Why Hasn't the Needle Moved?

The Stubborn Persistence of OOSC and Attacks on Education

education above all
التعليم فوقَ الجميع

علِّم طفلاً
EDUCATE A CHILD
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PEIC
PROTECT EDUCATION IN INSECURITY AND CONFLICT
حماية التعليم في ظروف النـزاع وانعدام الأمن
A programme of education above all

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Paddy Dowling - Lebanon

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ACKNOWLEDGEMENTS

DISCLAIMER

FOREWORD

More than a decade ago, Her Highness Sheikha Moza bint Nasser founded the Education Above All (EAA) Foundation and implemented programmes to facilitate the realisation of the right to education for everyone. This year, the Foundation was commissioned by Her Highness Sheikha Moza to undertake a moment of reflection on our progress and answer the key question: why isn't the needle moving in the way it should?

Through the eyes of two authors, and years of research and practice, this paper tackles that question in relation to out of school children (OOSC) at the primary level and to the protection of education against attack. Two programmes, Educate A Child (EAC) and Protect Education in Insecurity and Conflict (PEIC), respectively, were initiated and mandated to address these global challenges. Their leaders reflect on what is known, successes and what remains to be done.

The world remains an immensely difficult place for the vulnerable and disadvantaged to gain access to, and remain in, education, due to many complex and often interlinked barriers. The data indicate that we have a long way to go before education is available for all and education is protected against attacks everywhere. Nevertheless, the authors show that progress is possible and that there are solutions at hand, if we have the courage to pursue them. A decade after its establishment, EAA remains resolute and dedicated to its central mission: to protect, safeguard, and enable access to quality education for the world's most marginalised children and peoples.

Fahad Al-Sulaiti

CEO
Education Above All Foundation

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ACRONYMS

COVID/COVID-19 Coronavirus Disease of 2019

EAA Education Above All Foundation

EAC Educate A Child

ECW Education Cannot Wait

EMIS Education Management Information System

GCPEA Global Coalition to Protect Education from Attack

GDP Gross Domestic Product

GEM Global Education Monitoring Report

ICC International Criminal Court

MDGs Millennium Development Goals

ODA Overseas Development Assistance

OOSC Out of School Children

OOSCI UNESCO/UNICEF Global Out-of-School Children Initiative

PEIC Protect Education in Insecurity and Conflict

QFFD Qatar Fund for Development

SDGs Sustainable Development Goals

UIS UNESCO Institute for Statistics

UNESCO United Nations Educational, Scientific and Cultural Organization

WASH Water, Sanitation and Hygiene

WISE World Innovation Summit for Education

Chapter 1

INTRODUCTION

An urgent question weighs heavily on the minds of those who understand the value of quality education, access to and protection of it: Should one be disappointed or appreciative of where the world stands with regard to two separate, but related challenges in education today—the still unacceptable number of out of school children at the primary level and attacks on education? This is the key question with which this publication grapples. Immediate follow-up questions are why? Why these two topics? Why together?

These two challenges have been front and centre to the concerns of a global thought leader, Her Highness Sheikha Moza bint Nasser, for more than a decade, and areas of long-term investment for the State of Qatar during the same period. In 2009, Her Highness initiated a programme to advocate for the protection of education from attacks—Protect Education in Insecurity and Conflict (PEIC). Its initial focus was on legal means to protect education from attack and, as the programme grew, it has expanded its related advocacy activities (increasingly through youth engagement) and, more recently, into specific actions at the country level. Three years later, in 2012, Her Highness launched the Educate A Child (EAC) programme at the WISE conference. EAC's mandate was focussed — identify and eventually enrol 10 million out of school children (OOSC) into quality primary education. Equally, the programmes are housed within the Education Above All (EAA) Foundation. Both PEIC and EAC have been supported by the State of Qatar, primarily through the Qatar Fund For Development (QFFD) and, to be honest, both programme launches were met by the global education community at the time with a degree of scepticism as to the likelihood of their "staying power".

The relationship between EAC and PEIC goes far beyond the interests of an education visionary and investment from a specific country, as critical as these have been and are. National populations that have benefited from access to quality education and peaceful environments are essential to sustainable development. The Millennium Development Goals (MDGs) pinpointed the criticality of primary education for sustainable development and the subsequent Sustainable Development Goals (SDGs) highlight both education (SDG4) and peace (SDG16). These goals, while distinct, are linked in important ways.

Often, the existence of out of school children and the (lack of) protection of education from attack are deeply rooted in related causes, such as inequality, poverty, insecurity (defined broadly), discrimination and destruction, as this publication will demonstrate. Children are out of school for a broad range of reasons, including inaccessibility, financial constraints, population movements, child labour, gender discrimination and lack of security. By the same token, attacks on education, either directly (when educational institutions are shelled or bombed) or indirectly (when educational institutions are taken over for other purposes or curricula are manipulated) prevent attendance or result in parental decisions to stop sending their children to school. Political insecurity and conflict are among the drivers of the numbers of OOSC, but there are others, which is why this publication carves out the key question as to how and why there have been data changes in relation to each of the two programmes.

Any investment in international education deserves to be assessed by its results and impact. Considering these aspects across the two programmes, the results are clear and well-documented—see, for example, EAA Annual Reports. The impact is also obvious, but the broader question of "how the needle has moved and why" demands greater attention.

It, therefore, is important to begin with understanding where the needle was a decade ago with regard to the challenges each programme faced:

- According to UNESCO, in 2012 there were 61 million OOSC at the primary level. That number stands at 69.9 million in 2023, an apparent increase of 8.9 million;[1]

- During the last decade, there has been a general increase in the number of reported attacks on education, as per the Global Coalition to Protect Education from Attack (GCPEA). In 2022, the most recent year for which data are

[1] 250 million children out-of-school: What you need to know about UNESCO's latest education data. N.D. (2023, September 21). UNESCO. https://www.unesco.org/en/articles/250-million-children-out-school-what-you-need-know-about-unescos-latest-education-data.

available, more than 3,000 reports of attacks on education were identified.

These statistics are staggering. EAA has invested approximately US$ 938 million in the two programmes over the last ten years (not including partner co-funding, which now totals upwards of US$ 1.4 billion), yet the needle has not moved in the desired direction. How can this be? What would the world look like, if EAA had not made this effort or investment?

To address these matters, separate parts of this publication, one focussing on OOSC at the primary level and one on attacks on education, will explore four key areas:

- How the needle has moved and why;

- Known solutions—what works;

- What could/needs to be done differently; and

- A proposed way forward.
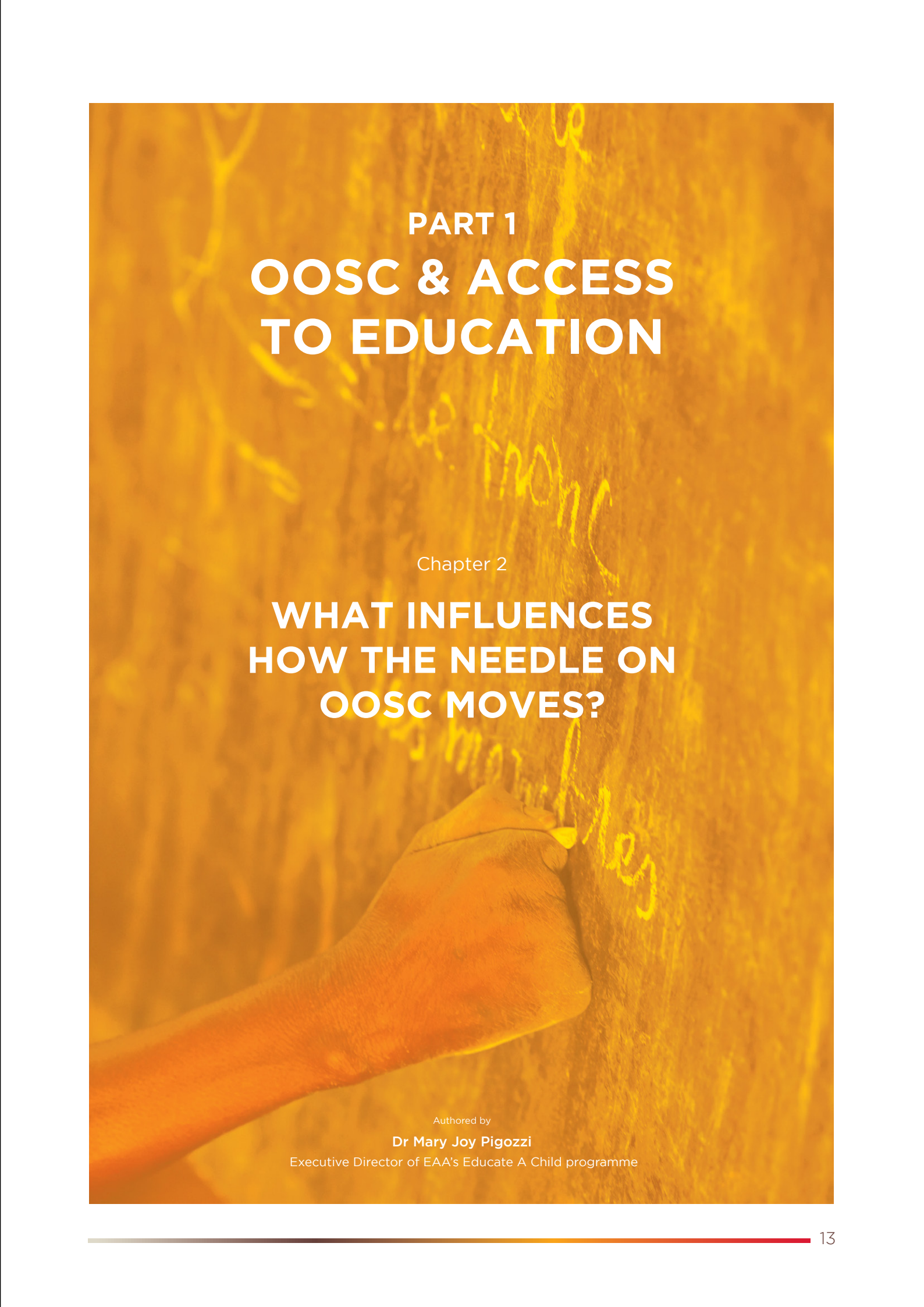
This is not a detailed, technical publication. It is an attempt to summarise some of the progress made in relation to these key areas of education and to assess, in short form, why the data have not moved more noticeable over the past decade, such that EAA would have liked. The contents of this publication are the opinions of the authors.

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OOSC & ACCESS TO EDUCATION

Chapter 2

WHAT INFLUENCES HOW THE NEEDLE ON OOSC MOVES?

Authored by

Dr Mary Joy Pigozzi

Executive Director of EAA's Educate A Child programme

Notwithstanding the SDG of equal education access for everyone at all levels of education, the key data points on the numbers of primary-level OOSC mentioned earlier make clear that even the MDG goal of ensuring every child's right to access a quality primary education will be missed by 2030. This is sobering, if not discouraging, but it is important to not lose sight of what is known, what gains have been made and where contributions will make a difference because education is still fundamental to the future of sustainable development.

As noted earlier, a particular interest of this publication is in relation to the ongoing work of Education Above All (EAA) Foundation's Educate A Child (EAC) programme. As the end of 2012 approached, EAC was established to contribute to Her Highness Sheikha Moza bint Nasser's vision of a world where every child can realise her/his right

EAC's MISSION:

Aiming to trigger significant breakthroughs and a material difference in the lives of children who have no access to primary education, Education Above All's Educate A Child (EAC) programme was launched in 2012 and has been helping millions of out of school children (OOSC) all over the world, through partnership and innovation, overcome the access and retention barriers blocking their path to education. Playing a catalytic role in the field of OOSC and quality primary education, EAC strives to achieve individual and social outcomes for these children, their communities and a more sustainable world for us all.

to a quality primary education. Her focus, then as an MDG2 Advocate, was on those who had been left behind—out of school children. At that time, the global estimate of OOSC at the primary level was 61 million. She set a target of enabling 10 million OOSC to enrol in a primary education—a target that

EAC, with its partners, reached and exceeded. EAC's commitment to OOSC continues beyond the initial mandate.

Despite this effort and that of other organisations, the global estimate of primary-level OOSC is now an astounding 69.9 million! Yet, as much as resignation to the status quo would seem on the surface to be in order, the data indicates that it is not time to throw one's hands up at the sky. At issue, is understanding why the numbers have evolved this way and acting on what we know now, a decade later, will alter this unacceptable trajectory.

Furthermore, it is about fully grasping how the numbers of primary-level OOSC have changed globally over the course of a decade. This chapter summarises that data, points to associated complexities, which make a simple "summing-up" impossible, and addresses some of the major factors that influence the changes in the number of OOSC at the primary level over time. Subsequent chapters consider possible solutions and options for moving forward on this essential pillar of sustainability.

What is an out of school child?

There are several definitions for OOSC. EAA has always ensured that its work is consistent with UN standards and protocol.[1] In this regard, the working definition that we use for OOSC is as follows:

Out of School Children "are children of the official primary school age-range who are not participating in a pre-primary, primary- or secondary-level education programme; and children over the official primary school age-range, who have not received, and are currently not participating in, a primary level education programme". The EAC working definition of OOSC builds on the UNESCO Dimensions of Exclusion to include the following groups:

- Children who do not have access to a school: These children will never attend unless they gain access.

- Children who have access to school, but who are not enrolled: These children either never enter school or will enter school late.

- Children who have access and have enrolled in school, but who do not attend.

[1]Barakat, Bilal. Children Out of Primary School—Trends, Measurement, Contributors. Education Above All Foundation. In press.

- Children who have dropped out of the education system.

- Children who are in emergency and/or crisis situations and not participating in any organised education programme. These children may be displaced and in temporary living conditions with no schools or organised educational opportunities available.

This definition is slightly more nuanced than that used by the UNESCO/UNICEF Global Out-of-School Initiative (OOSCI) but it includes all children in the OOSCI definition. In effect, it is likely to include more primary-level OOSC than OOSCI, while ensuring that children in early childhood programmes are not considered out of school.

Beyond the definition, it is important to bear in mind that, essentially, out of school children are invisible. They are not listed in school statistics (because they are not present), and, even if their births have been registered, it is unlikely these statistics are linked to education data bases, so that they might be identified as out of school at some point. Unfortunately, the reality is that often enough **we do not count what we do not see**.

Why focus on identification and enrolment of OOSC at the primary level?

A common misperception is that a focus on enrolment numbers ignores educational quality and survival. These concepts are intertwined and inseparable. A child who drops out of primary education programme is, in effect, out of school! This is why EAC insists that every child's progression through an education programme is monitored and recorded. Without retention and progression to the next stage, enrolment is meaningless. At the same time, a singular focus on improving the quality of formal education, without attention to OOSC, is, by nature, exclusionary.

