

The Right to Education for Migrant and Refugee Children: Too Often Denied or Ignored

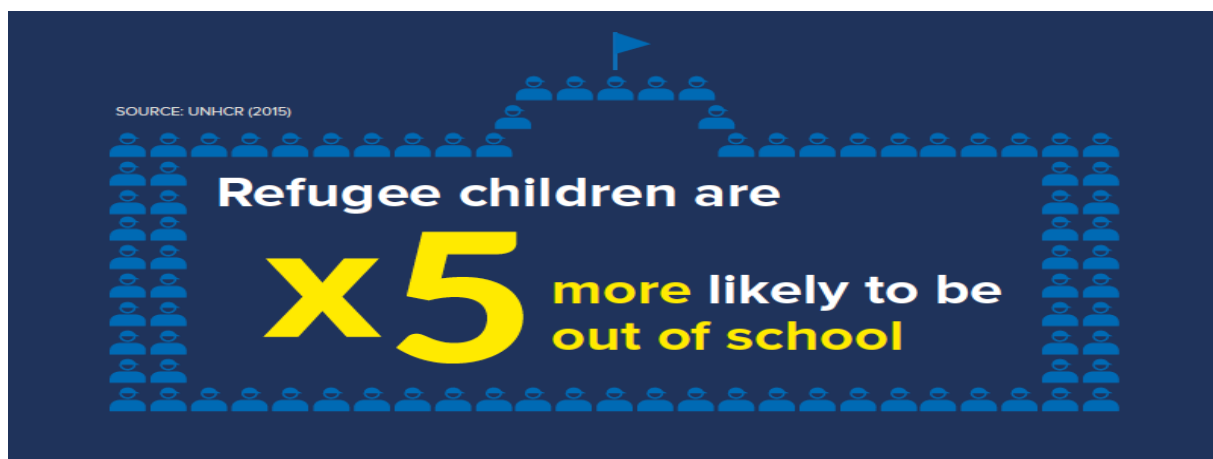
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It is indeed an honour and a privilege to participate in this important Congress, to share deep concerns, with all of you, for the plight of suffering, marginalized, and excluded children worldwide. I was especially pleased that you included the situation of migrant and refugee children within the overall theme of the Right to Education. The issue of refugees and migrants is indeed a much-debated topic in many parts of the world today. Populist thinking, political ideologies, tendencies toward xenophobia, racism, rejection of differences, seem to be influencing public discourse and policy related to our treatment of those who come from unfamiliar religious, cultural and ethnic groups. In this regard, I hope that our discussions this morning will be guided by the challenging wisdom of Pope Francis: *“Migrants and refugees are not pawns on the chessboard of humanity. They are children, women and men who leave or who are forced to leave their homes for various reasons, who share a legitimate desire for knowing and having, but above all for being more.”*¹

How Many Refugee and Migrant Children need Education?

¹ MESSAGE OF HIS HOLINESS POPE FRANCIS FOR THE WORLD DAY OF MIGRANTS AND REFUGEES (2014), http://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20130805_world-migrants-day.html



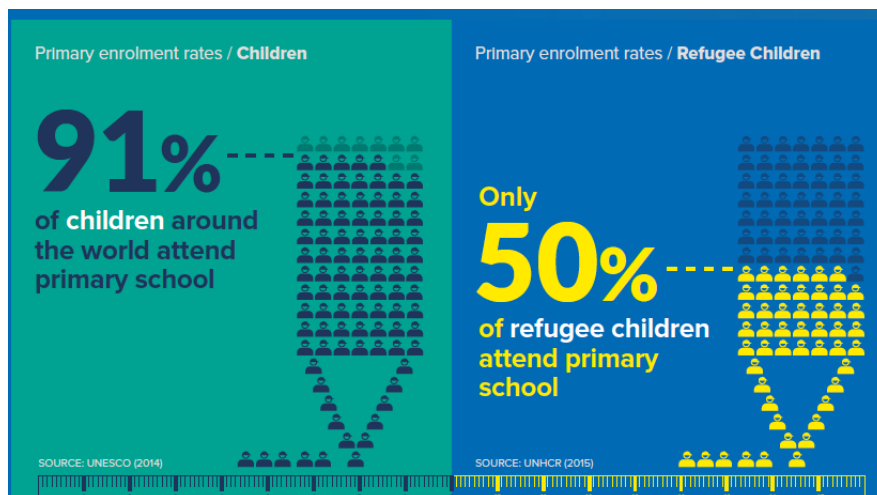
The United Nations High Commissioner for Refugees informs that some 98,400 asylum claims were lodged by unaccompanied and separated children in 2015 alone.² UNICEF estimates that, in 2014 alone, some 60 million people were chased from their own homes by war, violence, and persecution and that half of these were children, including those were left without adult care or supervision.³

