

elimu ni haki yetu



Elimu Yetu Coalition

POLICY STATEMENT BRIEF ON INTEGRATING REFUGEE TEACHERS INTO KENYA NATIONAL EDUCATION SYSTEM



To: Teachers Service Commission (TSC) And The Ministry of Education

By: Elimu Yetu Coalition

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LIST OF ABBREVIATIONS:-

1. EYC - Elimu Yetu Coalition
2. TSC - Teacher Service Commission
3. SDG - Sustainable Development Goals
4. LWF- Lutheran World Federation
5. TPD- Teacher Professional Development
6. CoP- Community of Practice
7. RTCoP - Refugee Teacher Community of Practice
8. GCR - Global Compact on Refugees
9. CSO - Civil Society Organisations
10. EFA - Education for All
11. RHC - Refugee Hosting Community
12. PEA - Political Economy Analysis

EXECUTIVE SUMMARY

Elimu Yetu Coalition (EYC) is Kenya's National Education Coalition, established in 1999 as a platform for civil society organizations and other non-state actors in the education sector. The Coalition advocates for the realization of the universal right to education, mobilizing and coordinating over 200 member organizations across Kenya to promote inclusive, equitable, and quality education for All including for children whose parents/guardians are refugees.

The Coalition, through this brief, respectfully submits recommendations to the Teachers Service Commission (TSC) and the Ministry of Education regarding the integration of qualified refugee teachers into Kenya's national education system.

Kenya has demonstrated commendable leadership in refugee protection and inclusion through the Refugee Act (2021), the Shirika Plan, and its commitments under regional and international frameworks such as the Djibouti Declaration on Refugee Education and the Global Compact on Refugees.

As the country advances its refugee inclusion agenda, an opportunity exists to harmonize existing education laws and administrative frameworks to ensure coherence between policy intent and implementation. Currently, the requirement for Kenyan citizenship under the TSC Act (2012) limits the registration of qualified refugee teachers, despite the broader policy environment supporting refugees' right to work and access to national systems.

In refugee-hosting counties such as Turkana and Garissa, refugee teachers play a significant role in supporting service delivery within camp-based schools. However, their current classification as "incentive workers" outside the formal TSC structure has implications for professional development, remuneration, and long-term system sustainability. At the same time, some refugee camp schools remain outside the public-school registration framework, affecting access to capitation grants, teacher deployment, and institutional support.

This brief proposes practical measures to address these gaps, including legislative alignment, recognition of prior learning, structured remuneration frameworks, expanded access to Teacher Professional Development (TPD), and enhanced representation within education governance structures. Integrating qualified refugee teachers into national systems would strengthen education delivery in refugee-hosting counties, enhance equity, and contribute to Kenya's commitments under SDG 4 (Quality Education) and SDG 8 (Decent Work and Economic Growth).

The Coalition and its partners under the Teachwell voices stands ready to collaborate with the TSC, the Ministry of Education, and relevant stakeholders to support evidence-based, legally sound, and fiscally responsible reforms.

1. PROBLEM STATEMENT

Kenya's policy framework reflects a strong commitment to inclusive education and progressive refugee management. However, certain legal and administrative provisions currently create operational challenges in fully realizing these commitments within the education workforce.

The Refugee Act (2021) affirms refugees' right to work, and national strategies such as the *Shirika Plan* promote integration into national systems. At the same time, the Teachers Service Commission Act (2012) requires Kenyan citizenship for teacher registration. This requirement limits the ability of qualified refugee teachers to obtain TSC registration and formal employment within the public education system.

As a result, many refugee teachers in Kakuma and Dadaab, some of whom possess recognized qualifications and years of classroom experience, are engaged under humanitarian "incentive" arrangements rather than structured public service terms. This arrangement, while providing short-term service continuity, presents several challenges:

- Limited access to Continuous Teacher Professional Development (CTPD), particularly for the Competency-Based Curriculum (CBC).
- Remuneration disparities compared to TSC-registered teachers.
- Absence of formal career progression pathways and social protection mechanisms.
- Restricted participation in formal governance and education planning structures.

Additionally, the classification of some refugee camp schools as private or non-formal institutions affects access to capitation funding, textbook provision, infrastructure development, and deployment of TSC teachers. This contributes to high learner-to-teacher ratios and resource constraints in refugee-hosting counties.