In addition, primary education is responsible for providing the foundational skills essential for future learning and, ultimately, the development of human resources nationally and globally. In quality education, these foundational skills comprise, but go significantly beyond literacy and numeracy to include the competencies necessary for effective communication, cooperation, problem-solving, socio-emotional intelligence, healthy living, etc.

How many OOSC are there now compared to a few decades ago?

Unfortunately, any data we have on OOSC are only estimates, because not every child is counted globally. These estimates vary according to the calculation methodology employed. The UNESCO Institute for Statistics (UIS) is the acknowledged data holder for global education data.
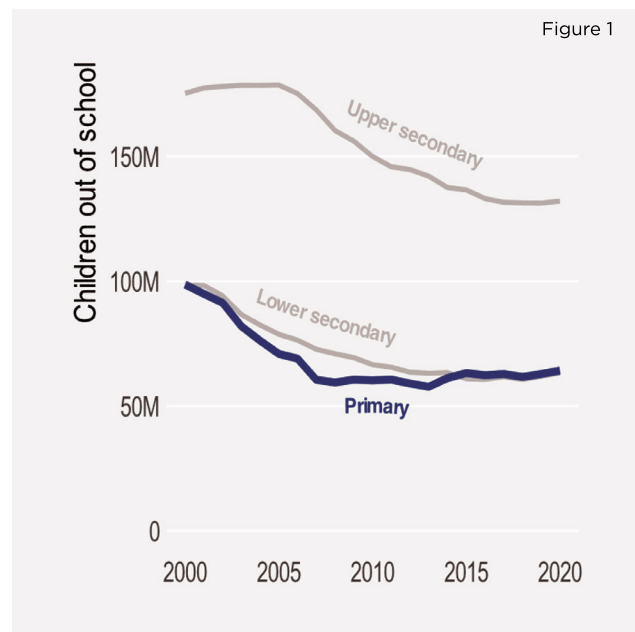

Figure 1

Figure 1 provides UIS estimates through 2020 (60+ million), yet we know this is an underestimate, because it relies on administrative data provided to it by countries and is linked to population data.[2] Administrative data are incomplete for various reasons, including the use of frequently outdated population estimates, as well as inconsistent or irregular reporting. Household surveys allow for more detailed data and often point to much higher numbers. Still, different survey methodologies and the fact that they are not global in scope mean that their results are not readily reconcilable with those of the UIS for a more accurate number of OOSC.

Recent efforts on the part of the UIS and the Global Education Monitoring Report (GEM) have sought to find more accurate estimates of OOSC.[3] These attempts have elevated some important findings,

[2]Ibid, p.4. Figure 1: Outdated estimates of out-of-school children based on administrative data only.
[3]This included modest financial support to UIS from EAC.

even though they may not be definitive. There may be a decline in the overall numbers of out of school children over time, but the rate of decline appears to be slowing, which indicates an increase OOSC at country levels. This, in turn, raises two questions that are discussed later—how can there be a decline if the number is greater than it was a decade ago and why is the decline stalling?

It is important to note that a focus on global data can be skewed by one or two countries that have large populations. Barakat notes "... India in 20021 launched its flagship policy for universalising primary education by 2010... As a result, more than half the of the global net decline in the number of children out of primary school is accounted for by India".[4] Thus, a more accurate count of OOSC in a highly populated country one year, could increase the global number of OOSC significantly. Similarly, a significant decrease in OOSC in a large country could lower the global number significantly. Either way, this apparent change could inaccurately imply a global shift that is not real in terms of the majority of countries where OOSC are an issue. This triggers the question as to where to focus efforts on OOSC, which will be addressed here and in later chapters.

What means are used to measure the frequency of OOSC?

It is critical to understand that data on OOSC, as unreliable as they are, may be reported as **a number** or **a rate**. The number of OOSC (globally or in a country or location) purports to be the total number of out of school children. While extremely helpful for considering how to include these children in an education programme, the numbers also need to be understood in relation to the overall size of a country. The same number of OOSC in a highly populous country is a different challenge than the same number in a country with a small population, for example, because the relative magnitude of the problem is qualitatively different.

The rate of OOSC at the primary level expresses the number of OOSC as a ratio of the number of children of primary-school age. This measurement is helpful because it allows, in part, for an understanding of the magnitude of the OOSC phenomenon. However, it is almost always an underestimate, because it does not take into account the over-age OOSC population, which can be quite troubling, especially where drop-out rates are high or conflict erupts.

Granted, there is a difference between OOSC numbers and rates, it is crucial to recognise that fluctuations in the number and rate can vary inversely. An increase in the number of OOSC in a given country does not mean that the rate has necessarily increased and vice versa.

What is the potential role of improvements in data collection over the past decade?

Getting "lost in the weeds" is easy when considering the complexities related to data definitions, modalities of data collection and analysis. This document does not pretend to explore these in depth, but rather points to the fact that while there is an understanding of some of the fragility of exact numbers, there is mounting information concerning the elaborate details of the OOSC situation, which needs to be recognised if SDG4 is to be approached in any meaningful way.

The digital revolution and a growing understanding on the part of educators and policymakers of the value of a range of tools to improve data collection, analysis and interpretation give enormous potential for better, more actionable data. While such improvements are likely to suggest an increase in the number of OOSC, they will also enable quicker and more targeted responses.

Where are the OOSC globally?

OOSC are in every country. A few children may never be able to enter conventional education and some children are registered as citizens of one country and living and educated in another, for instance. As discussed above, there are two ways of considering OOSC at the country level—by the numbers or as a percentage of those who should be in primary education because of their age (out of school rate).

EAC focusses on the numbers for several reasons. First and foremost, if a child is not counted that child does not count. But, there are other important factors for this focus as well. Even if a country

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[4]Barakat, Bilal. Children Out of Primary School—Trends, Measurement, Contributors. Education Above All Foundation. In press. p. 11.

has only 50,000 OOSC of primary-school age (compared with a country that has seven million), that is 50,000 children denied their right to quality education. Additionally, by its classifications, EAC does not limit defining a child as out of school by age, as that would result in a significant undercounting of those who have been denied the opportunity to access and complete the primary cycle—many OOSC may not be identified until they are technically "overage", or they may have become "overage" due to dropping out.

know that the majority of OOSC at the primary level are located in:

• low and lower middle-income countries in sub-Saharan Africa;

• lower middle-income countries in Central and Southern Asia;

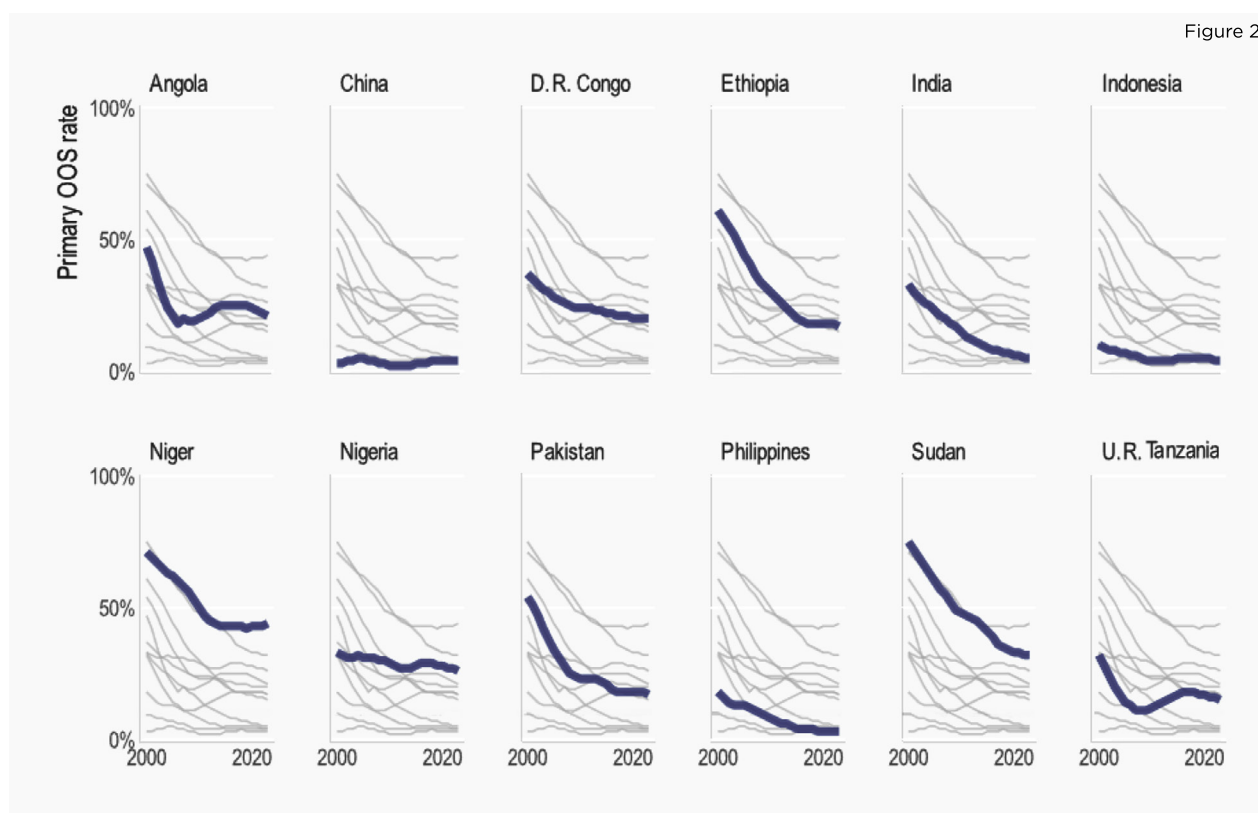• low-income countries in Western Asia and Northern Africa; and in

Figure 2

Figure 2 shows the 10 countries with the largest populations of primary-level OOSC and their decline in primary out of school rate between 2000 and 2020 (It should be kept in mind that the countries with the largest OOSC numbers were not fixed and varied over the course of the last decade).[5] Of particular note, is the "stalling" of progress and, in some cases, regression. For example, Nigeria has the largest population in Africa and is considered one of the "engines" of the continent's economic future. The OOSC problem there is severe and deserves more attention than it garners.

Unfortunately, these 10 countries are not the only ones with a significant OOSC problem. In fact, we

• upper middle-income countries in Eastern and South-eastern Asia, as well as Latin America and the Caribbean.

Notably, more OOSC are in lower middle-income countries than in low-income countries.

The quality of education directly corresponds to learning and survival. Children and/or their families or guardians will halt participation in an education programme, if the perceived value is not worth the actual and/or opportunity costs of the education programme. Thus, enrolment in a quality education programme is essential if the number of OOSC is to decline significantly. This topic will be revisited in this chapter.

[5] Ibid, p.13. Figure 7: Decline in the primary out-of-school rate 2000-2020, selected countries with the largest numbers of children out of primary school.

What matters when counting OOSC?

While the sections above only scratch the surface of difficulties with reconciling data on OOSC at national and global levels, it is evident that more work needs to be done in that regard to ensure proper sourcing and accuracy. Further, differences in how data are defined and analysed have an impact on findings. Although the increase in accuracy of data and methodological developments have improved data on OOSC drastically over the past decade, in many instances this has merely brought to the fore the extent to which how "undercounted" OOSC were previously, which adds to global totals.

As mentioned, the evolution of technology has great potential for addressing the OOSC situation. With improved digitisation of the education system and the opportunity for linking databases across sectors, it is now possible to ensure that every child in a country is registered within an education management information system (EMIS), while having her/his identity protected.

How do conflict, crises and displacement affect the OOSC numbers?

According to Education Cannot Wait (ECW), there are 222 million crisis-affected children around the world in need of education.[6] However, we should be mindful that the majority of crisis-affected children are not out of school. Any data on the number of OOSC due to crisis are an estimate, and one which changes daily for that matter. Even the aforementioned solutions to data concerns are unlikely to be immediately transferred to ensure accurate counting of OOSC in conflict and/or crisis situations.

The data challenges mentioned earlier are further complicated by any crisis, large or small, that either prevents education or results in temporary or permanent displacement. Moreover, there is evidence that many conflict-affected countries had high OOSC numbers prior to the conflict and the conflict does not necessarily affect all children in the country. Nevertheless, there are at least three "trends" that need to be conceptualized when considering how crises affect the availability of primary education/the number of OOSC. These are:

- An increase in the number of conflict flare ups;

- The tendency for conflicts to not be resolved and to disrupt education over years, and even decades; and

- The initial data show that climate-related crises are contributing to the number of OOSC and good data in this respect are rare (This last point will be discussed in a latter section of this chapter).

The issue of attacks on education will be discussed in depth elsewhere in this document, but the impact on the millions of children who are left without access to a primary education due to conflict cannot be denied. The existence of conflict adds complexity to any attempts to enrol affected children, because such attempts must consider the safety of children and education professionals, as well as the psychological impact of war (even small scale) on learners, education providers, and parents who are rightly concerned about security and well-being. In such cases, even where alternative education opportunities are available, they may not be accessed for these reasons, resulting in additional OOSC.

Has population growth outstripped progress on enrolling OOSC?

It would seem fairly intuitive that increases in the rate of population growth would automatically increase the recorded number of OOSC, but it is not that simple. Sometimes it happens that education systems may have expanded to accommodate the influx of new learners or other barriers that cause the OOSC phenomenon have been significantly reduced. Even with a high annual population growth, the actual numbers of children in a single cohort, relative to population, are not that significant. The real impact comes decades later when those children have school-aged children of their own.

As stated previously, OOSC numbers and rates (which are related to school-age population) can vary inversely—an increase in the rate, could signify a decrease in population and vice versa, although it is critical to remember that the way each is

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[6]Education Cannot Wait: 222 Million Crisis-Impacted Children in Urgent Need of Educational Support According to New Study. (2022, June 17). Education Cannot Wait. https://www.educationcannotwait.org/news-stories/press-releases/education-cannot-wait-222-million-crisis-impacted-children-in-urgent.

Paddy Dowling - Cambodia

determined may also be inconsistent. There can often be an undercounting of OOSC, because the population data may be outdated or incorrect, the education system data may also be outdated or incomplete, and this number omits over-age children who have missed out on or dropped out of primary education. In fact, there are sufficient discrepancies that some countries refuse to accept data published by the UN's Population Division.

