasizing not only the role of affected states, but also the role of national and local humanitarian actors, and the importance of international actors supporting their work.“

Developments in IHL:

“A major development in this field has been the completion of the ICRC’s customary law study, published in three volumes in 2005, as *Customary International Humanitarian Law*.³ The study meticulously identifies many articles of international humanitarian law (IHL) and human rights treaty law as having attained the status of customary rules of international humanitarian law, meaning that they apply even to states that are not parties to those conventions. Although the customary law study’s approach and progressive interpretation has not been without controversy, it is a valuable legal reference and a useful advocacy and training tool for humanitarian agencies working in conflict situations, as it is very specific about the rules in particular situations.”

“In addition to the important interpretations of IHL, noted above, a recent study by the International Development Law Organization (IDLO), *International Law and Standards Applicable in Natural Disaster Situations*, provides an in-depth analysis of the applicable international law in disasters where IHL does not apply.⁴ For the most part, this study is concerned with human rights, but also considers land and property management and anti-corruption during disaster response. Regarding human rights, it addresses not only general human rights but also the rights of children, specifically, as well as other potentially vulnerable groups during disasters (women, persons with

¹ Resolution 4, 30 November 2007, available at <http://www.ifrc.org/what/disasters/IDRL/resources/guidelines.asp>

² *ibid.*

³ Jean-Marie Henckaerts, Louise Doswald-Beck, and ICRC, *Customary International Humanitarian Law*, 3 vols. (Cambridge, UK: Cambridge University Press, 2005).

⁴ Harper, *International Law and Standards Applicable in Natural Disaster Situations*.

disabilities, minority groups, older persons). Although very recent, this detailed Manual may become another major reference for the legal bases, and also their practical application, in disasters where IHL does not apply. Its scope and content, along with that of the IASC Operational Guidelines on Human Rights in Natural Disasters,⁵ may also serve as a guide to the essential 'disaster-related' human rights with which the Humanitarian Charter should be concerned."

Developments in IHRL:

"The Convention on the Rights of Persons with Disabilities 2006 entered into force on 3 May 2008, and currently has 66 parties.⁶ The Convention is highly relevant to humanitarian work, particularly regarding states' obligations regarding awareness-raising (Article 8), the right to life (Article 10) and ensuring accessibility (Article 9)

...On an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

There is also a specific article concerning situations of risk and humanitarian emergencies (Article 11), as follows:

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters."

Lastly there is of course the specific article on Education (article 24).

Further development in the field of IHRL:

The Optional Protocol to the International Covenant on Economic, social and Cultural Rights was opened for signature and ratification in September 2009 and is expected to enter into force very soon. This provides for an individual complaint mechanism to the committee to the ICESCR. There are similar mechanisms in other mechanisms, also at the regional level, and pressure is under way for having one for the CRC. Such mechanisms are yet to prove useful in emergency settings, but they reflect a

⁵ Inter Agency Standing Committee (IASC), 'Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters (Including General Principles)', (Washington, D.C.: Inter Agency Standing Committee 2006).

⁶ UN General Assembly Res. A/Res/61/106 of 13 December 2006, 'Convention on the Rights of Persons with Disabilities', (New York: United Nations Treaty Collection, Chapter IV, Human Rights, Text Doc.A/61/611. , 2006). Available at: <http://www2.ohchr.org/english/law/disabilities-convention.htm>. An Optional Protocol to the Convention on the Rights of Persons with Disabilities 2006, allowing complaints to the Committee on the Rights of Persons with Disabilities (CRPD), has also entered into force, from May 2008, and has 44 parties. However, as this is a complaints mechanism against the actions of states parties, it is of no particular relevance to most humanitarian agencies, but more to human rights advocacy organisations. Available at: <http://www2.ohchr.org/english/law/disabilities-op.htm>

changing view of the role of non-state actors in addressing violations at the international level.

International Criminal Law

“The Rome Statute for the International Criminal Court (ICC) came into force in July 2002.⁷ “ This has of course implications for attacks on schools and violence/rape of school children, as well as child soldier issues (see UNESCO study on this), making such acts war crimes or crimes against humanity. Whether the ICC also has implications for what humanitarian agencies wants to do, or are afraid of getting involved in is an interesting matter. Certainly, the recent indictment of the Sudanese President by the ICC has resulted in a much smaller humanitarian space in Sudan, with many NGOs asked to leave the country.

Refugees, Asylum Seekers and Internally Displaced Person (IDPs):

“There have been no major treaty developments specifically concerning refugees, asylum seekers and internally displaced persons (IDPs). (...) The focus for refugees and asylum seekers, by UNHCR and other UN and humanitarian actors, has been on the protection of existing treaty rights. The main normative development has been the continued active promulgation of the Guiding Principles on Internal Displacement 1998 (‘the IDP Guidelines’),⁸ Given the continuing importance of the principle of state sovereignty in international law and especially in the UN Charter, there has been no legal mandate conferred on a UN agency to intervene regarding IDPs except with the express permission of the state concerned.”

Initiatives:

The Humanitarian Accountability Partnership (HAP). “HAP has developed quality and accountability standards and principles for humanitarian action.⁹ Its membership includes an increasing number of non-government humanitarian agencies, which commit to the 2007 HAP Standards in Humanitarian Accountability, which are intended to form the basis of a certification scheme.¹⁰ “

The Emergency Capacity Building Project (ECB). “The project, of which phase one was launched in 2005, aims to ‘improve the speed, quality, and effectiveness of the humanitarian community in saving lives, improving welfare, and protecting the rights of people in emergency situations’.¹¹ It has already become well known for the publication, the *Good Enough Guide*.¹² Its focus also includes accountability, but then moves to impact assessment, in line with the ECB project’s focus on implementation.”