These structural inconsistencies do not reflect Kenya's broader policy vision. Rather, they highlight the need for legislative alignment and coordinated institutional reforms to ensure that refugee inclusion commitments are operationalized within the education sector. Addressing these gaps presents an opportunity to strengthen service delivery, improve teacher retention, and promote equitable education outcomes for all learners within Kenya's jurisdiction.

2. OUR SUMMARY OF ASKS

1. Prioritize the amendment of the TSC Act to accommodate the registration of qualified refugee teachers, thereby aligning the law with the *Shirika Plan* and the Djibouti Declaration on Refugee Education.

2. Establish clear operational mechanisms to register refugee schools as public institutions to allow for the deployment of TSC teachers and the disbursement of capitation funds.
3. Develop innovative financing models that transition refugee teacher salaries from humanitarian "incentives" to structured remuneration scales, reducing dependency on fluctuating donor funding.
4. Establish a special dispensation or a "recognition of prior learning" framework to certify qualified refugee teachers who possess valid qualifications from recognized institutions.
5. Inclusion in Professional Development: Open up government-funded Teacher Professional Development (TPD) modules to refugee teachers to ensure they are equipped for the Competency-Based Curriculum (CBC).
6. Continue to open and expand spaces for the civil society to continue supporting the Community of Practice (CoP) structure established in the camps to ensure refugee teachers are represented in national education forums (e.g., KEPSSHA, KESSHA).

3. BACKGROUND AND CONTEXT

The plight of refugee teachers in Kenya must be viewed through the lens of international humanitarian, human rights, and refugee law. Kenya is a signatory to several key international instruments that mandate the inclusion and rights of refugees, including the right to work and access education.

The Global Compact on Refugees (GCR) and the Djibouti Declaration the Global Compact on Refugees (2018) and the IGAD Djibouti Declaration on Refugee Education (2017) represent the most direct international mandates for this issue. The Djibouti Declaration explicitly commits member states, including Kenya, to integrate refugees into national education systems and, critically, to *include refugee teachers in national training and employment programmes*. The current exclusion of refugee teachers from the TSC registry is a direct contravention of the Djibouti Declaration's Article 4, which calls for the recognition of professional qualifications.

The 1951 Refugee Convention and 1967 Protocol Article 17 of the 1951 Convention Relating to the Status of Refugees mandates that host states accord refugees the most favorable treatment accorded to nationals of a foreign country regarding the right to work. By denying refugee teachers work permits and TSC registration, requirements mandatory for employment in the public education sector, Kenya effectively places them in a juridical limbo, unable to legally practice their profession despite a severe shortage of educators in the hosting counties.

The Convention on the Rights of the Child (CRC) Article 28 of the CRC establishes the right to education. The Committee on the Rights of the Child has consistently emphasized that this right implies the provision of *qualified teachers*. The current structural barriers that prevent refugee

teachers from accessing CTPD result in a situation where children in refugee camps are taught by educators who are unable to keep pace with national pedagogical reforms, such as the CBC. This creates a de facto inequality in the quality of education provided to refugee children versus their Kenyan peers.

Sustainable Development Goals (SDG 4 and 8) SDG 4.1 calls for quality primary and secondary education, while SDG 8 promotes decent work and economic growth. The treatment of refugee teachers as "incentive workers" receiving stipends far below the minimum wage directly undermines SDG 8. Furthermore, the inability to retain qualified teachers threatens the achievement of SDG 4 in refugee-hosting areas.

National Context Kenya has demonstrated commendable political will through the enactment of the Refugee Act 2021 and the development of the Shirika Plan, which aims to integrate refugees into national systems. Additionally, the Kenya Partnership Compact, developed alongside partners such as Foreign Commonwealth Development Office (FCDO), UNICEF, and the African Development Bank, advocates for the rights of marginalized communities, including refugees.

However, a significant gap persists between policy intent and implementation reality. While the Constitution guarantees the right to education for all children, the delivery of this right in Refugee Hosting Counties (RHCs) is compromised by a crisis in teacher management. Currently, refugee camp schools are often not registered as public institutions, and the teachers within them are not recognized by the Teachers Service Commission (TSC). This exclusion creates a paradox where a professional workforce is managed as humanitarian aid labor, undermining the very inclusion goals the government seeks to achieve.

The Political Economy Analysis (PEA) conducted under the TeachWell Voices project reveals a severe disconnect between these high-level policies and the institutional rules of the game.