Both school-age populations and the inclusion of formerly OOSC in primary education vary independently in any given country, but there is no singular formula to distinguish how these are related. Nonetheless, population growth in relation to OOSC numbers over the past ten years has been substantial (with the exact amount unknown). Thus, although we do not know precise numbers, nor the exact relationship, an increase in population results in an increase in the number of OOSC, if specific measures to decrease OOSC have not been implemented over the same period—this caveat is unequivocal. Barakat notes that: "Population growth has added between 17 and 39 million children out of primary school to the global number".[7]

Hence, in a country with a growing population, there are more children at a lower age than older ones, creating increased pressure for the provision of primary education in the medium term. Thus, as populations grow and if education systems do not expand accordingly there is a greater likelihood that the number of OOSC will increase as new additions to the population reach primary-school age.

Is it all about money?

The data show that many of the countries with high rates of OOSC have correspondingly underfunded education systems. Recommendations from the Education 2030 Framework for Action call for education expenditure to be approximately 4-6% of GDP. Money is needed to support education systems generally—short of this education systems will not be able to enrol or retain OOSC. Though there is often attention to levels of overseas development assistance (ODA), it must be acknowledged that ODA funding is relatively small in comparison to domestic resources (however inadequate) invested in national education systems. Regardless, data

indicate that education systems have been, and continue to be, chronically underfunded.

The EAC programme was launched to partially address the problem of funding for OOSC at the primary level. It recognised the criticality of serving as a catalyst, but also the importance of not creating dependencies. It initiated its work by providing grant funding that had to be matched at least 50% by other partners. To date, the US$922 million invested by EAC has been leveraged to US$2.4 billion! Through this, the lives of more than 12 million children have been changed with roughly 1.2 million more in the pipeline under this funding stream. EAA, EAC's parent foundation, understands however that the job is not done. It has since worked with multilateral banks to increase low-cost loans in support of OOSC and is now exploring other financial mechanisms (swaps for education and social bonds, for example) that can be employed to facilitate access to quality primary education.

In addition to there being a need to increase support for quality education, there are two areas related to funding that merit attention with regard to decreasing primary level OOSC globally. First, available resources need to be used more effectively. The need for education systems to better monitor and measure the "how and where" of spending with respect to results could result in substantial savings that could be reallocated within existing budgets. Second, evidence shows that targeting resources to those on the margins, not only benefits them, but "raises up the system" for everyone. This is a cardinal reason why addressing OOSC inclusion in every nation should be given serious consideration.

Is it denial/lack of prioritising OOSC an issue?

The 2022 Education Transformation Summit served as a global acknowledgement that education is in crisis and that serious problems need to be addressed in short order, if education is to play a pivotal role in the development of a more sustainable future.[8] While it is recognised that education systems consist of complex, interdependent components, and that these parts need to function and interact more effectively, it

[7] Barakat, Bilal. Children Out of Primary School—Trends, Measurement, Contributors. Education Above All Foundation. In press. p. 27.
[8] Transforming Education: An urgent political imperative for our collective future. N.D. United Nations. https://www.un.org/en/transforming-education-summit/sg-vision-statement.

is similarly possible to focus on select features of the system – those that are easier to identify, more acceptable, and with stronger advocacy, at the expense of others.

For some, OOSC are not a priority. OOSC are invisible. They are also neither important to political power, nor for taxes in the short run. OOSC do not lend themselves to "easy fixes" either, so attention to them is less likely to yield quick results and accolades for a "job well done". The budgetary priorities contained in national education plans, as well as in that of major development organisations speak louder than flowery, political statements.

However, not prioritising OOSC is a rather short-term outlook and a coarsening liability over the long term. As early as 2015, EAC, in partnership with R4D, published data, demonstrating the cost to countries of not educating OOSC. The benefits of educating OOSC far exceed the costs of the investment, particularly in the least developed countries where the cost of not educating OOSC outweigh those for realising universal primary education. In fact, for some countries, the costs even surpass the value of an average year of economic growth![9]

Even if scant attention to OOSC is not outright denial and instead a lack of prioritisation, this gives short shrift to the Education Transformation agenda and our shared future.

The deep-rooted problem of gender bias

Gender bias still exists throughout education systems, affecting females and males differently. There is some good news, however. In terms of enrolment there has been global progress with regard to girls' education. There are now more boys out of school than girls, but not in significant enough numbers to elicit concern at a global level. This fact demonstrates that, where gender gaps remain in relation to OOSC (for boys or girls) at national or local levels, this is a gap that can be closed relatively easily.

Disaggregation of gender data is an area where differences between countries can have a massive impact on global figures. For instance, India's recent effort to address OOSC nationally may have resulted in many more girls (who were out of school in larger numbers than boys) being enrolled in the millions, thereby having an impact globally. While influencing global statistics, such efforts do not impact gender discrimination at national or local levels elsewhere. In some countries, "gender preference" may need to be considered, if there are simply more boys than girls in the overall population. In such cases, one would expect more boys to be out of school, due to their being the majority of children—this may disguise other aspects of gender discrimination, however.

What about children with markedly different abilities?

This is an area where it is possible to begin with some good news. Regarding education, the situation and the understanding of disability has changed a great deal, allowing for more inclusion, although in many cases the data have not kept pace. Children with difficulties with seeing, hearing, communicating, walking and self-care are a low percentage. Although not high in numbers as compared to other reasons for not being out of school, children who have difficulty adapting or are depressed are slightly more numerous. Thus, children with disabilities do not have a major effect on the OOSC numbers.

There is another critical consideration, however. In many countries, children, particularly those not in urban settings, do not have access to some of the basic supports that can address their condition, such as eye care and glasses or braille machines, hearing aids, or wheelchairs. As a result, this apparently "small gap" is one that is often extremely challenging to potential learners to overcome.

What do we know about the impact of climate change?

There is a dearth of research on the relationship between OOSC and climate change and a need for some thoughtful analysis in this regard. Observations at the field level, however, can point to some possible trends. In particular, many migrants are a result of families no longer being able to make a decent living in areas affected by recurring "natural" phenomena such as floods or drought.

[9]The Economic Cost of Out of School Children in 20 Countries (Update). (2015, October 6). N.D. Education Above All Foundation. https://www.educationaboveall.org/library/economic-cost-out-school-children-20-countries-update.

The current food crisis in the Horn of Africa is closely associated with ongoing increased temperatures and lower levels of rainfall. In response, families migrate or engage in transhumance in much larger proportions than previously. Or, in the case of the recent floods in Pakistan, hundreds of schools were submerged, disallowing enrolled children from attending. Though exact data are unavailable, these situations do present additional barriers to regular enrolment and attendance, facilitating the likelihood of students joining the ranks of OOSC, many permanently.

How did COVID-19 affect the OOSC numbers?

One of the positive aspects of the COVID-19 pandemic was that it put a spotlight on education in terms of not only the magnitude of its reach, but its range of functions. Parents and others realised that education performs an essential service beyond numeracy and literacy and that teaching is not easy! The return to school brought relief to many, but the pandemic left some lasting challenges.

Prior to the pandemic there were 59 million primary-level OOSC.[10] In 2023, the UIS gave the total as 69.9 million.[11] While only an estimate, this is a significant increase with the 2030 goal of every child in school a little more than a decade away.

Perhaps more concerning, on the other hand, is that the post-COVID global focus on education was one of assuming that everything had returned to normal and that a concern for and about the status, importance and role of education was no longer as central. The inequality laid bare by the pandemic forced more into poverty (and likely depressed enrolment) – working one's way out of poverty is a much harder and longer ordeal than falling into it. Another post-COVID effort has been to increase digital learning, a sound initiative in its own right. If not managed carefully, however, this, in all probability, will be skewed towards those already in school and/or those with access to the Internet/ electricity, not OOSC—leaving them even further behind.

What about growing disparities and related economic factors?

All the data on OOSC point to a multitude of factors that result in lack of enrolment and/or retention. Nevertheless, poverty remains a primary barrier to the fulfilment of the right to education. When combined with other obstacles, such as distance to school or discrimination, the enrolment/retention bar becomes too high to climb over.

Global data show that the gap between the rich and the poor is growing, in both wealthy and poor countries. Concurrently, the wealthiest make up a small portion of a national or the global population, making the "un-wealthy" a growing population with financial constraints.

While the less-wealthy have always had financial constraints, recent data indicate that the COVID-19 pandemic not only accentuated the disparities, it exacerbated poverty rates and exclusion. Thus, though the data will probably never be definitive, it is not unreasonable to assume that even after most children who were able to return to school after COVID-19 restrictions were lifted, a significant number did not return for a variety of reasons. This would then increase the number of OOSC, or at least slow the overall decline in OOSC numbers. Digital learning alone does not sufficiently address the problem.

And the often-ignored cause of OOSC—education systems

There is growing circumstantial evidence that the offer in conventional education systems also serves as a "push" factor in relation to OOSC. This is not well documented, but field observations point to the extent to which education is valued, by either the families of children of school-going age or the children themselves, as being key to whether children enrol, attend and/or drop out of primary education.

One possible reason for this is that families under pressure to survive or who do not understand the benefits of education are not likely to support the investment (of time and/or other resources) in

[10]UNESCO Institute for Statistics (UIS). Out-of-School Children and Youth. N.D. https://uis.unesco.org/en/topic/out-school-children-and-youth.
[11]Ibid, 2022.

education. However, the recent data on learning poverty indicate that, in many cases, an investment in primary education may not always be the best way forward. The burden of response lies with education systems. Many are underfunded, but the modalities and content that are supported by those meagre funds deserve much greater analysis.

How important was a global focus on OOSC?

The audacious goal set by EAC brought attention to a new organisation, EAA, with a focus on those denied their right to education. A new source of support only concentrating on primary-level OOSC required others in the education landscape to, at least, consider the topic. A number of highly placed individuals and organisations advocated visibly for OOSC.[12] Their voices and actions had a positive impact at global and national levels, positively influencing the futures of millions of children.

What influences how the needle on OOSC moves?

As is the case with the barriers that prevent OOSC from fulfilling their right to a quality education, there are many factors that have influenced the reporting of the number of OOSC at the global level. Although data and analytical methodologies are improving, there is no single cause or silver bullet, and, unfortunately, to date information to identify, which influences have the greatest (or smallest) impact on national or global levels is woefully inadequate.

The additional challenge that we face now is that new priorities compete with "unfinished business". New urgencies/crises, such as post-COVID recovery, learning poverty, and deepening financial constraints on education more generally, have a greater ability to grab the attention of decision makers. Regrettably, those who were left behind, remain so – possibly even further.

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[12]Including then UNSG Ban Ki-moon, UN Education Envoy Rt Hon. Gordon Brown, UN organisations such as UNHCR and UNICEF, INGOs such as Plan International and Save the Children, and local NGOs such as ALIGHT and Educate Girls.

Mardi 20 Août 2019

«Dieu aime les enfants palis»
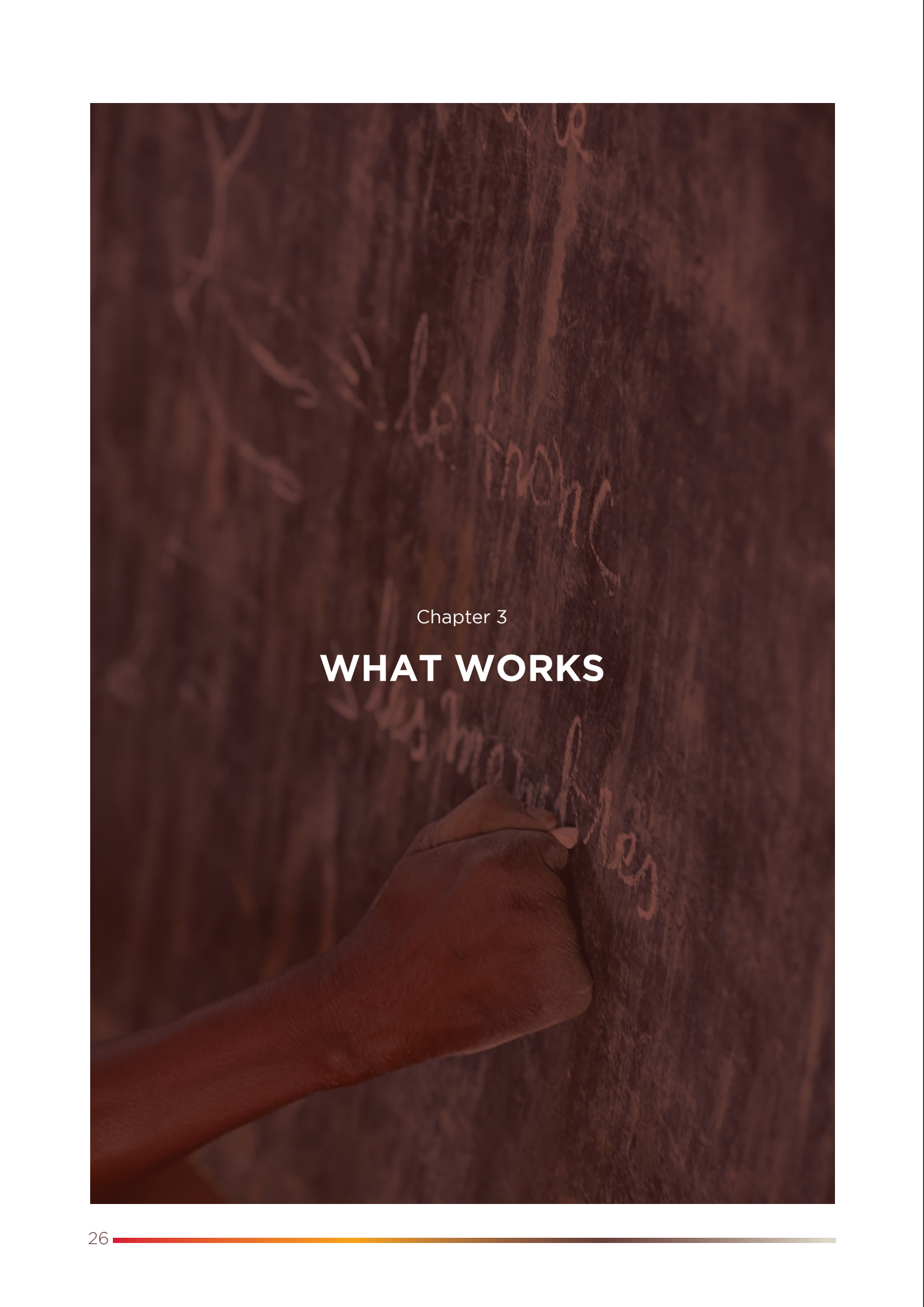
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Chapter 3

WHAT WORKS

Moving forward while learning from the past is an important aspect of understanding how the needle has moved and why it has not gone in the right direction. The previous chapter considered a wide scope of factors from data methodologies and advances, to funding constraints, to the COVID pandemic (among others) that have influenced apparent progress or lack thereof. Based primarily on the experience and investments of EAA's EAC programme, this chapter attempts to cast a more positive light on various areas that have been shown to empower OOSC in their struggle to realise their right to education.