In a September 2016 Report⁴, the Office of United Nations High Commissioner indicated that it had 16.1 million refugees worldwide under its own protection. The average length of time a refugee spends in exile is about 20 years. More than half are children, and six million are of the age to attend primary and secondary schools. Even though The Geneva Protocol on the Status of Refugees, which was ratified in 1951, declares that States acceding to instrument should accord “refugees the same treatment as is accorded to nationals with respect to elementary education.” 3.7 million present-day child refugees do not enjoy such access.

² UNHCR, Concept Paper for High Commissioner’s Dialogue on Protection, *Children on the Move*, Geneva, December 2016.

³ *Protecting Children on the Move*, A Briefing Paper by UNICEF, November 2015, p. 2.

⁴ *Missing Out: Refugee Education in Crisis*, United Nations High Commissioner for Refugees, Geneva, Switzerland, September 2016, <http://www.unhcr.org/57d9d01d0>



In fact, refugee children are five times more likely to be out of school than non-refugee children. Only 50 per cent have access to primary education, compared with a global level of more than 90 per cent. Of the out-of-primary-school children, 550,000 would require extra support in order to be able to stay and succeed in school. As refugee children get older, the gap becomes much wider: 84 per cent of non-refugee adolescents attend lower secondary school, but only 22 per cent of refugee adolescents have that same opportunity. At the higher education level, just one per cent of refugees attend university compared to 34 per cent globally.



We cannot ignore, however, another significant group of migrant children who have not been categorized as “refugees” and do not come under the protection of the UNHCR. Some of them have migrated, with their families, as a result of voluntary decisions by their parents or guardians to accept jobs outside their country of origin, and thus enjoy regular status and privileges to access basic services, including education, in host countries. Many others, however, face a very different situation. They migrated, either with their families or alone, not out of free choice, but rather because of one or more serious factors that compelled them leave home, including climate change, protracted conflicts, “failed states”, extreme poverty. structural violence due to drug trade, gangs, etc. Here is how the former Secretary General of the United Nations described the plight of many such persons:

... women, men and children drowning in their attempts to escape violence and poverty; fences going up at borders where people used to cross freely; and thousands of girls and boys going missing, many falling prey to criminal groups. Unable to find safe ways to move, people suffer and die in search of safety while crossing the Sahara desert, the Andaman Sea, the Mediterranean and dozens of other dangerous places around the world. Upon arrival, the rights of those who survive these perilous trips are often violated. Many asylum seekers and migrants are detained, and their reception is sometimes far from welcoming. Xenophobic and racist rhetoric seems to be not only on the rise, but also becoming more socially and politically accepted.⁵

⁵ “In Safety and Dignity: Addressing Large Movements of Refugees and Migrants,” Mr. Ban Ki-moon, https://refugeesmigrants.un.org/sites/default/files/in_safety_and_dignity_-_addressing_large_movements_of_refugees_and_migrants.pdf



We have much less reliable data or monitoring information about the ability of child migrants to access education, especially those not in regular status and/or those who are not accompanied by, or are separated from their parents or guardians. A 2015 UNESCO Report⁶, offered some pointed examples of obstacles faced by such children to enjoy their right to education, as well as other basic rights:

- A survey of migration policies in 28 countries, including 14 'developed' countries with high rates of human development and 14 'developing' countries with lower human development scores, found that 40% of the 'developed'

⁶ Background paper prepared for the Education for All Global Monitoring Report 2015, *Education for All 2000-2015: achievements and challenges*, "Access and Quality of Education for International Migrant Children," by Lesley Bartlett, UNESCO, ED/EFA/MRT/2015/PI/43

countries and more than 50% of the 'developing' countries did not allow children with irregular status access to schooling.⁷

- In addition to formal restrictions, migrants with an irregular status may avoid formal schooling for fear of detention or deportation. Children who migrate alone are especially vulnerable, as work requirements, poverty, poor health, and language barriers easily exclude them from schools.⁸
- In locations such as China, internal migrants may also be denied access to public schools, with severely detrimental consequences for the education of migrant children.⁹
- Parental detention and deportation disrupt the schooling of children, causes economic strain and housing instability, and adversely affects the health of children, causing food insecurity and increases in depression.¹⁰