⁷ See: <http://www.icc-cpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>

⁸ <http://www.idpguidingprinciples.org/>

⁹ <http://www.hapinternational.org/>

¹⁰ HAP - Humanitarian Accountability Project, 'HAP 2007 Standard in Humanitarian Accountability and Quality Management', (Geneva: Humanitarian Accountability Partnership-International, 2007).

¹¹ <http://www.ecbproject.org/>

¹² Emergency Capacity Building Project (ECB), *Impact Measurement and Accountability in Emergencies: The Good Enough Guide* (Oxfam: www.oxfam.org.uk/publications, 2007).

Addendum 2 - Additional inventory of new research, tools and knowledge on rights (since 2005)

Normative frameworks/comments:

Right to education in emergency situations - Report of the Special Rapporteur on the right to education (2008), UN Document A/HRC/8/10. See also the 2007-Report on RTE for Persons with Disabilities, and the 2006-Report on RTE for girls

Committee of the CRC, Recommendations from “Day of General Discussion on The Right of the Child to Education in Emergency Situations” 19 September 2008

Committee on the Right of the Child: General Comments No. 6 (Treatment of unaccompanied and separated children outside their country of origin); No 8 (The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment); No 9 (The rights of children with disabilities); No 11 (Indigenous children and their rights under the Convention)

Committee of the ICESCR: General Comment No. 20 (Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2)); No. 16 (The Equal Right of men and women to the enjoyment of all Economic, Social and Cultural Rights)

Tools, comments and research:

Unesco/Unicef HRBA on Education for All (2007)

Women's Refugee Commission's Handbook on the Right to Education (2006)

Global Campaign for Education: Education Rights. A guide for practitioners and activists (ActionAid for the Global Campaign for Education, 2007)

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

Save the Children: Rewrite the future (2006), and Rewrite the Future, one year on (2007)

Save the Children: Delivering Education for Children in Emergencies: A Key Building Block for the Future (2008)

From Exclusion to Equality. Realizing the Rights of Persons with Disabilities. A handbook for parliamentarians (2007)

UNHCR 1951 Refugee Convention Questions & Answers. September 2007

Katarina Tomasevski: The State of the Right to Education Worldwide, Free or Fee (2006)

Katarina Tomasevski: Human Rights Obligations in Education, the 4A framework (2006)

[Access to All: A Practitioner's Guide to a Human Rights-based Approach to Justice](#), UNDP, 2005

[Access to Justice: Practice Note](#), UNDP, 2004

[Guidance Note of the Secretary-General on the UN Approach to Rule of Law Assistance](#), 2008

[General Comment no. 32 \(2007\) of the Human Rights Committee on Article 14: Right to equality before courts and tribunals and to a fair trial](#) (CCPR/C/GC/32)

[The Administration of Justice in Refugee Camps: A Study of Practice](#), Rosa da Costa, UNHCR, 2006

[Guide to International Human Rights Mechanisms for Internally Displaced Persons and Their Advocates](#), Brookings-Bern Project on Internal Displacement, 2006

[Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers](#), OHCHR/International Bar Association, 2003

[Rule-of-Law Tools for Post-Conflict States](#), OHCHR, 2006 (on prosecution, truth commissions, monitoring of legal systems and vetting)

[Juvenile Justice: Modern Concepts of Working with Children in Conflict with the Law](#), Save the Children, 2006

[Access to Justice, \(Part V.10\)](#), Handbook for the Protection of Internally Displaced Persons, PCWG, November 2007, (Provisional Edition)

Defusing Disaster: Reducing the Risk (Calamity is Unnatural) (International Federation of Red Cross and Red Crescent Societies [IFRC], 2007)

www.ifrc.org/Docs/pubs/disasters/resources/reducing-risks/defusing-disaster-en.pdf

Disaster Response and Contingency Planning Guide (IFRC, 2007)

www.ifrc.org/Docs/pubs/disasters/resources/preparing-disasters/disaster-response-en.pdf

Growing the Sheltering Tree: Protecting Human Rights through Humanitarian Action (UNICEF on behalf of IASC, 2002)

www.oxfam.org.uk/resources/downloads/emerg_manuals/growingtheshelteringtree.pdf

Handbook for the Protection of Internally Displaced Persons (Global Protection Cluster Working Group, 2007)

www.ocha.unog.ch/humanitarianreform/Default.aspx?tabid=294

International Emergencies Disaster Database: www.emdat.be

International Disaster Response Laws, Rules and Principles Programme, (IFRC)

www.ifrc.org/what/disasters/idrl/research/casestudies.asp

Law and Legal Issues in International Disaster Response: A Desk Study (IFRC, 2007)

[www.reliefweb.int/rw/lib.nsf/db900SID/EVOD-78PH4N/\\$FILE/ifrc-06nov.pdf?OpenElement](http://www.reliefweb.int/rw/lib.nsf/db900SID/EVOD-78PH4N/$FILE/ifrc-06nov.pdf?OpenElement)

ReliefWeb: www.reliefweb.org

The Global Alliance for Disaster Risk Reduction: Building Safer, Resilient Communities (IFRC)

www.ifrc.org/Docs/pubs/disasters/resources/reducing-risks/global-alliance-reduction.pdf

United Nations Disaster Assessment and Coordination Handbook (2006)

www.ochaonline.un.org/Coordination/FieldCoordinationSupportSection/UNDACSyst em/Handbook/tabid/1432/Default.aspx

UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement: Update on UNHCR's leadership role within The cluster approach and IDP operational workplans, 2007

UNHCR Education Field Guidelines, 2003

UN (OCHA) Guiding Principles on Internal Displacement (1998)

UNHCR Policy on Refugee Protection and Solutions in Urban Areas, Sept 2009