Maintaining focus

Education is beset with myriad problems. Many are conceivably more visible than OOSC, such as gender disparity, early childhood development, teacher shortages or poor-learning achievement. In that respect, over the years, there has been considerable pressure on EAC to change or expand its mandate.

Yet a laser-like focus on primary-level OOSC is essential for a number of reasons, including that primary education serves as the basis for learning

at all other levels and many other organisations have taken on the advocacy on those other fronts (secondary education girls' education, learning poverty, for example). Perhaps more importantly, however, is that OOSC remain invisible and as long as they go unseen the education on offer, regardless of its form, is exclusionary.

Furthermore, a strict adherence to a solitary goal enables more coherent learning about and understanding of the problem, concentration of resources (both human and financial), more distinct results, and a clear and concise advocacy message. All of this is vital to enabling inclusive education.

Identifying barriers and the means to overcome them

No child has ever asked to be born. As youngsters, the circumstances they face are rarely of their making. With regard to education, OOSC encounter formidable barriers, most of which are beyond their ability to overcome. Figure 3 lists some of the key obstacles that children face when trying to access an education. OOSC face barriers outside of the school system and inside school itself—frequently in combination.
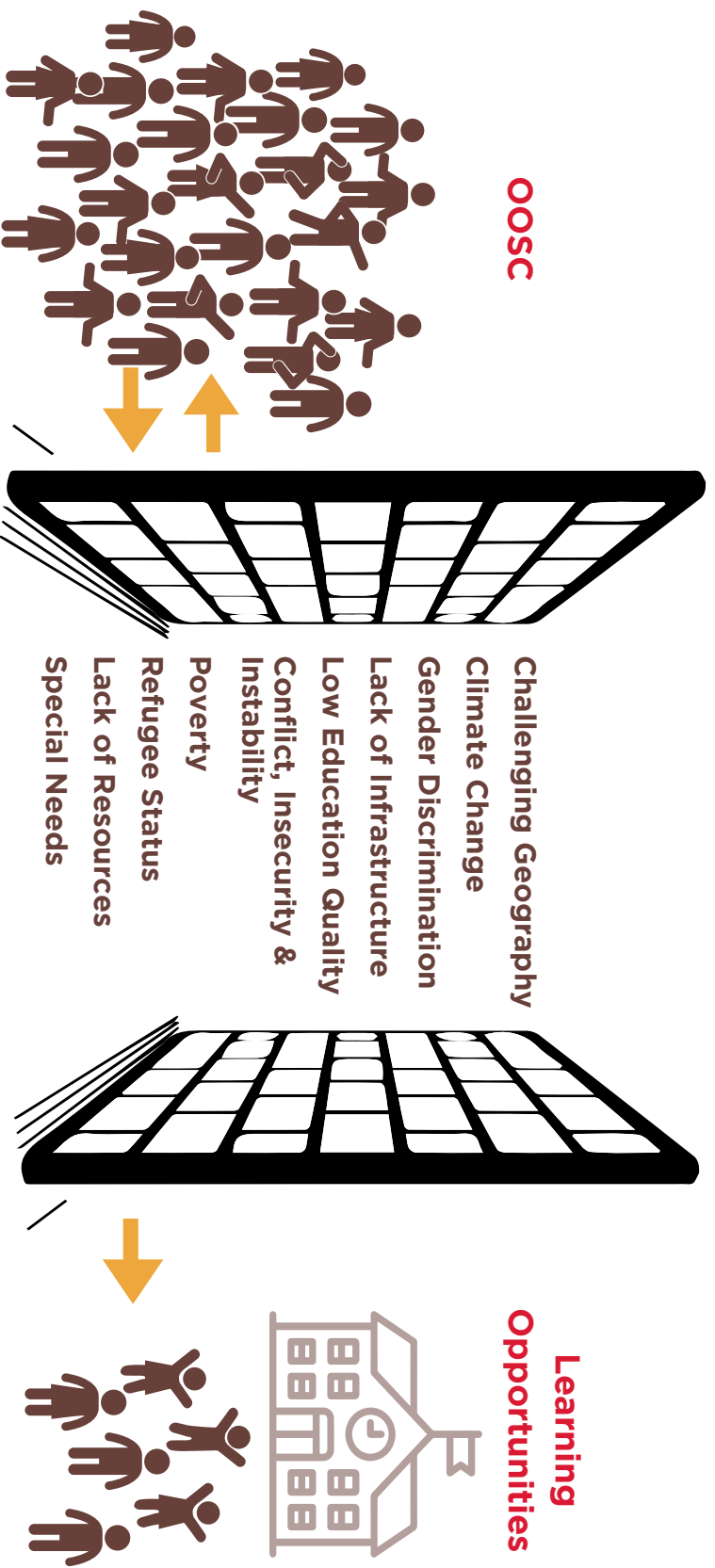

EAC Global Achievements

(as of Q2, 2023)

- Commitments to Enrol 14.5+ Million OOSC

- 12+ Million OOSC Already Enrolled

- 647,958 Teachers Trained

- 20,727 Classrooms Refurbished

- 5,572 Schools Constructed

- 10,881 WASH Refurbished & Latrines Built

101 – Projects – 50 Partners – 57 Countries

Figure 3

Barriers Prevent Children Worldwide from Accessing Quality Education

OOSC

Challenging Geography
Climate Change
Gender Discrimination
Lack of Infrastructure
Low Education Quality
Conflict, Insecurity &
Instability
Poverty
Refugee Status
Lack of Resources
Special Needs

**Learning
Opportunities**

It is a relatively easy process to identify the particular barriers that stand in the way of enrolment in a given location. Some barriers lend themselves to redress quicker than others, but without the first step of naming the barriers and how they exert their influence on children, resources are likely to be wasted and efforts less successful. The means to overcoming barriers is more challenging, however. The same barrier may require different responses or approaches depending on the context or even the culture.

Figure 4 provides a summary of some of the successful approaches that have been implemented by EAC's partners in the past 10 years. Seldom has a single approach been used on its own, which points to the multifaceted nature of the OOSC phenomenon and the value of the knowledge and creativity of those working in the field to support education access. (Please note that the general relationship between the range of useful technologies and OOSC will be treated in a later chapter.)

Understanding that education is not delinked from other sectors and vice versa

Any effort to surmount a seemingly intransigent problem requires understanding its scope fully. As noted, there are many reasons why children are not enrolled in a recognised education programme. Looking at the barriers, it is apparent that many exist outside of the education system. In fact, quite a few rest in other sectors.

Hungry children cannot learn as well or as quickly as those who are sufficiently nourished. If school is too far away or the journey to school too dangerous, children cannot participate. Family demands for survival preempt any rationale for enrolment. These are just a few examples. To conquer the OOSC challenge, sectors beyond education must be involved.

Figure 4

Poverty

Cost is a pervasive barrier globally for large segments of society with low household income. Direct and indirect costs include school fees, transportation, books and supplies, earnings foregone and the value of household work not performed.

◆ School Uniforms
◆ Income-Generating Activities
◆ Community Mobilisation
◆ Village Savings & Loans Associations

Challenging Geographies

An environment may be challenging in terms of physical geography. Challenging physical geographies may include mountainous areas and steep hillsides, deltas, river basins, deserts and

◆ Alternative-School Facilities
◆ Mobile Schools
◆ Boat Schools
◆ Single Classrooms Schools
◆ Programmes for Overage Students

Climate Change

The impacts of climate change are becoming increasingly evident. Droughts and floods can have devastating effects on school attendance and persistence. More often, families are often forced to move, changing education demand. In addition, the threats to livestock raise poverty levels as well as the risk of food insecurity.

◆ Solar-Powered Facilities
◆ Rainwater Collection
◆ Dialogue on Education Issues
◆ Agricultural-Learning in Schools
◆ Alternative-School Schedules

Figure 4

Conflict, Insecurity & Instability

Conflict-affected situations, insecurity and instability serve as formidable barriers to children trying to access an education.

◆ Home-Based Schools
◆ Protection Committees
◆ Psycho-Social Support
◆ Infrastructure Improvement

Refugee Status

A refugee is someone who has been forced to flee her or his country because of persecution, war or violence. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.

◆ Healing Classrooms
◆ Accelerated-Learning Programmes
◆ Safe/Child-Friendly Schools
◆ Instruction in Home Country Languages

Gender

The state of girls' education has improved, it's true, but girls continue to lag behind boys, in many areas of the world, in terms of access to and completion of education, and the acquisition of basic skills.

◆ Policy Reform
◆ Recruitment of Female Teachers
◆ Community Engagement
◆ Gender-Separated Latrines

Infrastructure

Inadequacy of learning space and associated facilities is a pervasive factor for OOSC in rural and densely populated urban settings, particularly in developing nations.

◆ School/Classroom Construction
◆ WASH Facilities
◆ Temporary-Learning Spaces
◆ Accommodation for Children with Special Needs

Resources

Three kinds of resources are necessary to deliver quality formal and non-formal primary-education programmes: human, material & financial.

◆ Teacher Recruitment
◆ Learning Materials
◆ Private Sector Investment
◆ Teaching Aids
◆ Teaching Incentives

Quality

An education considered of poor quality can be a barrier to enrolment and completion. Families who live in difficult circumstances will often not invest in education where this is the case.

◆ School Management
◆ Committee Trainings
◆ Student-Governing Bodies
◆ Teacher Training
◆ Instructional & Supervisory Support

Figure 5 provides a visual description of how projects supported by EAC have ensured linkages with other sectors.

We know from experience that any effort to enrol and retain OOSC must take into account and engage other sectors to facilitate sustainable solutions. This is not solely the responsibility of the education sector. Other sectors depend on education (health, transport, digital expertise, industry, etc.), so a "two-way street" conception of this dynamic is more pragmatic, yet is not always well understood.

Employing creativity and determination in implementation

Although they are related, there is a difference between theory and practice. In theory, obstacles are overcome before the theory is made "public". In practice, anything unexpected can happen, no matter how strong the underlying theory, and usually does at the most inconvenient moment!

Data from EAA/EAC and other organisations demonstrate that there are many approaches that have been proven to be successful, to reach thousands, or even millions, of children. This point has not been arrived at without a great deal of diligence and determination along the way. These tested approaches took years of effort by implementers and learners on the ground to make them effective. Learning, at every level, is hard work, plain and simple.

Often, proven approaches or methodologies need to be adapted to a particular environment or culture. Different languages require different means of expression. This is one area where the ability to innovate becomes critical to enable OOSC participation in and benefit from an education programme. Innovation is not uniquely the province of grand, high-minded ideas; it is often small, but important changes that are rooted in lived reality, and, in the case of OOSC, that make the difference between fulfilling the right to education or accessed denied.

Ensuring every child is counted!

There is no need to mince words: If a child is not counted, that child does not count. This is not a trite phrase. It is a reality for which there is plenty of evidence and millions of children to boot. As discussed in Chapter 2, the ability to count OOSC more accurately has, in effect, increased the acknowledged population of OOSC. This is an important lesson, especially in a digital age, where all kinds of data are collected, stored and shared. With more accuracy in data collection and management, the numbers are likely to increase still.

It is possible to identify every child born today and safeguard their data from misuse. To link this to the OOSC situation, requires working across sectors (usually connecting education data systems to the civil register or the birth registry). This is actually done in relatively few countries, enabling OOSC to remain without a voice or an equal opportunity to access education.

Targeting investments

Targeting investment works. Evidence abounds demonstrating that boys benefit, when there are investments in girls education. According to UNICEF, it could be advisable to adopt pro-poor policies by allocating resources disproportionately to the most disadvantaged as a means to decrease the inequity gaps in education.[1]

Furthermore, investments aimed squarely at the barriers that imperil education access for OOSC, whether those barriers are in-school or out, improves the overall quality of the education on offer. Such steps on behalf of the most marginalised also address the criticality of developing an inclusive education system. This is a win-win strategy, whereas investments that are solely focussed on "in school" are limited to those who are (at least partially) already included in the learning process.

EAC targets investment towards OOSC in two principal ways. First, through directing resources to OOSC at scale by requiring implementing partners to enrol a minimum of 10,000 OOSC annually.

[1] The Investment Case for Education and Equity. (2015, January). P. 83. UNICEF. https://www.unicef.de/_cae/resource/blob/70852/e75e41f03a915ab2eeeaba6f2a5700be/report-education-and-equity-pdf-data.pdf.

Second, by introducing a strategy with selected countries with low numbers of remaining OOSC at the primary level to bring the number of OOSC to ZERO. Moreover, a smaller area of targeted investing focusses on preventing children at-high risk of dropping out from doing so and becoming OOSC. The longest running strategy—working at scale—has proven effective with high survival rates.

Fostering innovative financing

On a global scale, investments in education are faltering. The majority of data sets that address this typically concern education investments in the recognised education sector and do not even consider OOSC in related discourse. There needs to be greater investment in education, especially in relation to OOSC. Two possible thrusts in this regard are addressed.

First, the current budgeting mechanisms and approaches require serious review with respect to priorities, effectiveness and efficiency. Decades of funding through conventional approaches to education have not produced an altogether more accessible or inclusive quality education. Change is essential. This is a "heavy lift" to be sure, because there are many factors within the current approaches to financing that work against targeted funding for OOSC. Without a will, there is no way.

Second, it is clear that for the most marginalised OOSC to receive some share of the limited resources, there will have to be some form of financial innovation. A few of the major financial institutions (such as the Islamic Development Bank) have recognised that inclusion means specifically addressing OOSC and have developed ways to adapt or focus their financing in more creative ways.

Part of the problem with funding for OOSC education stems from the fact that many of the countries with significant numbers of OOSC also face severe debt burdens. In some instances, even if there is a will, the way is obscured. This calls for greater focus on the macro-economic landscape and means to alleviate the impact of the debt crisis on inclusive education. Though there are debtor countries, this problem belongs to everyone. Increasing the debt burden, even on more lenient terms, is not a sufficient solution. Innovation in

funding schemes to address the OOSC situation is necessary, if only to help check the growing global problems enshrined in the lack of progress in attaining the SDGs.

Addressing systemic constraints

Much of our current knowledge of the challenges OOSC face is found in school/community-level concerns and solutions. However, this is only part of the ecosystem. The reality is that even when primary education is accessible, children do not enrol, drop out, or do not perform. This is due, in large part, to system-level constraints that have not been satisfactorily addressed with regard to OOSC.

While it may be unintentional or owed to outdated policy and practice, most systems are not flexible enough to respond to the access needs of OOSC, let alone the learning needs of all children once enrolled. This inflexibility includes, but is not limited to, the way the system is governed and managed, teachers are developed and supported, and an inability to formally acknowledge and work with experts in the country that are able to identify, enrol and enable the learning of OOSC.