The primary legal barrier is the requirement under the TSC Act (2012) for Kenyan citizenship as a prerequisite for teacher registration. While the Refugee Act 2021 permits refugees to work, the TSC Act acts as a gatekeeper, preventing the application of this right within the education sector. This legislative contradiction renders the progressive clauses of the Refugee Act ineffective for the education workforce.

The Status of Camp Schools Refugee schools are often registered as "private" or "non-formal" entities rather than public schools. This classification excludes them from government capitation grants, textbook distribution, infrastructure development programs and teachers within these camps are not recognized by the Teachers Service Commission (TSC). Consequently, these schools are managed by NGOs and UNHCR, creating a parallel system that operates outside the Ministry of Education's standard governance structures creating a paradox

where a professional workforce is managed as humanitarian aid labor. This "parallel management" is identified in the PEA as a key structural obstacle to professional integration.

Refugees in Kenya have been viewed through a security lens or as "temporary guests." This narrative, persistent in policy circles, has justified the reluctance to invest in long-term integration strategies. However, the reality is protracted displacement. Many refugee teachers have lived in Kenya for over a decade, are familiar with the Kenyan curriculum, and are unlikely to return to their countries of origin in the immediate future. The refusal to recognize them as long-term assets perpetuates a cycle of instability.

4. CONSULTATIVE PROCESS AND EVIDENCE BASE



LWF Staff Guiding participants during group discussions

The recommendations contained herein are grounded in extensive grassroots consultation and rigorous evidence generation conducted under the TeachWell Voices project; a consortium led by Save the Children in partnership with EYC and APHRC.

Between April and June 2025, targeted engagement meetings were held in Kakuma (Turkana County) and Dadaab (Garissa County) to facilitate grassroots consultations and the formation of Communities of Practice (CoPs). These meetings successfully established Refugee Teacher CoPs, during which

participants utilized Participatory Ranking Methodologies to prioritize the challenges they faced. Through this process, teachers identified "Lack of Recognition" and "Inadequate Remuneration" as their top priorities. They reported that schools are often registered as "refugee schools" rather than public institutions, a classification that denies them access to government capitation and support from the Teachers Service Commission (TSC).

Elimu Yetu Coalition also provided a robust evidence base through a Bi-Annual Project Review and Evidence Generation process. As part of this initiative, a Bi-Annual National Review Forum was held in August 2025, convening refugee teachers in Nairobi for dialogue key partners on the project. The forum highlighted a significant disconnect between law and practice; while policy frameworks such as the Refugee Act 2021 exist, refugee teachers emphasized the indignity of being unable to sign national exam forms due to their lack of TSC numbers.



Participant presenting policy brief

The findings of the initiative culminated at the 15th Annual Civil Society Conference on Education for All (EFA) held in December 2025. a dedicated "Refugee Side Event" was conducted to provide a platform for refugee representatives to directly address national policymakers. This engagement confirmed that while the government prioritizes education, financing mechanisms remain fragmented, and the legal definition of a "teacher" under the TSC Act currently excludes non-citizens.

The conference concluded with a focus on consensus building and the drafting of a formal Conference Communique. During this process, stakeholders suggested recommendations that would improve the plight of refugees. Additionally, the Coalition participated in events organized by its key partners leading to providing input in the proposed TSC Amendment Bill and validation processes of a costed strategy

This Statement Brief serves as the advocacy vehicle for the conference communique and other processes undertaken in collaboration with Save the Children and APHRC, key partners in the Teach Well Initiative.

5. KEY CHALLENGES AFFECTING REFUGEE TEACHERS

The structural barriers facing refugee teachers can be categorized into four critical pillars: Professional Exclusion, Economic Exploitation, Wellbeing Deficits, and Capacity Gaps.

5.1 Professional Exclusion and Lack of Recognition

The most fundamental barrier is the lack of legal recognition. Under current TSC regulations, registration requires Kenyan citizenship, effectively barring refugee teachers. Consequently, teachers who hold qualifications from their home countries or who have trained within Kenya remain unregistered.

- **De-professionalization:** Teachers are categorized as "incentive workers" rather than civil servants or professional educators.
- **Career Stagnation:** Without TSC registration, refugee teachers are excluded from the national Continuous Teacher Professional Development (CTPD) framework. They have no pathway for career progression, promotion, or skill upgrading, leading to low morale and high turnover.

5.2 Economic Hardship and Remuneration Disparity

The "incentive worker" model is financially unsustainable and inequitable.