Thus, while the right to education for migrant children is recognized in many International and Regional Conventions and Agreements¹¹, there is a wide gap between the policy and the practice with regard to this issue. The European Community Action Plan¹² on the integration of third country nationals recognises the importance of

⁷ Klugman, J. and I. M. Pereira. (2009). *Assessment of national migration policies*. Human Development Research Paper No. 48. New York: United Nations Development Programme, Human Development Report Office, 2009, p.14.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Chaudry, A., Capps, R., Pedroza, J., Castaneda, R.M., Santos, R., and Scott, M. 2010. *Facing Our Future: Children in the Aftermath of Immigration Enforcement*. Washington, DC: Urban Institute, and Suárez-Orozco, C., Todorova, I., and Louie, J. 2002. Making up for lost time: The experience of separation and reunification among immigrant families. *Family Process* 41, 4, 625-643.

¹¹ Including *The Convention on the protection of the Rights of All Migrant Workers and Members of their families*, 1990, Article 12.4; *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, 2009 Article 9.2(b); *European Convention for the Protection of Human Rights and Fundamental Freedoms*, 1948 (Article 14, Article 2 of the Optional Protocol 1 and Article 1 of the Optional Protocol 12).

¹² Action Plan on the integration of third country nationals EC (07 June 2016) Brussels

education and training noting that access to them should be ensured and promoted as early as possible. This requires upgrade of national legislative and policy frameworks, provision of practical support to local education authorities, and potentially the development of new models of schooling, that draw on the skills, knowledge and experience available in the refugee and migrant population.

However, while children of non-EU families are legally entitled to access publicly funded education under the same conditions as nationals, they are not automatically entitled to associated benefits such as maintenance grants and this could restrict their capacity to access quality education. Moreover, the EU Reception Conditions Directive holds that, in EU States, asylum seeking children are entitled to access the host State's education system on similar, but not the same, terms as those that apply to nationals. Education may be provided in accommodation centres rather than schools, and the Member States may postpone asylum seeking children's full access to a school for up to three months from the date of application for asylum.¹³

¹³ Action Plan on the integration of third country nationals EC (07 June 2016) Brussels.

Some Good Practices by governments and by NGOs, including Church-inspired organizations



A refugee boy follows English lessons in a container which has been converted into a classroom at the Skaramangs camp | Aris Messinis/AFP via Getty Images

- In Greece, while the government was occupying itself with immediate needs of the migrants arriving on their shores and with registration and examination of claims of asylum and/or refugee status, migrants who had served as teachers in their home countries developed education programmes for the children in camps and in urban areas.

- In many countries, operators of asylum centres are responsible for providing instruction and other services aimed at maintaining and developing the skills of children. Some national education laws have safeguards to ensure equal access to education for all migrants at all levels. For instance, Germany is a desirable destination for migrant children because of the support they receive and the special treatment granted by youth welfare authorities.¹⁴ Children in initial reception centres are quickly assigned to residential groups and different measures — such as courses, including language courses, and school assignments — are taken to foster integration.¹⁵



ICMC - Pakistan

¹⁴ ECPAT International, Germany.

¹⁵ Information provided by the Congregation of Our Lady of Charity of the Good Shepherd, Germany.

- At its Safe Shelter for refugees who have undergone sexual or gender-based violence, based in Pakistan, the International Catholic Migration Commission (ICMC) has developed a Creative Children Education (CCE) curriculum. Major subjects like science, geography, math, and history are introduced with different tools like flash cards, innovative models, creative experiments, videos and documentaries. Further the children were given assignments to bring out their creativity through model making, recycling, drawings, story-telling and diagrams of human anatomy or encouraged to share their creative writing in which they express their thoughts in any language. For English, they are learning it as a modern language and the focus remains on the functional knowledge of the language. They were taught to introduce themselves, to give basic descriptions of everyday lives and mannerism; it is mandatory for all students to speak English in class. Further, the young children were learning nursery rhymes with actions.



Let us pray that access to education for migrant and refugee children could help us to fulfil the vision and the caution so strongly stated by Pope Francis: *"All children must be able to play, study, pray and grow, in their families, this in a harmonic context, in love and serenity ... This is their right and our duty. A serene childhood allows children to look with confidence towards life and tomorrow. Woe to those who stifle them in their joyful enthusiasm of hope!"*¹⁶

¹⁶ Pope appeals for an end to child labour, Vatican Radio, 12 Jun 2013, <http://www.news.va/en/news/pope-appeals-for-an-end-to-child-labour>