The current global conversation centres on transforming education. To truly attain transformed education, it must be open, flexible, dynamic and, above all, inclusive. A focus on OOSC is an essential element of any such transformation. This needs to be addressed in policy and practice, in budgets and administration, in research and reflection, and in allocation and reallocation of resources. This is a big ask . . . but this is what transformation entails.

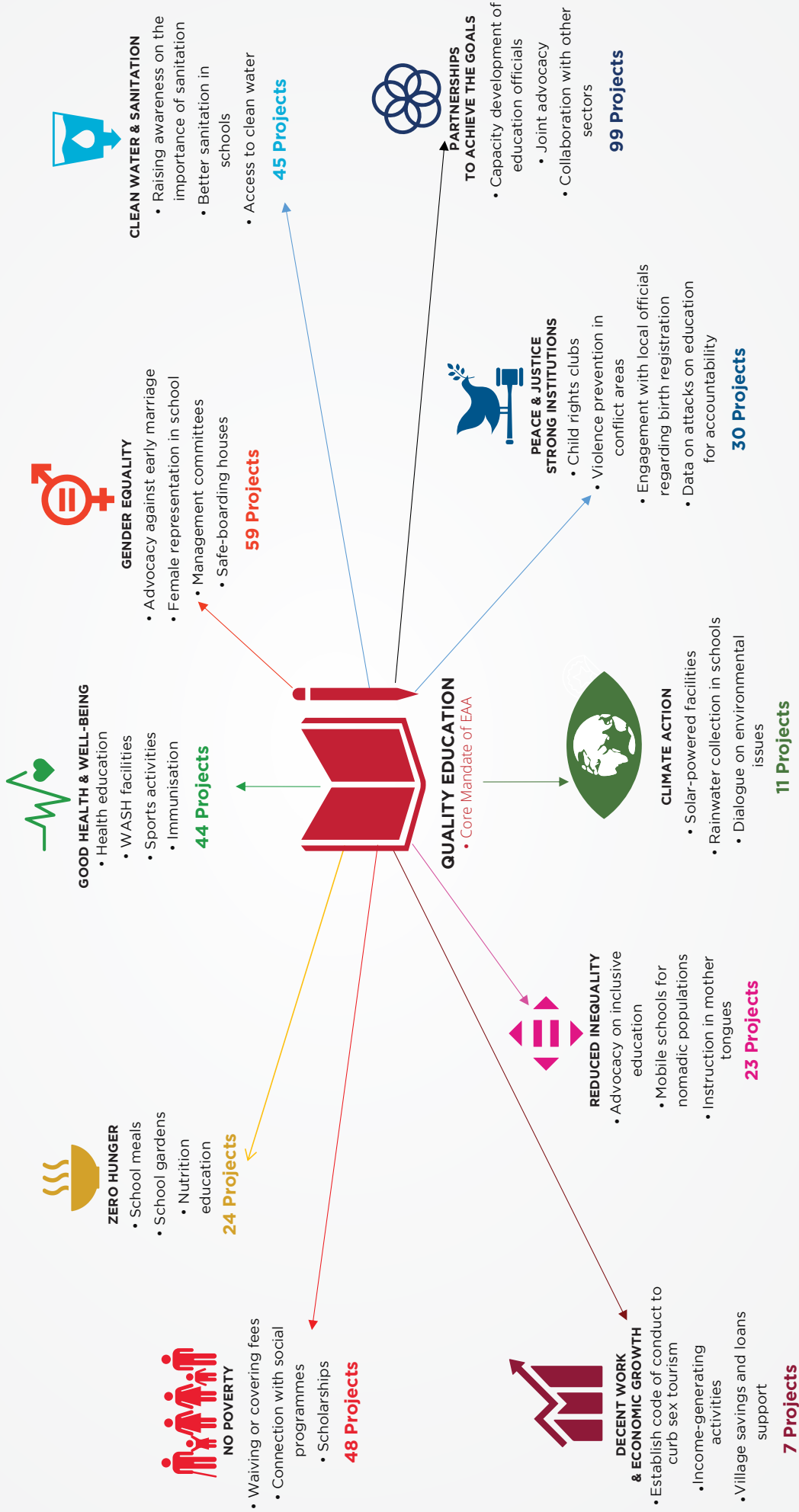## Making education systems and primary education more flexible

Even within a family, the differences among how siblings grow and learn are obvious. This is multiplied many times over in an education system, yet the majority of teachers are trained to assume that children can learn in the same way at the same pace as every other student. The most successful school systems are those that recognise diversity amongst students, acknowledge different learning styles, and take advantages of these unique attributes, while remaining committed to the approved curriculum and standards.

Figure 5

Examples of Multi-Sector Engagement from across EAC Project Countries
(as of Dec 2022)

QUALITY EDUCATION
Core Mandate of EAA

NO POVERTY
- Waiving or covering fees
- Connection with social programmes
- Scholarships

48 Projects

ZERO HUNGER
- School meals
- School gardens
- Nutrition education

24 Projects

GOOD HEALTH & WELL-BEING
- Health education
- WASH facilities
- Sports activities
- Immunisation

44 Projects

GENDER EQUALITY
- Advocacy against early marriage
- Female representation in school
- Management committees
- Safe-boarding houses

59 Projects

CLEAN WATER & SANITATION
- Raising awareness on the importance of sanitation
- Better sanitation in schools
- Access to clean water

45 Projects

PARTNERSHIPS TO ACHIEVE THE GOALS
- Capacity development of education officials
- Joint advocacy
- Collaboration with other sectors

99 Projects

PEACE & JUSTICE STRONG INSTITUTIONS
- Child rights clubs
- Violence prevention in conflict areas
- Engagement with local officials regarding birth registration
- Data on attacks on education for accountability

30 Projects

CLIMATE ACTION
- Solar-powered facilities
- Rainwater collection in schools
- Dialogue on environmental issues

11 Projects

REDUCED INEQUALITY
- Advocacy on inclusive education
- Mobile schools for nomadic populations
- Instruction in mother tongues

23 Projects

DECENT WORK & ECONOMIC GROWTH
- Establish code of conduct to curb sex tourism
- Income-generating activities
- Village savings and loans support

7 Projects

Education systems also need to consider how they might be more flexible to account for the different needs of the various populations that make up a nation. For example, weather or agricultural cycles in rural areas might call for different school hours than in the cities. Further, data show that the introduction of movement (play or exercise) contributes to brain development related to learning, yet many school schedules are devoid of this aspect of the curriculum.[2]

Recognising that even in one country "one size does not fit all" for OOSC

Achieving ZERO OOSC is essential for achieving SDG4. It is also essential to understand and plan for the different barriers that OOSC children face. Children far from school will need safe transportation, children facing gender discrimination will likely require community action to support them, and malnourished children may require a school-feeding programme. Including children with disabilities involves a comprehension of their disability and how to address them—for instance, blind children require different kinds of support than deaf ones.

The presence of OOSC highlights the need for an even deeper level of flexibility in an education system than that which is presented by the diversity of students that attend school anyway. This requires further research, understanding and creativity to facilitate true inclusivity. Citing Cambodia as an example, EAC commissioned a report on its work in collaboration with Action Education and 29 other NGOs to reach OOSC.[3] The research findings demonstrate that even in a single country, many different approaches and actions need to be undertaken to address the range of barriers that inhibit OOSC.

In summary, we know a great deal about what works for OOSC. While additional research is always desirable, educators have sufficient examples and knowledge to make informed decisions regarding how to "open" education systems and make them accessible to OOSC.

[2]A Winning Combination: Education and Sports. (2023, January 24). N.D. p.40. Education Above All Foundation. https://www.educationaboveall.org/library/winning-combination-education-and-sports.

[3]Alfred. Colin. Identifying and Reaching "Pockets of OOSC" – A Case Study from Cambodia. In press. Education Above All Foundation.

Chapter 4

WHAT NEEDS TO BE DONE DIFFERENTLY?

Regarding education access, a great deal has been achieved. A focus on OOSC has, in fact, pushed the inclusion agenda forward, albeit not yet far enough. In retrospect, there are several places where the lives of millions more OOSC could have been improved. Some of these are highlighted in this chapter.

Serious media attention is needed

The media is notorious for lurching from one crisis to another. They are seemingly not interested in sustained engagement with intractable problems, as decisive as solutions to them are for the well-being of our planet. This remains an ongoing challenge for those concerned with OOSC and a sustainable future.

Where there have been opportunities, such as the floods in Pakistan, holding media attention after the immediate sensation, could have been managed more aggressively with follow-up stories or other items.

Social media may bring instant attention to a situation, but it is also quite fleeting. A means to weave these messages together coherently over time (beyond just using the same hashtag) could foster a deeper understanding of the OOSC issue and solutions to a larger audience, which seats many young and/or activists. This signals the need for a requisite "re-think" of the short-lived attention span of social media and what mechanisms there might be at our disposal to make messaging "stickier".

The growing cadre of youth advocates offers an excellent opportunity to raise awareness regarding the rights of OOSC. Their positive energy and ability to articulate problems, concerns for the future and solutions from the perspective of the younger generation has great potential. To date, much of this effort has not been sufficiently coherent or "anchored" to sustained actions on the ground. This has the unfortunate effect of relegating the work of the youth advocates to being just advocacy — without long-term initiatives or substantive options emanating from them. Furthermore, a lack of background in serious and complicated issues could dilute the power of their appeals.

In some ways, the COVID pandemic was a lost opportunity for OOSC. As soon as pandemic restrictions were announced the impact on school children was evident! Millions upon millions of children would not be able to go to school. Overnight, they would join the ranks of OOSC. For approximately two years, this topic and various solutions to the problem were a high priority in homes, education systems, and governments, generally. As the pandemic came under control and children returned to education, the focus shifted on learning loss—not on those who were OOSC before the pandemic or those added to the OOSC numbers, due to the disproportionate impact that the disease had on the less fortunate.

Influencer engagement could raise interest in OOSC

Few educators are considered major global influencers and not enough global influencers carry the torch for quality education. Those who are educators have an enormous, in fact too large, responsibility. We know that education is key to the achievement of other SDGs. We also know that significant progress on the SDGs is essential for the well-being of life on planet Earth and our shared future. Yet, we have not been particularly successful in engaging influencers from across the spectrum of the global village.

This ought not be confined to being an "OOSC" or "education issue". Understanding the importance of providing access to quality education is vital for global survival. It is long past overdue to engage influencers in support of equity and inclusion, especially for OOSC, as they are amongst the most excluded across the globe.

Serious transformation of education is essential

Transforming education so that it is meaningful and relevant for the 21st Century has already been discussed briefly. Some additional points are included below.

Transformation is not a "tweak" to the system. It comprises thoughtful change to ingrained, deeply ossified, systems that are often governed by entrenched groups who may be out of touch with the realities of the world we share and the lives of the learners they purport to serve.

Moreover, transformation is not just digital education, although this should surely figure into it

and must address the underpinnings of education—the purpose of education in this day and age.

Quality education strives to enhance each individual's potential and to foster the full development of a learner's personality and lifestyle. In doing so, the provision of quality education contributes to autonomous and critical learning so that all individuals have the ability and opportunity to independently make informed decisions and choices throughout the various stages of their lives. It enables people to deal with uncertainty, physical and virtual mobility, sustainable development, and the myriad existing cultures, values and lifestyles. Quality education also meets community and national objectives.

With this as the point of departure, education transformation places the learner and what that learner deserves from a quality education at the centre. Hence, education transformation does not start with the teacher, the classroom, computers, the management system or the budget. It needs to start with a clear understanding of the learning needs of children in this era, recognising that different children will need to be able to cultivate the necessary skills and competencies differently. Systems need to be flexible, and not only for learners. They need to be sufficiently agile to adapt to the pace of change that is part of daily life.

Resources for education must be addressed

Funding, and more of it, is integral for education transformation as has already been discussed. But, resources go beyond cash money and budgetary line items. Looking to the future and based on what we now know, resources could be better utilised, absolutely.

The global teacher shortage is dire. It is estimated that we need 44 million more.[1] Thus, it is incumbent on systems to look to the plethora of ways that teachers and teaching can be augmented, while enabling teaching professionals to play the critical role that they must in the learning process. The evidence is there. Community members and para-teachers have roles to play too, along with youth and peers—yet their participation is insufficiently

understood, resourced and tapped. Technology from radios, to TVs, to cell phones and computers can buttress the learning process, while amplifying teachers' roles.

Cross-sector collaboration must be multi-directional

As noted, engagement with other sectors deserves greater effort, coordination, and creativity in the coming years. Not only does it contribute to a more efficient and effective use of limited resources for human development, but it recognises and contributes to educational processes in many ways. For example, linking school feeding, with health interventions will help put formerly OOSC in a better position to learn. Adding school gardens to educational premises can support improved nutrition, the development of work and collaboration skills, and income generation—all areas that touch of the barriers that many OOSC face.

One of the challenges is how to bring sectors together that are structured differently, managed differently, and may view themselves as being in competition for limited resources. Another is to enable ways to look for shared gains, rather than conceptualising scenarios, whereby sector A is the contributor and sector B is the recipient.

Policy engagement on OOSC is a necessity

In thinking of ways we can positively impact the future, there are probably three policy areas that should be addressed.

Unfortunately, denial of the presence, or prevalence, of OOSC remains a tragic disposition. The fashion in which many national education data systems are structured and the challenges with census data availability and accuracy tends to enable leaders to deny the magnitude of the OOSC situation. Accurate data can assist in changing hearts and minds, but void of that, there needs to be enhanced engagement with educators at every level to raise awareness.

Related to denial is the possibility that leaders are aware of the problem of OOSC (even its scale), but the issue may be politically viable or have a

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[1]Ahmed, Kaamil. World needs 44m more teachers in order to educate every child, report finds. (2023, October 4). The Guardian. https://www.theguardian.com/global-development/2023/oct/04/world-needs-44m-more-teachers-in-order-to-educate-every-child.

visible solution. So, in some instances, it is a matter better left unmentioned. There are solutions to this, however. These include information on the range of approaches that are being used for identifying and enrolling OOSC, information on the cost of not educating OOSC[2] and assistance with messaging on issues of inclusion.

"Voice" is important. Too often, education systems hear from the voices of those who already have benefitted or have children benefitting from education. Now is the time to accord ample space to facilitate the voices of those who are less visible and go unheard. This might be through youth advocates, community groups, teachers' unions, political processes or OOSC themselves. Giving "voice" often has the advantage of attracting new partners and different resources that lower the perceived burden of an OOSC challenge.