- **Wage Gap:** Refugee teachers receive a monthly incentive ranging from KES 7,000 to 12,000. This stands in stark contrast to the lowest paid TSC registered teacher, who earns upwards of KES 22,800.

- **Insecurity:** Payments are often irregular and dependent on fluctuating donor funding. Recent funding cuts have led to retrenchments and salary delays.
- **Lack of Protection:** As informal workers, refugee teachers have no access to pensions, health insurance, or social protection schemes, leaving them vulnerable to economic shocks and health emergencies.

5.3 Wellbeing and Working Conditions

The wellbeing of the teacher is directly linked to the learning outcomes of the child. The current environment in Kakuma and Dadaab is detrimental to both.

- **Overcrowding:** The teacher-to-learner ratio in refugee schools often exceeds 1:90 or even 1:100, far above the national recommendation of 1:40. In some instances, ratios reach 1:244.
- **Psychosocial Stress:** Teachers manage large, multi-grade classrooms with minimal resources while coping with their own trauma from displacement. There is a severe lack of Mental Health and Psychosocial Support (MHPSS) tailored for educators.
- **Resource Scarcity:** Chronic shortages of textbooks (ratios of 1:20) and teaching aids force teachers to purchase supplies from their meagre stipends. Poor ICT integration further isolates these schools from the digital advancements of the national Competency-Based Curriculum (CBC).

5.4 The Gendered Impact

Female refugee teachers face compounded challenges. Social norms, lack of childcare support, and safety concerns restrict their mobility and access to training opportunities. The teaching force in camps is predominantly male (approx. 76-79%), depriving female learners of critical role models.

6. IMPACT OF CHALLENGES TO EDUCATION OUTCOMES

The marginalization of refugee teachers has a domino effect on the quality of education:

1. **High Turnover:** Low pay and lack of progression force experienced teachers to seek alternative livelihoods, disrupting learning continuity.
2. **Quality Erosion:** Exclusion from TSC training means teachers are often ill-equipped to deliver the Competency-Based Curriculum (CBC) and innovative pedagogies like "Learning Through Play" or Social-Emotional Learning (SEL).
3. **Exclusion from Governance:** Refugee teachers are rarely represented in County Education Boards (CEBs) or school governance structures, meaning the policies affecting them are made without their input contrary to the principle of "Nothing About Them, Without Them."

7. POLICY RECOMMENDATIONS

To improve the current situation, we propose the following actionable measures:

A. Legislative and Policy Reform

1. **Amend the TSC Act (2012):** Enact provisions to recognize and register refugees with verified teaching qualifications. We urge the prioritization of the draft TSC Amendment Bill to align with the Shirika Plan and the Djibouti Declaration.
2. **Amend the Basic Education Act (2013):** Mandate the registration of refugee camp schools as public institutions to unlock capitation grants and infrastructure funding.

B. Financial Inclusion and Remuneration

1. **Harmonize Pay Scales:** Develop a standardized salary scale for refugee teachers that recognizes qualifications and experience, transitioning from humanitarian "incentives" to structured remuneration.
2. **Innovative Financing:** The Ministry of Education and National Treasury should collaborate with partners (UNHCR, ICPAK) to develop sustainable financing models that integrate refugee teachers into national payroll support structures.

C. Professional Development and Capacity Building

1. **Recognition of Prior Learning:** Establish a special dispensation or framework to certify qualified refugee teachers who possess valid qualifications from recognized institutions.
2. **Inclusive TPD:** Open government-funded Teacher Professional Development (TPD) modules to refugee teachers to ensure they are equipped for the CBC.

D. Governance and Representation

1. **Institutional Representation:** Reserve seats for refugee teacher representatives on County Education Boards (CEBs) to ensure adherence to the principle of "Nothing About Them, Without Them."
2. **Support for CoPs:** Recognize and support the Refugee Teachers Community of Practice (RTCOP) as a formal advisory body on refugee education policy.

8. CONCLUSION

The exclusion of refugee teachers from the national framework undermines Kenya's commitment to the Sustainable Development Goal 4 (SDG 4) and the refugee inclusion agenda.

By amending the TSC Act and integrating refugee schools into the public system, the Government of Kenya can transform a humanitarian dependency into a sustainable, professional education system. We call upon the Ministry of Education and the TSC to implement these recommendations, ensuring dignity for teachers and quality education for all learners.

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