The digital transformation of education must go beyond digital learning

Though flexibility and diversity in education systems are essential for enabling fully inclusive and responsive education, technology, in all its forms, provides a diverse and widening scope of tools to that end.

Figure 6

	Country Context	Description	Main Modalities	Reach (# of OOSC)
	Bangladesh	Phone-based education programme. Teacher conducted a 20-minute lesson twice a week via conference call with a small group of children. Adhering to COVID-19 safety protocols, the teacher made weekly house calls to check on children.	Low-tech, teacher-guided	69,371
	India	In-person camps, following COVID-19 safety protocols, for groups of 12-15 girls and boys between the ages of 8-10. The camps followed a curriculum that included instruction in Hindi, Maths and other topics.	No-tech, teacher-guided	200,000
	Kenya	Students gathered in small groups for facilitator instruction and to listen to government radio broadcasts. Home visits provided additional support for children and their families.	Low-tech, teacher-guided	15,337
	Nigeria	Supported government-led radio education programme broadcasting P1-P3 content in numeracy, literacy and basic science. Ongoing feedback sessions helped refine content. Learning data was collected through a platform called U-Report.	Low tech, self-learning	1,027,181
	Pakistan	Developed radio-education programmes aligned with government primary-school curriculum. The programme was broadcast in Gilgit-Baltistan and later rebroadcast nationally.	Low tech, self-learning	5,000,000
	Pakistan	Home-learning workbooks were developed covering core topics. Teachers supported through small-group instruction for children in Classes 1-5.	Low tech, self-learning (with support)	81,736
	Burkina Faso Mali Niger	Students received a home-learning package focussed on foundational skills and psychosocial support. A facilitator provided support through home visits.	Low-tech, self-learning (with support)	9,660

[2]Exclusion from Education: The Economic Cost of Out of School Children in 20 Countries. (2015, October 6). Education Above All's Educate A Child programme. https://www.educationaboveall.org/sites/default/files/research/attachments/R4D_20-Countries_update.pdf.

Figure 7 lists the ways in which different technologies have been applied to support the enrolment and learning of OOSC through EAC-supported projects. While this is, invariably incomplete, it illustrates the variety of applied technologies in use.

Linking this to our concerns about the fundamental need to address educational data, points to the importance of the digital transformation of education.

Figure 7

Theme	Technology Type	Description
Teaching & Learning	Radio, WhatsApp, Computers, Mobile Phones, Television, E learning Curriculum, Photocopy Stations, ICT Systems, Online Platforms, SMS	Disseminating lessons to expand the reach of distance-learning programming for children in households who do not have a television or a reliable source of electricity.
		Facilitating lesson follow-up offline through existing free software.
		Equipping schools with computer laboratories and resource rooms.
		Students accessing self-learning programmes at home, as well as lesson plans via conference calls.
		Daily airing of education lessons.
		Providing online Accelerated Learning Programmes for IDP populations.
		Facilitating the distribution of learning materials through photocopy stations in low-tech communities.
		Teachers registering new students into the Digital Attendance Application (DAA), marking attendance, and viewing specific reports, drop-out risk analysis and options to contact guardians in real time.
		Documenting the active participation of children and teachers in co-curricular activities like local competitions, art exhibitions, sports tournaments, volunteer work, etc.
		Simplifying the registration process of new students and permitting the tracking and monitoring enrolment, retention and progress.
		Creating unique identifiers for registered students and reducing the frequency of transcription errors, missing/invalid data, redundancy that are often found in the traditional paper-based data collection process.
		Identifying the duplication of student profiles stored online, thereby enabling the project to recognise risk areas in data collection and management, and introduce mitigation measures to ensure quality.
		Surveying student learning and content knowledge regularly and prompting teacher follow up with pupils who are struggling.
		Collecting learning data to help refine content via U Report.
Capacity Building	Smartphones, Online Platforms, Zoom, Radio	Conducting online training sessions for project facilitators when in-person coaching is not feasible.
		Teachers learning to integrate ICT into lesson planning and being able to liaise with project partners involved in WASH, hygiene and child protection to help ensure schools provide a conducive learning environment.
		Building the capacity of non-formal schoolteachers online through Virtual Teachers Training Academy.
		Teachers participating in online training sessions on social and behavioural changes, psycho-social support and the use of social media as a vehicle for teaching and learning.
		Training teachers on child-centred pedagogies.
Child Protection	Telephone, Online Platforms	Setting up education hotlines to report child protection incidents.
		Training Child Protection Committees (CPCs) on reporting protection incidents, as well as the types of services rendered and required.
Community Engagement	Radio/Mobile Phones, WhatsApp, Solar Lamps, Film	Clustering different households together to help parents monitor learning at home.
		Providing information on the availability/value of education opportunities to parents.
		Communicating with community representatives and stakeholders to disseminate information during emergencies via WhatsApp channels.
		Equipping schools with computer laboratories and resource rooms.
		Informative shorts to raise awareness about education opportunities for newly-arrived children.
Monitoring & Tracking	Mobile Phones, R/EMIS, Online Monitoring System, WhatsApp	Collecting qualitative data from students and parents through Open Data Kit to compile feedback with respect to learning sessions and instruction.
		Monitoring attendance to manage absenteeism of potentially at-risk students, as well as teacher and facilitator content delivery, and learning outcomes to refine content.
		Assessing impact of education cash grants through phone-based surveys.
		Ensuring alignment with international standards by collecting, analysing and reporting field-level education data with respect to refugees and other OOSC through customised systems.
		Dashboards providing overviews of total enrolment and attendance disaggregated by gender, school, and grade computed on a daily or monthly basis, as well as an inbuilt drop-out risk assessment.
		Integrating programmatic activities by providing clear pictures of whether and how well interventions are working, and information on how to better target such interventions.
		Easing analysis of data collected for partners on the ground and aggregating information in terms of gender and distance to school.
		Utilising WhatsApp groups to collect information from target/beneficiary communities.

Figure 8 is a simplified illustration of how technologies support the inclusion of OOSC. But for formerly OOSC to stay in education and learn, sweeping reforms in education systems are required. Guided by thoughtful and practical analysis, experience and policies, digitisation can help address OOSC, while improving the system overall.

Continue to invest in OOSC

SDG4 calls for universal education. This is no small feat and it is one that will likely not be achieved in its entirety by 2030. It would be inexcusable, however, for the international community to not use knowledge and experience laid out herein to pave a realistic path forward to attain this aim, which is indispensable to our planet's future. We know that primary education, in every country, instills foundational skills and values for future learning and a dignified life. Therefore, we deny what we know and at least 70 million children this opportunity – their right to education – at our own peril.

Continuing to invest in primary-level OOSC is imperative! There are no two ways about it.

Figure 8

The graphic above demonstrates the specific fields in which EAC and its partners impact, using different forms of technology, to help create access to quality primary education for OOSC.

International Rescue Committee - Democratic Republic of the Congo

Chapter 5

CONCLUDING MESSAGES

For OOSC to become active participants in education in general and education systems in particular, and thereby contribute to a more sustainable and peaceful world, **education must be transformed** so that exclusion is eliminated and no one is invisible. This will require:

- **Investing** in unfettered access to quality primary education across the board;

- **Innovating** out of conventional mindsets and paradigms to effect education systems that evolve with society and its youngest, most vulnerable members; and

- **Including** every child, regardless of their circumstance, so all are welcome and understand they have a place in the learning process;

Paddy Dowling - Iraq

PART 2

PROTECTING EDUCATION

Authored by

Maleiha Malik

Executive Director of EAA's Protect Education in Insecurity & Conflict

How has the needle moved Global, regional, local

Over a 10-year time frame there are consistently high levels of attacks on education,

War and conflict destroy knowledge and education. Yet this is not a new story. The Library of Alexandria, one of the largest and most important libraries of the ancient world was burnt when in 48 BC Julius Cesasar's armies set fire to the nearby docks. In 1258 the Mongol attack and siege on Baghdad led to libraries and books being destroyed, many thrown into the river. Centuries later, during the Iraq War in April 2003, the central library in Iraq was destroyed. In the twentieth century, the use of aerial bombardment as a military tactic meant that children had to be evacuated from city centres and schools were destroyed bombing campaigns.

What can be done? In the last ten years, there is more data on attacks on education as well as a greater awareness that despite the reality of war and conflict, it is crucial to protect schools, education and knowledge. In 2007, UNESCO published the first Education Under Attack report that set out a global approach to this problem. The 2007 report included a modern definition of what constitutes an attack on education as well as a mapping of the way in which data can be collected, aggregated and measured across different countries and regions. Two years later, in 2009, Education Above Al Foundation's project Protect Education in Insecurity and Conflict was established and led a major conference at UNESCO that convened major partners such as Save the Children, Human Rights Watch and UNICEF to discuss and address the global problem of attacks on education. One important outcome of that conference [1]was the establishment of the Global Coalition to Protect Education From Attack (GCPEA) in 2010 that has as its mandate bringing together key UN agencies and INGOs as well as EAA in a coalition that leads on global advocacy and the collection of data to protect education from attack. To that end, GCPEA has led on the Safe Schools Declaration (SSD) process that is an inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict. Since 2014, the SSD has now secured endorsement by over 110 states and is established

as a global normative standard to safeguard education during armed conflict. At the same time, GCPEA with the support of EAA has led on the process of strengthening verifiable data through the development of a clear conceptual definition of what constitutes an attack on education and the strengthening of data collection methodologies and processes.

In terms of 'what is an attack on education', the GCPEA definition ensures a concept that requires a causal connection between the action and harm to educational facilities, educational personnel and the creation of knowledge.

An attack on education is constituted by some key elements:

- A direct attack on an educational facility such as a school or educational personnel such as students, teachers or school administrators

- Military use of schools and educational facilities

- Recruitment of children into armed groups or forced labour on educational premises or to/from the route to school

- Sexual harassment at school

- Interference with research and the production of knowledge

Attacks on education include any actual use of force (or threats) against students, teachers, academics or education support staff. These have immediate such as death and injury and long-term impacts such as increased drop-out rates for students, loss of teachers to the profession and extended school and University closures. They can also have a unique impact on girls, women, persons with disabilities and marginalized groups.

Attacks on education can be carried out by state actors (including on behalf of the state) or non-state actors.

An important outcome of these efforts is the publication by GCPEA of the Education Under Attack report which is now an unbroken data set from 2014 onwards, and that has now been recognized by the UN Institute of Statistics as the SDG 4.a.3 thematic indicator on attacks on education.

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[1]See https://protectingeducation.org (accessed on 20 October 2023).

There was some collection of data on attacks on education by UNESCO in 2007, but the systematic collection of data did not start till later which culminated in the publication of Education Under Attack 2014 which is not the SDG 4.3.a thematic indicator on an attack on education, defined as: SDG 4.a.3 Number of attacks on students, personnel, and institutions

GCPEA did now systematically collect global numbers of attacks on education (like we do now) until about 2013. There is certainly data from before, but it is not necessarily comparable to what we have now, as the data sets were often country-specific and not global. Nevertheless, it is possible to conclude that there is a general trend that over the last decade, there has been a general increase in the number of reported attacks on education, according to the Global Coalition to Protect Education from Attack (GCPEA).

Looking to the most recent data set, in 2020 and 2021, there were more than 5,000 reported attacks on education and incidents of military use of schools and universities, harming over 9,000 students and educators in at least 85 countries. On average, six attacks on education or incidents of military use occurred each day. In 2022 [the most recent year for which data are available] more than 3,000 reports of attacks on education were identified. Attacks on education, students and teachers, schools, infrastructure, and educational institutions are on the increase. In 2022 alone, more than 3,000 attacks on education were reported, accounting for a 17% increase from 2021. Almost a third of all attacks occurred in Ukraine, Myanmar and Burkina Faso, with the majority being reported in Ukraine[2]. An analysis of these statistics reveal a more harrowing reality: more than 6,700 students and educators were reported to have been killed, injured, abducted, arrested or otherwise harmed by attacks on education in 2022, registering a 20% increase from the previous year. The use of schools for military purposes also rose in 2022 by 10% as compared with the previous year.

Screen shot of TRACE Data Portal linked here image of attacks by TYPE and LOCATION of the attacks:

https://tracedataportal.org/data/attacks-on-education-dataset/

Attacks by Type

The numbers listed below only represent attacks meeting the criteria for one of these categories, not the total number of attacks.

Attacks on schools

771

Attacks on students and staff

607

Attacks on higher education

493

Military use of schools or universities

173

ℹ These numbers do not add up to the total number of attacks on education, because some attacks are reported as tallies that include more than one attack type and so cannot be broken down. Coverage of certain attack types may be more robust than others due to underreporting and variability in media and non-governmental organization reporting.

Location of attacks
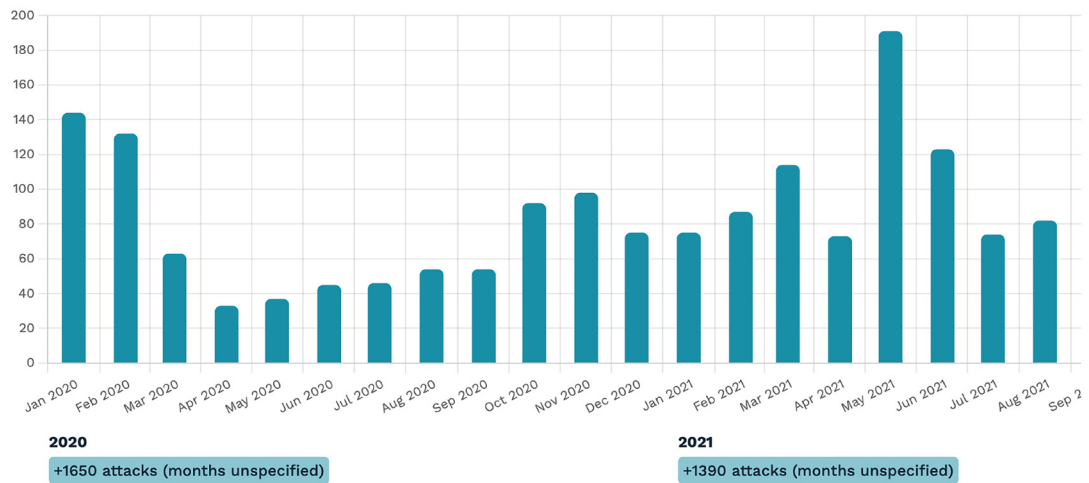
86 countries where attacks have been identified

● Number of attacks in country

Tiles © UNESCO
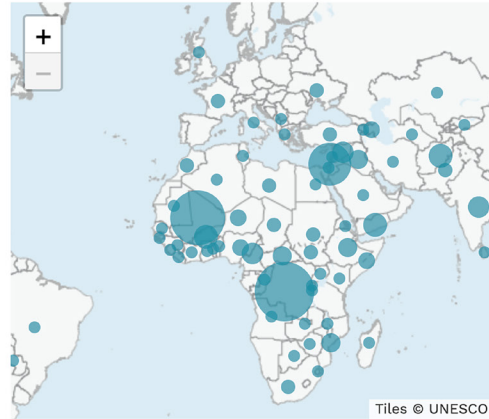
Timeline of attacks

Slide to see more ←⊙

2020

+1650 attacks (months unspecified)

2021

+1390 attacks (months unspecified)

ℹ Some attacks on education and military use cases are reported as tallies which do not specify the day or month when the incident occurred and so do not appear in the above graph.

Individuals Harmed

Students and educators injured, killed, arrested, or otherwise harmed in attacks on education or during military use.

50 students or educators harmed

Fewer than 50 students or educators harmed

TOTAL REPORTED HARMED
9,225

GIRLS OR WOMEN REPORTED HARMED
807

ⓘ The number of reported girls or women harmed is likely an undercount, since some news and non-governmental organization reports did not include gender and attacks reported as tallies did not specify the gender of victims or survivors.
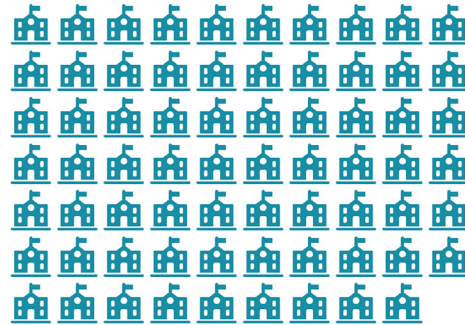
Educational facilities damaged

Schools and Universities damaged or destroyed

10 schools or universities damaged

TOTAL
693

ⓘ The number of reported schools or universities damaged is likely an undercount, since some attacks on education and military use cases were reported as tallies which did not specify damage to educational facilities.
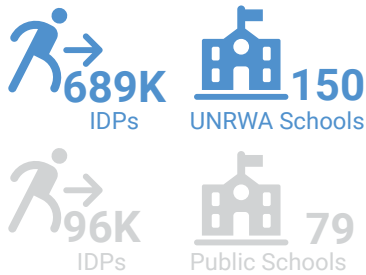
During the recent time frame of 2020-21, the highest incidence of attacks on education was in Mali, DRC and the State of Palestine. In these countries hundreds of school buildings were bombed, looted and burnt in violent attacks. Attacks also rose in Burkina Faso, Colombia, Ethiopia, Mali and Nigeria. Military use of schools almost doubled during the 2020-21 reporting period, with concentration in Myanmar which represents nearly 40% of all such cases as well as incidences in Iraq, CAR, DRC and Ethiopia. Girls and women were targeted for attacks in at least 11 countries, including Afghanistan, Nigeria and Pakistan. Explosive weapons continue to be significant cause of harm and were used in nearly one fifth of all the reported attack on education.

Since the publication of EUA 2022, attacks have continued across the world. The on-going Ukraine War and most recently the War in Gaza have included large scale bombardment and use of explosives in civilian areas that have inevitably resulted in significant killing and injuries to civilians, especially children, as well as the destruction of schools and education systems. The October 2023 War on Gaza has included aerial bombardment of a densely populated small area where 1.1 million children were already in need of humanitarian assistance before the start of hostilities. The result has been large civilian death toll of which over 40% were children, serious injuries, violent forced displacement and the complete destruction of schools, Universities and the education

Occupied Palestinian Territory Education Cluster
Co-led by UNICEF and Save the Children International

EDUCATION UNDER ATTACK
In the Gaza Strip
As of 31 October 2023

More than 625,000 students and 22,564 teachers in the Gaza Strip have been affected by the attacks on education for 25 days with no access to education and a safe place.
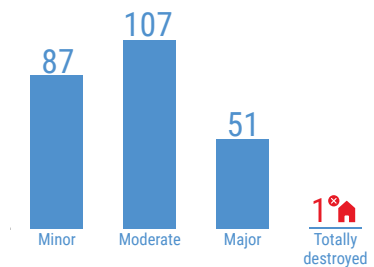
246 School Buildings (51% of total buildings) sustained damages.
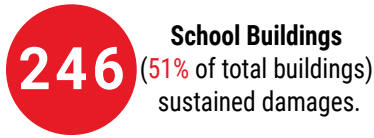
IDPs (inside educational facilities)

689K IDPs
150 UNRWA Schools
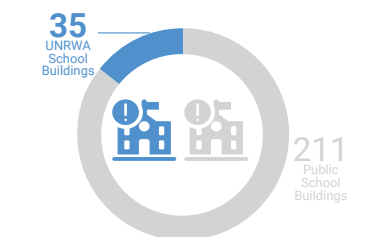**96K** IDPs
79 Public Schools

78% of total schools buildings are either being used as IDPs shelters (almost four times their capacity) and/or sustained damage. This will constitute an additional burden to ensure the continuity of education when security condition allows, as they need rehabilitation, and cleaning works and many will continue to serve as IDPs centers for families who have lost their homes.
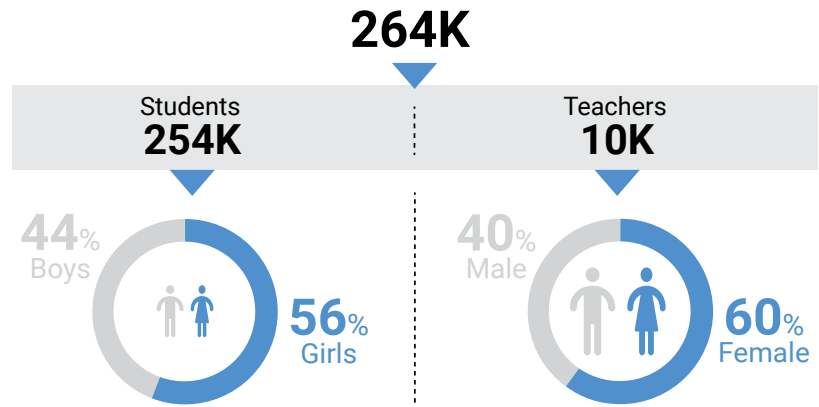
SEVERITY OF DAMAGE

Minor	Moderate	Major	Totally destroyed
87	107	51	1

TYPE OF DAMAGED SCHOOL

35 UNRWA School Buildings
211 Public School Buildings

AFFECTED STUDENTS AND TEACHERS (by the damaged schools)

264K

Students **254K**
44% Boys
56% Girls

Teachers **10K**
40% Male
60% Female

CASUALTIES (based on MoH)

3,650 children killed which more than

2,500 Students KILLED

7,468 Children INJURED

GOVERNORATES

254K Affected Students (by damaged schools)

246 Total Affected School Buildings

North Gaza — 43K / 44
Gaza — 89K / 86
Deir Al-Balah — 47K / 40
Khan Younis — 40K / 42
Rafah — 35K / 34

SOLUTIONS

—

WHAT WORKS

1, Law

Legal accountability and sanctions are the most powerful mechanism as a disincentive to target education and as a crucial means of ensuring justice for victims. 'Power Imports Responsibility'. In relation to attacks on education, the crucial actor to ensure the protection of educational facilities, students and teachers is the state, whilst noting that armed non-state actors are also subject to binding norms to not target education for attack and ensure that children under their control are safe and have access to education.

The continued increase in attacks on education in situations of conflict and insecurity indicates a dereliction of duty on the part of States, non-state actors and the international community as a whole, to protect education from attack, violence and conflict. Trend analyses show that both state and non-state actors use schools and educational facilities for military purposes during conflict. This dire situation is further compounded by the fact that conflicts are intensifying in terms of their length and geographical spread, with many spilling over borders, thereby taking on a regional character. This results in a multiplication of actors, methods, victims and greater complexity in ensuring compliance with international humanitarian law.

The motivation for attacks on education vary according to the actors involved and their overall objectives for taking up arms.

The Legal Framework to protect education from attack

From Global to Regional and National State Responsibility to Protect Education From Attack and the Continuation of Education During Conflict

The UN Security Council 'big 5' veto has resulted in no action by the key institution that is charged by the UN Charter to protect peace and security. Yet, the UN Security Council is a key global institution that needs to be part of the solution to prevent armed conflict, and to safeguard education during war, conflict and post-conflict recovery. UNSCR 2601 is an important milestone precisely because it recognizes that attacks on education and the disruption and lack of continuity of education has a long-term consequence for durable peace,

security and development. UNSCR2601 is also important because it reiterates education as a core fundamental right. It stresses the primary responsibility of Governments through their national capacities to provide protection of children during armed conflict. It emphasizes the need for legal accountability and condemns violations of international law with impunity that deny justice for victims. Puts emphasis on the link between humanitarian actors ensuring continuation of education during conflict as well as the key role of development actors and the significance of the implementation of the 2030 Agenda for Sustainable Development,

To that end, the adoption of UNSCR 2601 that was adopted by the UN Security Council on 29 October 2021 is a significant milestone. UNSCR 2601 establishes an obligation on states to Take action to ensure accountability and justice for the victims of attacks on education. The UN Security Council Resolution 2601 was born of a global consensus that education must be protected. It prompts states to take national action through laws and policies that hold those who attack schools and education to account, while also providing a response to victims of attack and ensuring the continuation of education in conditions of conflict and humanitarian emergency. The international community must unite to protect education.

UNSCR 2601 contains key provisions that include, inter alia:

> Para 2. Strongly condemns the continued attacks as well as threats of attacks that are in contravention of international humanitarian law against schools and civilians connected with schools, including children and teachers, and urges all parties to armed conflict to immediately cease such attacks and threats of attacks and to refrain from actions that impede access to education;

> Para 3. Calls on all parties to safeguard, protect, respect, and promote the right to education, including in armed conflict, and reaffirms its contribution to the achievement of peace and security, and emphasizes the invaluable role that education has for individuals and society including as life-saving safe spaces and

acknowledges that providing and protecting as well as facilitating the continuation of education in armed conflict should remain a key priority for the international community and Member States, and in this regard urges Member States, United Nations bodies and civil society to take specifically into account girls' equal access to education;

Para 4. Urges Member States to develop effective measures to prevent and address attacks and threats of attacks against schools and education facilities, and, as appropriate, develop domestic legal frameworks to ensure respect for their relevant international legal obligations as applicable to them, and encourages Member States to ensure that national strategic frameworks include, as appropriate, comprehensive measures to prevent attacks and threats of attacks against schools and ensure the protection of schools and civilians connected with schools, including children and teachers during armed conflict as well as in post-conflict phases, with the support of relevant United Nations entities;

Para 8. Condemns the lack of accountability for violations of international law, including international humanitarian law, and for abuses, committed against civilians connected to schools, including children and teachers, in armed conflict, and condemns attacks and threats of attacks against schools and educational facilities in contravention of international humanitarian law, which in turn may contribute to the recurrence of these acts; and urges Member States to ensure that such violations are investigated and those responsible duly prosecuted;

Para 16. Emphasizes the need for Member States to facilitate continuation of education during armed conflict, including, when feasible, through distance learning and digital technology, and in this regard encourages Member States to promote the adoption of remote learning solutions, including digital learning, literacy, and skills to facilitate continuity of education in armed conflict by utilizing the innovations and lessons learned during the COVID-19 education response, including when schools are subject to attack;

Whilst these are important binding obligations, the UNSCR operates through requiring members states to further implement through national action plans. It also lacks strong remedial and reporting mechanisms to ensure enforcement and accountability.

Specifically, the next step is for governments around the world to pledge to take action by adopting the relevant legal and political provisions to:

•   Ensure the full and effective implementation of UNSCR 2601.

•   Halt attacks, condemn attacks and the military use of schools and child soldiers, and to safeguard, protect, respect and promote the right to education. Member States who unanimously endorsed UNSCR 2601 must develop national action plans that prioritise a halt to all attacks on education.

•   Strengthen accountability for education related violations of international law and an end to the culture of impunity that allows perpetrators to attacks education with no consequences.

•   Ensure justice for victims and survivors needs to be a priority by developing, adopting and implementing national laws that explicitly criminalise attacks on schools and educational institutions. These laws should include frameworks for investigation of incidents and data collection, as well as judicial measures to hold to account perpetrators and reparations for victims and survivors.

International Human Rights Law

The right to education is afforded international legal protection through several strands of international law, namely international human rights law (IHRL), international humanitarian law (IHL – also referred to as the laws of war or the law of armed conflict) and international criminal law (ICL). The protection of education under these systems of international law can apply severally or simultaneously, depending on the type of attack on the right to

education, the location where an attack occurs, and the perpetrators of the attack.

Generally, international human rights law applies in all situations – in insecurity, conflicts and in peace-time – and forms part of the states' obligations towards those within its jurisdiction and its obligations towards other states that may be party to the particular human rights treaty or convention in question. IHRL provides states with obligations and duties pertaining to specific rights that they are obligated to protect. Protection of these rights is done through both 'positive obligations' – where states must do something in order to ensure the protection and enjoyment of the rights, as well as through 'negative obligations', to refrain from any actions, or to ensure that no actions are taken which might breach or contravene those rights.

Examples of treaties and conventions in international human rights law that protect the right to education and the protection of education against attacks include:

•   The Hague Convention (1954) for the Protection of Cultural Property in the Event of Armed Conflict, and its two Protocols (1954 and 1999), which includes educational institutions, during armed conflicts;

•   The Convention Against Discrimination in Education 1960 (CDE);

•   The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), and its Optional Protocol;

•   The International Covenant on Civil and Political Rights 1966 (ICCPR), and its Optional Protocols;

•   The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1966;

•   The Convention on the Elimination of all Forms of Discrimination against Women 1979 (CEDAW);

•   The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990;

•   The Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment 1984 (CAT), and its Optional Protocol;

•   The Convention on the Rights of the Child 1989 (CRC), and its Optional Protocols on the Involvement of Children in Armed Conflict, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Optional Protocol on a Communications Procedure of 2011;

•   The Convention on the Rights of People with Disabilities 2006 (CRPD);

•   The International Convention for the Protection of All Persons from Enforced Disappearance 2006;

In addition to the above, the Universal Declaration of Human Rights is also an important, but non-binding, soft-law instrument, which has largely become accepted as customary international law since many of its articles have either been incorporated in other subject-specific treaties or have developed into full-fledged treaties and conventions on protecting certain rights.

These international human rights treaties and conventions are further supplemented by regional human rights instruments that provide additional mechanisms for complaints or compliance, including:

•   The European Convention on Human Rights 1950 (ECHR), and its Optional Protocols;

•   The European Social Charter 1961 (revised 1996) (ESC), and its Optional Protocols;

•   The American Convention on Human Rights 1969 (ACHR), and its Optional and Additional Protocols;

•   The African Charter on Human and Peoples' Rights 1981 (ACHPR), and its Protocol on the Rights of Women in Africa of 2003;

•   The African Charter on the Rights and Welfare of the Child 1990 (ACRWC);

•   The Arab Charter on Human Rights 2004 (ACHR);

International Humanitarian Law

Unlike international human rights law, international humanitarian law applies only in situations of armed conflict and applies in relation to the conduct of parties to an armed conflict. Also refer to as the laws of war or armed conflict, it covers a range of protections for education through certain core principles, which are codified in the following conventions:

• The four Geneva Conventions for the Protection of War Victims of 1949;

• The three protocols additional to the Geneva Conventions (Additional Protocols):

    • Additional Protocol I of 1977 applicable in International Armed Conflicts (IAC);

    • Additional Protocol II of 1977 applicable in non-international Armed Conflicts (NIAC);

    • Additional Protocol III relating to the adoption of a new distinctive emblem (the 'Red Crystal');

Interpretation and application of the Geneva Conventions is aided through reference to the ICRC Commentaries on the Conventions which are persuasive and authoritative, though not legally binding. In addition to these, IHL also comprises customary international law principles, which is important for areas that are not explicitly covered in these conventions, such as rules of international humanitarian law that are applicable to non-International Armed Conflicts (NIACs).

There are several other specific treaties that are also applicable in specific cases in the context of protecting education from attack:

• The Hague Conventions, and their Regulations, of 1899 and 1907, regulating the conduct of war on land, sea and air (The Hague Conventions or Regulations);

• The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects 1980;

• The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction 1993;

• The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction 1997;

• The Convention on Cluster Munitions 2008;

• The Treaty on the Prohibition of Nuclear Weapons of 2017;

In addition to the above, there are various treaties that establish special protections for groups of persons or objects (including several forms of educational institutions), such as the UNESCO Convention of Cultural Property in the Event of Armed Conflict of 1954, and its Protocols. Each of these treaties and conventions, together with the relevant customary international law, form the core protections for education against attack provided by international humanitarian law. The core element of these rules is the principle of distinction; namely, the idea that all parties involved in a conflict – whether international or non-International – have an obligation to distinguish between civilians and civilian objects, and military objectives, and that only military objectives can be legitimately targeted in the course of armed conflict.

International Criminal Law

International Criminal Law provides a third international legal regime for the protection of education from attack. It encompasses a specific legal Statute that explicitly delineates certain types of crimes for which individuals can be held punishable, rather than States. The core legal instrument is the Rome Statute of the International Criminal Court (ICC) 1998, which both establishes the ICC and outlines the core international crimes that are punishable through the ICC (or through domestic courts using the 'principle of complementarity').The Rome Statute devises several procedures through which a case can be brought to the Court for the trial of individuals for the crimes of genocide, crimes against humanity, war crimes and crimes of aggression, torture, enforced disappearances and other subsidiary crimes. In addition to the Rome Statute, other relevant

human rights and humanitarian law treaties and conventions also comprise a source of international criminal law for the prosecution of individuals at the ICC, such as the Genocide Convention of 1948, the Geneva Conventions of 1949, the Convention Against Torture of 1948 and the International Convention on the Protection of All Persons from Enforced Disappearance of 2006.

ICL constitutes an important additional forum for the protection of education from attack, especially for justice for victims of education-related attacks in insecurity and armed conflict. The ICC's procedures actively encourage the involvement of victims in the proceedings and, through a successful prosecution, can also provide additional remedies and relief, such as reparations for proven violations and remedying educational harm.

Progress on pursuing accountability for attacks on education

Efforts for the tracking and mapping of attacks on education are increasing, with the most notable contribution by the Global Coalition to Protect Education from Attack (GCPEA)[3]. Extensive amounts of quantitative data is being collected and analysed to provide more qualitative understanding of the complex challenge of achieving accountability for, and working on reducing the occurrence of, attacks on education. In this context, it is useful to begin with the articles established by General Comment No. 13[4], particularly Article 6, which seeks to identify a 4-point schematic, which we will refer to as the '4-A's Framework', which call for education to be Available, Accessible, Acceptable and Adaptable. These extend the negative obligations of States' and establish that the protection and enjoyment of education is a positive obligation that States' must provide and ensure that the most marginalised are guaranteed access to it, regardless of their civil, political and economic status. This is integral for promoting and establishing the principle that child labour, physical/security checkpoints and other impediments to the full enjoyment of education constitute a flagrant violation of the right to education.

There have been notable advancements under the International Human Rights Law (IRHL) Framework that condemn attacks on education. These have primarily been located in the jurisprudence of the Inter-American Court of Human Rights. Most prominent of these is the case of Albarracín[5], which involved an instance of a young girl (Paola) who had experienced sexual violence within an educational facility, perpetrated by the Vice Principal. The court had decided that Ecuador had failed in adequately protecting Paola's right to education as a result of a lack of due diligence and safeguarding measures to prevent sexual violence against girls, particularly within schools[6]. The court both affirmed the intrinsic right to education, and also noted the 4 A's framework as contained in the General Comment[7]. It emphasised that sexual violence against girls constitutes a form of discrimination and further hinders access to and impinges on their right to education, highlighting this under the under concept of "Accessibility". Despite the core element being wholly comprised of the education-related violation[8], the court chose to forgo their jurisdictional capacity to rule on education-related violations, deciding that 'it [was not] necessary to rule on the alleged violation of the right to education'.[9] This was also the position of the European Court of Human Rights[10]. This is a particularly challenging issue since, in addition to constituting an attack on education,[11] it also constituted one of the 'Six Grave Violations'[12] against children. The court should have taken this issue seriously in its determination, just as it did during the proceedings relating to both the power dynamics of Paola's assaulter and his position as

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[3]For the definition of attacks on education see – 'What Is an Attack on Education?' <https://protectingeducation.org/the-problem/what-is-an-attack-on-education/> accessed 11 October 2023

[4]UN Committee on Economic, Social and Cultural Rights (CESR) 'General Comment No. 13' (Article 13 of the Covenant), (1999) UN Doc E/C.12/1999/10

[5]Inter-American Court of Human Rights Guzmán Albarracín et al v Ecuador (24 June 2020)

[6]ibid para 143-167

[7]General Comment No. 13 (n 2) Article 6

[8]see Inter-American Court of Human Rights Girls Yean and Bosico v Dominican Republic (8 September 2005) and Inter-American Court of Human Rights Gonzales Lluy et al v Ecuador (1 September 2015)

[9]Guzmán (n 4) para 117

[10]O'Keefe v Ireland (2014) 35810/09 – the court stated that the right to education per Article 2 of Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms were already addressed in the assessment of Article 3

[11]GCPEA (n 1)

[12]'Monitoring and Reporting on Grave Violations' <https://childrenandarmedconflict.un.org/tools-for-action/monitoring-and-reporting/> accessed 11 October 2023

an educator[13], as well as the fact that this occurred within an education facility[14]. Had the court, in fact, addressed these violations and affirmed the State's positive obligations to preventing the discrimination against girls, as it had in the case of Lluy, it would not have detracted from the issue of gender based violence. It would have only further buttressed the importance of State obligations in safeguarding the rights of women and girls, as well as acknowledging the barriers that preclude their enjoyment of their right to education. In its decision to award non-pecuniary damages, the Court should have taken account of the deep and grave nature of the violation, as it was an issue that was noted in several reports of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women[15]. This would have established a strong precedent for any future victims of education related violations, bolstering the fact that the violation of the right to education is justiciable, as well as providing for remedies, both punitive and restorative, for violators and victims, respectively.

One area that provides some potential for violations of the right to education is through corporate accountability for the use of child labour, particularly as the jurisprudence has mollified over the years. Despite the global recognition that the recruitment of children for armed conflict is a war crime under the Rome Statute,[16] the use of child labour does not hold such a wide significance within the international legal framework, despite its complete prohibition[17]. However, we have witnessed a momentum for corporate accountability through an increased integration of the UN Guiding Principles on Corporate Due Diligence[18] within the European Union,[19] as well as novel approaches and decisions by Courts to determine these violations.[20]

One of the most notable decisions in this context is that of Nevsun by the Canadian Supreme Court, which attempted to adjudicate forced labour as a violation of customary international law and, alongside the Fighting Against Forced Labour and Child Labour in Supply Chains Act,[21] underscored within the preamble that 'forced labour and child labour are modern forms of slavery'. In our view, this judicial momentum and willingness can be capitalised upon in order to guide litigation and litigators to also include impediments to the right to education as a result of child labour, particularly as domestic provisions exist that criminalise the employment of children 'in a manner to be prejudicial to his health, or otherwise render him unfit to obtain the full benefit of the education provided to him'[22]. Notably, the Act also stipulates criminal penalties for violations of this right. Therefore, the law must be cognisant of the serious impediments that the employment of children have to prejudice the full enjoyment of children's access to education, as it constitutes a form of discrimination in contravention to the International Covenant on Economic, Social and Cultural Rights[23], as outlined in the General Recommendation noted above, in reference to economic discrimination hindering accessibility. Additionally, the employment of children also violates Article 1 of the Convention Against Discrimination in Education,[24] which also contains the prohibition of economic discrimination. Ultimately, this establishes a clear causal link between child labour and the failure of a State's positive obligation in ensuring that students possess decent economic welfare so as to not prejudice the established right under Article 28 of the Convention on the Rights of the Child,[25] which provides for 'free primary education available to all'.

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[13]Guzmán (n 4) para 71 – expounding on the Ecuadorian Criminal Code with regards to the laws on rape.

[14]ibid para 91

[15]ibid para 136

[16]Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 38544 (Rome Statute) Article 8(2)(e)(vii)

[17]For context on the international legal framework on the prohibition of the employment of children see International Programme on the Elimination of Child Labour (IPEC) resources – <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm> accessed 11 October 2023

[18]UNCHR Res 17/31 (21 March 2011) UN Doc A/HRC/17/31

[19]McCorquodale R, 'Corporate Duty to Prevent Human Rights Impacts – A Way Forward for UK Legislation?' <https://www.cambridge.org/core/blog/2020/03/12/corporate-duty-to-prevent-human-rights-impacts-a-way-forward-for-uk-legislation/> accessed 11 October 2023

[20]Nevsun Resources Ltd. v Araya [2020] 1 SCR 166; Vedanta Resources PLC and another (Appellants) v Lungowe and others (Respondents) [2019] UKSC 20 and Nestlé USA, Inc. v. Doe 593 U.S. ___ (2021)

[21]Canada Fighting Against Forced Labour and Child Labour in Supply Chains Act 2023

[22]UK Education Act 1996

[23]International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR)

[24]UN Education, Scientific and Cultural Organisation (UNESCO), Convention Against Discrimination in Education (14 December 1960) <https://www.refworld.org/docid/3ae6b3880.html> accessed 11 October 2023

[25]Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC)

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WHAT COULD/NEEDS TO BE DONE DIFFERENTLY

Attacks on Education

In relation to the most serious attacks on education, what needs to be done is self-evident, but the key challenge is political will. In particular, there needs to be a focus on:

- All parties to armed conflict should immediately cease unlawful attack on education and respect the civilian character of school buildings. This meant to stop immediately all targeting and attacks on: schools and education facilities; attacks and threats of attacks against students, teachers and educational personnel. One way of ensuring this is to endorse, implement and support normative commitments such as the Safe Schools Declaration and UNSCR 2601 National Action Plans

- Armed state forces and armed non state actors should not use schools and universities for military purposes, (Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

- Call for Action for full and effective implementation of UNSCR 2601 and commitment to develop a national plan to address attacks on education. This can also be presented to the SDG4-Education 2030 High Level Steering Committee and the UN Security Council Working Group on Children and Armed Conflicts (WG-CAAC) now under the leadership of Canada. Canada has agreed to sign the EAA led UNESCO Call for Action.

- Avoid the use of explosive weapons with wide-area effects in populated areas, including near schools or universities or along routes to or from them, and develop operational policy based on a presumption against such use.

- Monitoring and reporting of attacks on education should be strengthened through the concerted action of Governments and monitoring bodies who should lead action on this strategic goal. Use GCPEA's Toolkit for Collecting and Analyzing Data on Attacks on Education and support the TRACE Data portal to strengthen information gathering and sharing on attacks on education, including attacks with explosive weapons. Encourage cooperation between government and humanitarian and development partners on collecting and reporting data on attacks on education.

- International justice organisations should prioritise systematically investigating attacks on education and the prosecution of perpetrators.

- Integrate needs assessments and incident-level data into humanitarian planning and programs at all stages.

- Continuation of education during conflict should be maintained where safe and feasible.

- Work across the humanitarian and development nexus to ensure that the education response to attacks on education minimizes long term impacts on out of school children, access to quality education for refugees and IDPs and through ensuring 'back to school campaigns'

- Grassroots empowerment and mobilization: Raised awareness of the global community on the tools for the protection of the right to education and the urgent needs for tangible actions, with a particular focus on empowerment of youth and those most directly affected by conflict.

The right education is protected in situations of conflict and insecurity

Protecting safe, inclusive, and equitable quality education as a universal human right

Global governance and international law that **protects** the right to education

Accurate and timely data on education under attack that **informs** global advocacy for the protection of the right to education from attack

Rights-holders' children and youth, grassroots communities, and civil society that are **empowered and mobilized** with particular focus on the right to education, and sustainable peacebuilding

#unitetoprotect: global campaign to protect education from attack

Thought leadership, Research & Publications

Strengthening law and policy mechanisms for accountability

Strategic partnerships & coalitions for data

Empowerment and mobilization if rights holders and grassroots communities for education advocacy

Concluding Comments

The main lesson of the last decade is that to protect education we must end war and build sustainable peace. At the same time, there is a global consensus as represented by International Humanitarian Law (IHL). The norms of International Humanitarian Law are binding on ALL states as well as armed non state actors and us. These humanitarian norms are the 'human values' on which we all sit: these norms establish rules that there must be some areas of human life such as civilians, hospitals and schools that should never be a target. When there is a violation of these rules, by state or non-state actors, it is essential that global institutions, global leaders and grass roots communities call public, political and legal accountability. In the last ten years, in the face of immense destruction of lives and education systems, we know that war and armed conflict destroy human flourishing, knowledge and education far quicker than our ability to rebuild. The call for justice and the rule of law for education related violations of international law and norms ensures a redress where 'hope and history' can meet so that as a global community we push 'the scales of reality towards a more transcendent equilibrium'[26]

[26]See Seamus Heaney on 'Hope and History' and Vaclav Havel's quote: 'The Redress of Poetry' (Farrar, London: 1996).